

ILLINOIS POLLUTION CONTROL BOARD  
September 2, 2010

ROLF SCHILLING, PAM SCHILLING, AND )  
SUZANNE VENTURA, )  
 )  
Complainants, )  
 )  
v. ) PCB 10-100  
 ) (Citizen's Enforcement - Land)  
GARY D. HILL, VILLA LAND TRUST, an )  
Illinois land trust, and PRAIRIE LIVING )  
WEST, LLC, )  
 )  
Respondent. )

ORDER OF THE BOARD (by G.L Blankenship):

On June 1, 2010, Rolf Schilling, Pam Schilling, and Suzanne Ventura (complainants) filed a citizen's enforcement complaint (Comp.) against Gary D. Hill, Villa Land Trust, and Prairie Living West, LLC (respondents), concerning violations of a NPDES permit for the construction site known as the "Prairie Living West" project (site) located at "900 and/or 955 Villa Court [in] Carbondale, Jackson County." Comp. ¶ 3. Complainants allege that since construction commenced through present day, respondents have allowed construction materials and sediment to fill and pollute complainants' co-owned pond.

On June 28, 2010, respondents filed a motion for extension of time (Resp.Mot.) requesting until July 31, 2010 to file a motion to dismiss complainants' complaint. According to respondents' motion, more time was needed since the Illinois Environmental Protection Agency (Agency) had conducted a survey at the site on June 10, 2010, and would be rendering the findings "at some later date." Resp.Mot. ¶ 3. On July 1, 2010, complainants filed an objection to respondents' motion (Response), arguing that "nothing will happen" during the extension period that would "in any way impact the availability of such a motion." Response at ¶ 4. On August 2, 2010, respondents filed a motion to dismiss, which the Board accepts as timely.

On August 19, 2010, complainants filed a motion for an extension of time (Comp.Mot.) to respond to respondents' motion to dismiss. See 35 Ill. Adm. Code 101.500(d), 101.522. Complainants request that a 14-day extension be added to the regulatory 14-day time period, due to "a long scheduled vacation for [c]omplainants' counsel" and the complainants' need to obtain counter affidavits. See Comp.Mot. ¶¶ 3-4. The Board grants complainants' extension request, extending the deadline to respond to August 30, 2010.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 2, 2010, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board