

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 13-28
)	(Enforcement-Water)
ATKINSON LANDFILL CO., an)	
Illinois corporation,)	
)	
Respondent.)	

AGREED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE PLEAD TO FIRST AMENDED COMPLAINT

People of the State of Illinois (“Complainant”) and Atkinson Landfill Co. (“Respondent”) (collectively, the “Parties”), for their Agreed Motion for Extension of Time to Answer or Otherwise Plead to First Amended Complaint, hereby state as follows:

1. On December 17, 2012, Complainant filed a Complaint (the “Original Complaint”) against Respondent, alleging violations of the Illinois Environmental Protection Act and the Illinois Pollution Control Board’s regulations regarding water pollution.
2. On January 28, 2013, Respondent filed its Motion to Strike and Dismiss and Supporting Memorandum (“Motion to Dismiss”).
3. On March 15, 2013, Complainant and Respondent filed an Agreed Motion for Leave to File First Amended Complaint.
4. On April 18, 2013 the Board entered an Order granting the Agreed Motion for Leave to File First Amended Complaint.¹ By that same order, the Board allowed Respondent

¹ On April 22, 2013, Complainant filed, and served on Respondent, the First Amended Complaint, which inadvertently omitted an exhibit to the First Amended Complaint. During a telephonic hearing on May 13, 2013, the hearing officer advised that this would be addressed in a future order of the Illinois Pollution Control Board.

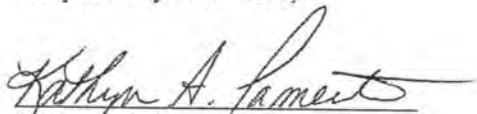
until May 20, 2013 to answer or otherwise plead to the First Amended Complaint, including by adopting the Motion to Dismiss.

5. The Respondent requested an extension of the May 20, 2013 deadline, and the Parties have agreed, subject to Board approval, that Respondent has until June 7, 2013 to answer or otherwise plead to the First Amended Complaint, including by adopting the Motion to Dismiss.

6. The Parties have agreed that Complainant has until June 21, 2013 to respond to any motion that the Respondent may file on June 7, 2013.

WHEREFORE, Complainant and Respondent respectfully request that the Board grant (1) Respondent leave to answer or otherwise plead to the First Amended Complaint, including by adopting the previous Motion to Dismiss, on or before June 7, 2013, and (2) Complainant leave to respond on or before June 21, 2013 and (3) such other relief as the Board deems proper.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the attached Agreed Motion for Extension of Time to Answer or Otherwise Plead to First Amended Complaint was personally delivered, X placed in the U. S. Mail, with first class postage prepaid, sent via facsimile and directed to all parties of record at the address(es) set forth below on or before 5:00 p.m. on the 13th day of May, 2013.

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Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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