## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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BROADUS OIL,	)	AUG 1 4 2006
Petitioner,	) ) )	STATE OF ILLINOIS Pollution Control Board
v.	)· .	PCB 04-31
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	) . ) )	PCB 05-43 (UST Appeal)
Respondent.	)	

## NOTICE OF FILING AND PROOF OF SERVICE

To: Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Melanie Jarvis
Division of Legal Counsel
IL Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

The undersigned certifies that an original and nine copies of Petitioner's Motion for Extension of Time were served upon the Clerk of the Illinois Pollution Control Board, and one copy was served upon the hearing officer and the above party of record in this case by enclosing same in envelopes with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box before 5:30 p.m. in Springfield, Illinois on the day of August, 2006.

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## BEFORE THE ILLINOIS POLLUTION CONTROL BOARD RECEIV BROADUS OIL, ) ) Petitioner, STATE OF ILLINOIS Pollution Control Board PCB 04-31 ٧. PCB 05-43 ILLINOIS ENVIRONMENTAL PROTECTION (UST Appeal) (Consolidated) AGENCY, )

## **MOTION FOR EXTENSION OF TIME**

Respondent.

NOW COMES Petitioner, BROADUS OIL, through its undersigned counsel, and hereby requests a three week extension, to and until August 31, 2006, within which to file its response to the pending motion for summary judgment filed by Respondent Illinois Environmental Protection Agency (hereinafter "IEPA"). In support of the motion, Petitioner states as follows:

- 1. The IEPA filed a motion for summary judgment on or about May 8, 2006.
- 2. By order entered June 8, 2006, the Hearing Officer directed Petitioner to file a response on or before August 10, 2006. That order contemplated that Petitioner would be able to complete a Freedom of Information Act review of the relevant file in time to file that response.
- 3. Contrary to expectations, Petitioner was unable to review the file pursuant to the Freedom of Information Act until August 4, 2006.
- 4. At this time, Petitioner has had insufficient time to review the documents obtained from the Freedom of Information Act review, and to fully respond to the IEPA's pending motion.
- 5. Accordingly, Petitioner requests an additional three weeks, to and until August 31, 2006, within which to file its response to the pending motion.

6. To assure no prejudice to the Board or parties, Petitioner herewith submits an additional waiver of the decision deadline, waiving that deadline an additional

ninety days.

7. This motion is being made in good faith, and not for any improper or dilatory

purpose. Allowance of the motion will provide Petitioner the opportunity to fully

address the arguments raised in the IEPA's motion for summary judgment, but

should prejudice no one.

WHEREFORE, Petitioner, BROADUS OIL, requests an extension of time to and

until August 31, 2006, within which to file its response to the motion for summary

judgment filed by Respondent, ILLINOIS ENVIRONMENTAL PROTECTION

AGENCY.

Respectfully submitted,

BROADUS OIL,

Petitioner,

By its attorney,

HEDINGER LAW OFFICE

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