

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CONOCOPHILLIPS COMPANY,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondents.)

PCB No. 12-101
(Permit Appeal NPDES)

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

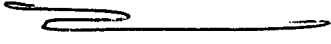
PLEASE TAKE NOTICE that on January 31, 2012, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, a MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION FOR STAY, a copy of which is attached hereto and herewith served upon you.

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: 

THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: January 31, 2012

CERTIFICATE OF SERVICE

I hereby certify that I did on January 31, 2012, 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 MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION FOR STAY upon the persons listed on the Service List.



THOMAS DAVIS, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

David Rieser
Kathleen M. Cunniff
77 W. Wacker Suite 4100
Chicago IL 60601

Carol Webb
Hearing Officer
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

CONOCOPHILLIPS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 2012-101
)	Permit Appeal (NPDES)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

**MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S
MOTION FOR STAY**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys, pursuant to 35 Ill. Adm. Code 101.522 and moves the ILLINOIS POLLUTION CONTROL BOARD ("Board") for an extension of the time to file a response to Petitioner's Motion for Stay in the above-captioned matter.

1. Petitioner filed its Petition for Review and Motion for Stay ("the Petition" or "the Motion") on January 17, 2012, seeking a review of certain permit conditions contained within the National Pollution Discharge Elimination System ("NPDES") permit issued to ConocoPhillips Wood River Refinery by the Illinois EPA on December 22, 2011. Formal notice of the Petition was served upon the Illinois EPA on January 17, 2012.

2. On January 17, 2012, the Board received the Motion. Due to oversight, Respondent cannot confirm the date the Motion was received by Illinois EPA. However, pursuant to Section 101.500(d) of Title 35 of the Illinois Administrative Code, "[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no

response is filed, the party will be deemed to have waived objection to the granting of the motion . . .” 35 Ill. Admin. Code 101.500(d).

3. Section 101.522 of Title 35 of the Illinois Administrative Code provides, “[t]he 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.” 35 Ill. Admin. Code 101.522.

4. The 14-day period for response to a motion beginning, by default, with the Board’s receipt of the Motion on January 17, 2012, closes on January 31, 2012.

5. In order to properly respond to the Motion, Illinois EPA must gather information regarding development of the Permit and organize permit documentation from numerous members of Illinois EPA’s staff. Illinois EPA has had inadequate time to develop a response to the Motion.


6. Based on the foregoing, the Illinois EPA formally requests an extension of time to file its Response to Petitioner’s Motion for Stay with the Board to a date determined by the Board to be appropriate and/or consistent with any decisional deadline in this matter.

WHEREFORE, the Illinois EPA respectfully requests that the Board grant this Motion for Extension of Time to respond to Petitioner's Motion for Stay to a date determined by the Board to be appropriate and/or consistent with any decisional deadline in this matter.

Respectfully submitted,

LISA MADIGAN,
Attorney General of the State of Illinois

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Environmental Enforcement/Asbestos
Litigation Division

BY: 

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500 South Second Street
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Dated: January 31, 2012