



BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

**RECEIVED**  
CLERK'S OFFICE

MAY 19 2004

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS AYERS OIL COMPANY,            )  
  Petitioner,                                    )  
  v.    )  
ILLINOIS ENVIRONMENTAL                )  
PROTECTION AGENCY,                    )  
  Respondent.                                )

PCB No. 03-214  
(LUST Appeal)

**MOTION FOR EXTENSION OF TIME**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500(d), 101.502 and 101.522, hereby requests that the Illinois Pollution Control Board (“Board”) grant the Illinois EPA an extension of time to file a response to the Petitioner’s Motion for Authorization of Payment of Attorneys’ Fees as Costs of Corrective Action (“Petitioner’s motion”). In support of this motion, the Illinois EPA states as follows:

1. On May 3, 2004, the Illinois EPA received service of the Petitioner’s motion. Pursuant to Section 101.500(d) of the Board’s procedural rules (35 Ill. Adm. Code 101.500(d)), the Illinois EPA’s response to the Petitioner’s motion is due on or before May 17, 2004.

2. Due to constraints imposed upon the undersigned attorney by several other matters pending before the Board, the Illinois EPA will not able to prepare and file its response by that date.

3. The Illinois EPA is thus seeking a short extension of time by which to file a response to the Petitioner’s motion, specifically, until May 19, 2004. This short delay should not prejudice the Petitioner or Board.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA an extension of time until May 19, 2004, to file a response to the Petitioner's motion.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

John J. Kim/BB

John J. Kim

Assistant Counsel

Special Assistant Attorney General

Division of Legal Counsel

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

217/782-5544

217/782-9143 (TDD)

Dated: May 17, 2004

This filing submitted on recycled paper.

## CERTIFICATE OF SERVICE

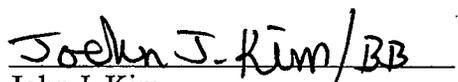
I, the undersigned attorney at law, hereby certify that on May 17, 2004, I served true and correct copies of a MOTION FOR EXTENSION OF TIME, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Fred C. Prillaman  
Mohan, Alewelt, Prillaman & Adami  
Suite 325  
1 North Old Capitol Plaza  
Springfield, IL 62701-1323

Carol Sudman, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62794-9274

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
Respondent

  
John J. Kim  
Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)