

MAR 01 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,

Complainant,

vs.

FRANK STONEMARK,

Respondent.

AC No. 2004-043

NOTICE OF FILING OF MOTION TO EXTEND TIME

TO : Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago IL 60601-3218


Jackson County State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro IL 62966

ATTN: Daniel Brenner, Assistant
State's Attorney

PLEASE TAKE NOTICE that on the 26th day of February 2004, the undersigned, on behalf of Frank Stonemark, the respondent, filed with the Office of the Clerk of the Pollution Control Board the original and four (4) copies of the attached Motion to Extend Time, a copy of which is herewith served upon you.

Dated this 26th day of February, 2004.

FRANK STONEMARK, Respondent

By 
Gregory A. Veach, IARDC # 2893061
Attorney for respondent

LAW OFFICES OF GREGORY A. VEACH
3200 Fishback Road
P. O. Box 1206
Carbondale IL 62903-1206
Telephone: (618) 549-3132
Telecopier: (618) 549-0956
e-mail : gveach@gregveachlaw.com

Attorney for respondent

MAR 01 2004

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL
BOARD**

COUNTY OF JACKSON,

Complainant,

vs.

FRANK STONEMARK,

Respondent.

AC No. 2004-043

**MOTION TO EXTEND TIME TO FILE PETITION TO
CONTEST ADMINISTRATIVE CITATION**

NOW COMES the respondent, Frank Stonemark, by Gregory A. Veach, his attorney, and hereby moves the Pollution Control Board, pursuant to § 101.522 of the General Rules of the Pollution Control Board, for an order extending the time within which the respondent may file a Petition to Contest the Administrative Citation filed by the complainant, County of Jackson, and in support thereof states as follows:

1. The complainant filed its Administrative Citation with the Pollution Control Board on January 29, 2004.
2. The respondent was served with the Administrative Citation on January 23, 2004.
3. The last date for the respondent to file a Petition to Contest the Administrative Citation is February 27, 2004.
4. The respondent retained the undersigned on Monday, February 23, 2004.
5. The undersigned has reviewed the facts and circumstances of this matter and additional time is necessary to determine whether a Petition to Contest the Administrative Citation is appropriate.
6. The undersigned has communicated with Daniel Brenner, Assistant State's Attorney for Jackson County, the complainant, concerning the Administrative Citation and advised Mr. Brenner that this motion for an extension of time would be filed. Mr. Brenner expressed no opposition.

7. The respondent seeks an extension of time for filing and serving a Petition to Contest the Administrative Citation for the reason that the time to file such a petition will expire before the undersigned has time to determine the merit of such a petition, the undersigned legal counsel is new to this case, and discussions with the complainant by the undersigned cause the undersigned to believe that a disposition of the matter that is in the best interests of the parties and the public is possible without the filing of a Petition to Contest the Administrative Citation.

8. The respondent seeks an extension of the time for filing and serving a Petition to Contest the Administrative Citation to enable such a petition to be filed on or before March 31, 2004.

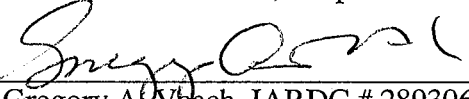
9. This motion is not made for dilatory purposes and the complainant will suffer no prejudice from an order extending the time for the respondent to file and serve a Petition to Contest the Administrative Citation.

10. A proposed order extending the time within which the respondent may file a Petition to Contest the Administrative Citation is attached herewith.

WHEREFORE, the respondent requests that the Board enter its order extending the time within which the respondent may file a Petition to Contest the Administrative Citation so that the same may be considered timely if filed on or before March 31, 2004.

Dated this 26th day of February, 2004.

FRANK STONEMARK, Respondent

By 
Gregory A. Veach, IARDC # 2893061
Attorney for respondent

LAW OFFICES OF GREGORY A. VEACH
3200 Fishback Road
P. O. Box 1206
Carbondale IL 62903-1206
Telephone: (618) 549-3132
Telecopier: (618) 549-0956
e-mail : gveach@gregveachlaw.com

Attorney for respondent

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

I am over eighteen (18) years of age, employed in the County of Jackson, State of Illinois, in which county the within mailing occurred, and not a party to the subject cause. My business address is: 3200 Fishback Road, P. O. Box 1206, Carbondale, Illinois 62903-1206.

I served the following document, Notice of Filing of Motion to Extend Time and Motion to Extend Time, of which true and correct copies thereof in the cause are affixed, by placing the original and four (4) copies thereof in an envelope addressed as follows::

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago IL 60601-3218

and one (1) copy in an envelope addressed as follows:

Jackson County State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro IL 62966

ATTN: Daniel Brenner, Assistant State's
Attorney

Each envelope was then sealed and with the postage thereon fully prepaid deposited in the United States mail by me at Carbondale, Illinois, on February 26, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2004 at Carbondale, Illinois.


(Signature)

LAW OFFICES OF GREGORY A. VEACH
3200 Fishback Road
P. O. Box 1206
Carbondale IL 62903-1206
Telephone: (618) 549-3132
Telecopier: (618) 549-0956
e-mail : gveach@gregveachlaw.com

MAR 01 2004

STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE ILLINOIS POLLUTION CONTROL
BOARD**

COUNTY OF JACKSON,

Complainant,

vs.

FRANK STONEMARK,

Respondent.

AC No. 2004-043

ORDER EXTENDING TIME

This cause came on for consideration on the motion of the respondent for an order extending the time it has for filing and serving a Petition to Contest an Administrative Citation, and the Board or hearing officer having considered the matter and the pleadings and records in this matter, and being fully advised in the premises and good cause appearing therefor,

IT IS HEREBY ORDERED that the Motion to Extend Time to file Petition to Contest Administrative Citation is granted and the time within which the plaintiff may file its Petition to Contest Administrative Citation, is hereby extended to and including March 31, 2004.

Dated this ____ day of _____, 2004.

Enter _____

**BEFORE THE ILLINOIS POLLUTION CONTROL
BOARD**

RECEIVED
CLERK'S OFFICE

MAR 01 2004

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,

Complainant,

vs.

FRANK STONEMARK,

Respondent.

AC No. 2004-043

NOTICE OF FILING OF APPEARANCE

TO : Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago IL 60601-3218


Jackson County State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro IL 62966

ATTN. Daniel Brenner, Assistant
State's Attorney

PLEASE TAKE NOTICE that on the 26th day of February 2004, the undersigned, on behalf of Frank Stonemark, the respondent, filed with the Office of the Clerk of the Pollution Control Board the original and four (4) copies of the attached Appearance, a copy of which is herewith served upon you.

Dated this 26th day of February, 2004.

FRANK STONEMARK, Respondent

By 
Gregory A. Veach, IARDC # 2893061
Attorney for respondent

LAW OFFICES OF GREGORY A. VEACH
3200 Fishback Road
P. O. Box 1206
Carbondale IL 62903-1206
Telephone: (618) 549-3132
Telecopier: (618) 549-0956
e-mail : gveach@gregveachlaw.com

Attorney for respondent

**BEFORE THE ILLINOIS POLLUTION CONTROL
BOARD**

RECEIVED
CLERK'S OFFICE

MAR 01 2004

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,

Complainant,

vs.

FRANK STONEMARK,

Respondent.


AC No. 2004-043

APPEARANCE

I hereby enter my appearance in this proceeding, on behalf of Frank Stonemark, the respondent.

Dated this 26th day of February, 2004.

FRANK STONEMARK, Respondent

By 
Gregory A. Veach, IARDC # 2893061
Attorney for respondent

LAW OFFICES OF GREGORY A. VEACH
3200 Fishback Road
P. O. Box 1206
Carbondale IL 62903-1206
Telephone: (618) 549-3132
Telecopier: (618) 549-0956
e-mail : gveach@gregveachlaw.com

Attorney for respondent

DECLARATION OF SERVICE BY MAIL

RECEIVED
CLERK'S OFFICE

MAR 01 2004

I, the undersigned, declare:

STATE OF ILLINOIS
Pollution Control Board

I am over eighteen (18) years of age, employed in the County of Jackson, State of Illinois, in which county the within mailing occurred, and not a party to the subject cause. My business address is: 3200 Fishback Road, P. O. Box 1206, Carbondale, Illinois 62903-1206.

I served the following document, Notice of Filing of Appearance and Appearance, of which true and correct copies thereof in the cause are affixed, by placing the original and four (4) copies thereof in an envelope addressed as follows::

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago IL 60601-3218

and one (1) copy in an envelope addressed as follows:

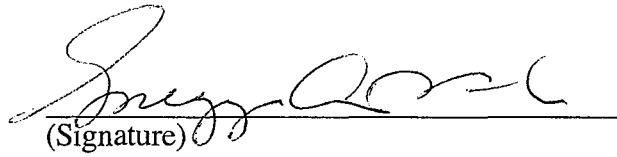
Jackson County State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro IL 62966

ATTN. Daniel Brenner, Assistant State's Attorney

Each envelope was then sealed and with the postage thereon fully prepaid deposited in the United States mail by me at Carbondale, Illinois, on February 26, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2004 at Carbondale, Illinois.


(Signature)

LAW OFFICES OF GREGORY A. VEACH
3200 Fishback Road
P. O. Box 1206
Carbondale IL 62903-1206
Telephone: (618) 549-3132
Telecopier: (618) 549-0956
e-mail : gveach@gregveachlaw.com