Electronic Filing - Recived, Clerk's Office: 09/26/2013

## **BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	)
vs.	) PCB No. 09-107
TATE AND LYLE INGREDIENTS AMERICAS,	) (Enforcement-Air) )

## **NOTICE OF ELECTRONIC FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on September 26, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, UNOPPOSED MOTION FOR EXTENSION OF TIME, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN, Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief

Environmental Enforcement/Asbestos

Litigation Division

CHRISTINE ZEWEL

Assistant Attorney General Environmental Bureau

500 South Second Street Springfield, Illinois 62706 217/782-9031

Dated: September 26, 2013

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#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	
Complainant,	
v. )	PCB NO. 09-107 (Enforcement)
TATE AND LYLE INGREDIENTS AMERICAS, ) INC., an Illinois corporation,	(=e.
Respondent. )	

#### **UNOPPOSED MOTION FOR EXTENSION OF TIME**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully moves the Illinois Pollution Control Board ("Board"), pursuant to 35 Ill. Adm. Code 101.522, for a sixty (60) day extension of time to respond to Respondent's Amended Answer to Second Amended Complaint. Respondent does not oppose this motion. In support of the motion, Complainant states as follows:

- On August 22, 2013, Respondent filed an Unopposed Motion for Leave to File
   Amended Answer *Instanter* with the Board.
- 2. Due to Complainant's counsel's obligations in other pending matters, as well as time needed to review Respondent's newly asserted affirmative defense and the new precedent upon which it relies, Complainant requests an additional sixty days, until November 4, 2013, to file any response to Respondent's Amended Answer to Second Amended Complaint.
- 3. Section 101.522 of the Board's General Rules, 35 III. Adm. Code 101.522, allows for Motions for Extension of Time as follows:

The Board or hearing officer, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time.

4. Respondent does not oppose this motion.

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5. Complainant makes this motion in good faith, and not for purposes of delay.

WHEREFORE, Complainant moves for an extension of time until and including

November 4, 2013, to file any response to Respondent's Amended Answer to Second Amended

Complaint, and for such other relief as the Board may deem appropriate.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

LISA MADIGAN, Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief Environmental Enforcement/Asbestos Litigation Division

BY:

CHRISTINE ZEIVÉL Environmental Bureau Assistant Attorney General

Attorney Reg. No. 6298033 500 South Second Street Springfield, Illinois 62706 217/782-9031

Dated:

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## **CERTIFICATE OF SERVICE**

I hereby certify that I did on September 26, 2013, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and UNOPPOSED MOTION FOR EXTENSION OF TIME upon the persons listed on the Service List.

CHRISTINE ZEIVEL

**Assistant Attorney General** 

This filing is submitted on recycled paper.

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#### **SERVICE LIST**

Jeryl L. Olson James L. Curtis Seyfarth Shaw LLP 131 South Dearborn Street Suite 2400 Chicago, IL 60603-5803

Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East Springfield, IL 62794