

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

STATE OF ILLINOIS)	
Complainant,)	
v.)	PCB No. 07-95
)	(Enforcement)
AET ENVIRONMENTAL, INC. AND)	
E.O.R. ENERGY, LLC,)	
Respondents.)	
)	

NOTICE OF ELECTRONIC FILING

ALL PARTIES PLEASE TAKE NOTICE that on March 4, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, the following **Status Report/Request for Scheduling Conference or Scheduling Order**, a copy of which is attached hereto and served upon you.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that I did on March 4, 2013, e-file with the Clerk, and on same date did send by e-mail to the State of Illinois and by First Class U.S. Mail, with postage thereon fully prepaid by depositing in a United States Post Office Box, a true and correct copy of this document and the following **STATUS REPORT/REQUEST FOR SCHEDULING CONFERENCE OR ORDER**, from counsel for **Respondent AET Environmental Inc. and E.O.R. Environmental, LLC** to the following persons at the address indicated:

Service List

E-Filed with and E-Served on the Board Through:

Dorothy Gunn, Clerk
John Therriault, Deputy Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph - Suite 11-500
Chicago, Illinois 60601

Served By E-mail and U.S. Mail On:

Mr. Michael D. Mankowski, Esq. Assistant Attorney General 500 South Second Street Springfield, Illinois 62706	Hearing Officer Carol Webb Illinois Pollution Control Board 1021 N. Grand Avenue East Springfield, IL 62794

Respectfully submitted,

s/ *Felipe Gomez, Esq.*
Felipe Gomez, Esq.

Felipe Gomez, Esq.
LAW OFFICE OF FELIPE GOMEZ, ESQ.
 116 S. Western Ave. - # 12319
 Chicago, IL 60612-2319
 312-399-3966
 gomzfg1@netscape.net

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**STATUS REPORT AND REQUEST FOR SCHEDULING CONFERENCE AND/OR
SCHEDULING ORDER**

On behalf of the Respondents, **FELIPE GOMEZ, ESQ.**, hereby files this **Status Report and Request for Scheduling Conference and/or Scheduling Order**:

1. Counsel for EOR reports that on February 19, 2013, EOR filed a Motion to Reconsider the January 10, 2013, IPCB Order finding that IEPA and IPCB, and not IDNR, have jurisdiction over EOR in this matter, and that on February 26, 2013, the State filed a Motion to Strike that filing, with a Response from EOR being due on or about March 18, 2013.
2. Counsel for AET reports that there is an issue as to the due date for AET's Motion to Reconsider the Board's January 24, 2013, Order, given that the January 24, 2013, Order was not received by AET counsel until February 15, 2013, as shown by the green card scanned into the docket (Courtesy Copy attached as Att. 1), thus under 35 IAC 101.300(c) and (d) the 35 day period for appeal or reconsideration putatively began February 15, 2013.
3. Investigation by AET counsel of the delay between mailing and receipt of notice/envelope reveals:
 - * The certified letter envelope with the Order has a postmark of Friday, January 25, 2013 (Att. 2 hereto);
 - * USPS tracking website indicates the letter was delivered to AET counsel's Post Office on Monday January 28, 2013 (Att. 3 hereto);
 - * The Order's envelope bears a notation appearing to indicate that, for as of yet unknown reasons, a notice was not left for counsel notifying of the envelope until February 9, 2013 (Att. 2).
4. Given the foregoing, and to eliminate confusion and streamline the final motion practice in this matter, AET and EOR have earlier today provided advance e-notice and a voice mail of the intent to file this Statue Report/Request, including the proposed schedule, and copies of the attached documents, and have requested the State's concurrence to a scheduling order as requested below.
5. AET and EOR proposes a scheduling conference for March 5, 2013, or, alternatively, that the HO enter following schedule and due dates in a scheduling order:
 - A. Friday, March 8, 2013: AET Motion to Reconsider January 24, 2013, Order;
 - B. Monday, March 18, 2013: EOR Response to State's February 26, 2013, Motion to Strike February 19, 2013, Motion to Reconsider;
 - C. Friday, April 19, 2013: State Response to AET Motion to Reconsider.
6. In the event for some unexpected reason the due date for AET's Motion to Reconsider is found to be or is March 5, 2013, AET requests this Status Report/Request be considered a request for an extension of time to file its Motion until March 8, 2013.

Respectfully submitted,

s/ *Felipe Gomez, Esq.*

Felipe Gomez, Esq.

Felipe Gomez, Esq.
LAW OFFICE OF FELIPE GOMEZ, ESQ.
116 S. Western Ave. - # 12319
Chicago, IL 60612-2319
312-399-3966
gomzfg1@netscape.net

ATTACHMENT 1

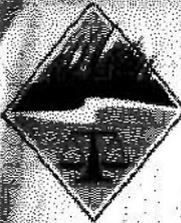
GREEN CARD

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: 1/24/13 B.M. PCB 2007-095 Felipe Gomez Law Office of Felipe N. Gomez 116 S. Western Ave. - #12319 Chicago, IL 60612	B. Received by (Printed Name) C. Date of Delivery F. GOMEZ 2/15/13
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

7011 0110 0001 8270 3073

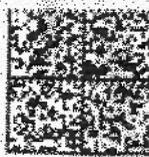
ATTACHMENT 2

ENVELOPE



ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph Street ♦ Suite 11-500 ♦ Chicago, Illinois 60601-3233



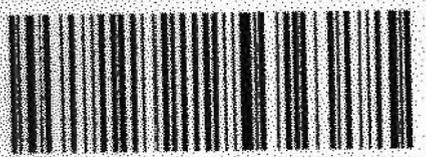
U.S. POSTAGE PITNEY BOWES



ZIP 60601 \$ 006.15⁰
02 1W
0001381867 JAN 25 2013

7011 0110 0001 8270 3073

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL

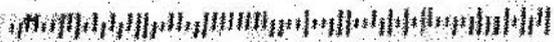


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PCB 2007-095
Felipe Gomez
Law Office of Felipe N. Gomez
116 S. Western Ave - #12319
Chicago, IL 60612

NL
2-9-13

60612319 C770



ATTACHMENT 3

USPS PRINTOUT

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YOUR LABEL NUMBER

70110110000182703073

SERVICE

STATUS OF YOUR ITEM

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LOCATION

FEATURES

Delivered

February 15, 2013, 9:28 am

CHICAGO, IL 60612

Certified Mail™

Notice Left

February 09, 2013, 5:45 pm

CHICAGO, IL 60612

Arrival at Unit

January 28, 2013, 8:38 am

CHICAGO, IL 60612

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