BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

vs.

TATE & LYLE INGREDIENTS AMERICAS, LLC,

Respondent

PCB No. 2009-107 (Enforcement: Air)

NOTICE OF ELECTRONIC FILING

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To: See Attached Service List

PLEASE TAKE NOTICE that on December 16, 2014, I electronically filed with the

Clerk of the Pollution Control Board of the State of Illinois AGREED MOTION TO CONTINUE

BRIEFING SCHEDULE, a copy of which is attached hereto and served upon you.

DATED: December 16, 2014

Respectfully submitted, TATE & LYLE INGREDIENTS AMERICAS, LLC

Mane -By

One of Its Attorneys

James L. Curtis Jeryl L. Olson Ilana R. Morady SEYFARTH SHAW LLP 131 South Dearborn Street Suite 2400 Chicago, Illinois 60603 (312) 460-5000

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

VS.

TATE AND LYLE INGREDIENTS AMERICAS, LLC, an Illinois limited liability company, f/k/a Tate and Lyle Ingredients Americas, Inc., PCB No. 2009-107 (Enforcement Air)

Respondent

AGREED MOTION TO CONTINUE BRIEFING SCHEDULE

NOW COMES, Respondent, TATE AND LYLE INGREDIENTS AMERICAS, LLC, by and through its attorneys, Seyfarth Shaw LLP, and for its Agreed Motion to Continue Briefing Schedule states as follows:

1. On December 11, 2014, the parties held a settlement conference at IEPA's office in Springfield, IL.

2. During the settlement conference the Parties had productive discussions concerning the legal issues surrounding SO2 emissions during alleged periods of startup, shutdown and malfunction (SSM).

3. In order to continue the informal discussions regarding the legal issues surrounding alleged SSM emissions the Parties agree that it would be appropriate to continue the briefing schedule on the State's Motion to Strike Affirmative Defenses.

4. Accordingly, the Parties are requesting that the current briefing schedule be stayed. Should the Parties be unable to reach an understanding on the SSM issue, the Parties will ask that a new briefing schedule be set.

(THIS FILING IS SUBMITTED ON RECYCLED PAPER)

18683604v.1

WHEREFORE, Tate & Lyle requests that the Hearing Officer continue the current

briefing schedule on the State's motion to strike affirmative defenses.

Date: December 15, 2014

Kathryn A. Pamenter Assistant Attorney General Environmental Bureau 69 W. Washington St., 18th Floor Chicago, IL 60602 Phone: 312-814-0608 Fax: 312-814-2347

nor J. Curtis By:

James L. Curtis Jeryl L. Olson Ilana R. Morady SEYFARTH SHAW LLP 131 South Dearborn Street Suite 2400 Chicago, Illinois 60603 Phone: 312-460-5000 Fax: 312-460-7000

CERTIFICATE OF SERVICE

Patrick Joyce, an attorney, certifies that he caused a true and correct copy of the enclosed

AGREED MOTION TO CONTINUE BRIEFING SCHEDULE to be served via U.S Mail,

postage prepaid, this 16th day of December, 2014.

To: Kathryn A. Pamenter Assistant Attorney General Environmental Bureau 69 W. Washington St., 18th Fl. Chicago, IL 60602

> Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, Illinois 62794

Patrick Joyce