

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

|                                  |   |                       |
|----------------------------------|---|-----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, | ) |                       |
|                                  | ) |                       |
| Complainant,                     | ) |                       |
|                                  | ) | PCB No. 13-072        |
| v.                               | ) | (Water – Enforcement) |
|                                  | ) |                       |
| PETCO PETROLEUM CORPORATION,     | ) |                       |
|                                  | ) |                       |
| Respondent.                      | ) |                       |

**PETCO PETROLEUM CORPORATION'S**  
**REQUEST FOR AN EXTENSION OF TIME TO FILE**  
**AMENDED AFFIRMATIVE DEFENSES TO THE FIRST AMENDED COMPLAINT**

COMES NOW Respondent Petco Petroleum Corporation (“Petco”), by and through its undersigned counsel, and for its Request for an Extension of Time to File Amended Affirmative Defenses to the First Amended Complaint, states as follows:

1. On August 8, 2024, the Board issued its Order addressing the People of the State of Illinois’ (“People”) Motion to Strike Respondent’s Affirmative and Additional Defenses to the First Amended Complaint and Immaterial Matter (“Motion to Strike”). The August 8th Order struck with prejudice Petco’s alleged affirmative defenses C and L and struck without prejudice Petco’s alleged affirmative defenses A, B, D, E, F, G, J, and K and a portion of affirmative defense H. The August 8th Order directed Petco to amend affirmative defenses B, D, E, F and I, as well as the remaining portion of affirmative defense H by Monday, September 9, 2024.

2. On August 22, 2024, the Board issued a second Order addressing Petco’s Motion to Dismiss Counts 62 Through 73 of the First Amended Complaint (“Motion to Dismiss”). The August 22nd Order denied the Motion to Dismiss and struck with prejudice “the remaining portion of Petco’s Affirmative Defense H pertain[ing] to the same Section 13-205 statute of limitations argument raised in the motion to dismiss.” (August 22<sup>nd</sup> Order, p. 5).

3. In light of the two orders, which both pertain to Petco's affirmative defenses pleaded in response to the First Amended Complaint, Petco requests a three (3) week extension of time to file its amended affirmative defenses, such that the deadline be set to Monday, September 30, 2024.

4. Counsel for the People and Petco communicated on September 4<sup>th</sup> and September 6<sup>th</sup> regarding this request. The People do not object to the requested extension.

WHEREFORE, Respondent Petco Petroleum Corporation respectfully requests that the Hearing Officer and Board grant this Request for an Extension and enter an Order providing that Petco Petroleum Corporation has until Monday, September 30, 2024 to file its amended affirmative defenses.

Respectfully submitted,

/s/ Tim Briscoe

Paul T. Sonderegger, #6276829

Tim Briscoe, #6331827

One U.S. Bank Plaza

St. Louis, MO 63101

(314) 552-6000

FAX (314) 552-6154

psonderegger@thompsoncoburn.com

tbriscoe@thompsoncoburn.com

OF COUNSEL:  
THOMPSON COBURN LLP

*Attorneys for Respondent Petco Petroleum Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 6, 2024, the foregoing was filed via the Board's electronic filing system providing notice of the same to all the clerk and all counsel of record.

/s/ Tim Briscoe