BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

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MAY 17 2005

ILLINOIS AYERS OIL COMPANY, Petitioner,	·)	÷	STATE OF ILLINOIS Pollution Control Board
v.	Ú	PCB No. 03-214	
ILLINOIS ENVIRONMENTAL)	(LUST Appeal)	
PROTECTION AGENCY,)		
Respondent.)		ar and a second

NOTICE

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

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a MOTION FOR EXTENSION OF TIME, copies of which are herewith served upon you.

Respectfully submitted,

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)

Dated: May 13, 2005

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PROTECTION AGENCY,)	• • • • • • • • • • • • • • • • • • • •	
Respondent.	•)		

SECOND MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITIONER'S PETITION FOR SUPPLEMENTAL ATTORNEYS' FEES

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 101.522, hereby requests that the Illinois Pollution Control Board ("Board") grant the Illinois EPA a second extension of time within which to file its Response to the Petitioner's Petition for Supplemental Attorneys' Fees ("petition for fees"). In support of this motion, the Illinois EPA states as follows:

- 1. On April 20, 2005, the Illinois EPA received service of the petition for fees. Pursuant to the Board's procedural rules, a response to this petition (in this case being considered a motion) is due on or before May 4, 2005.
- 2. The Illinois EPA has not yet finished its investigation of the current status of the claim in question. The investigation should be completed within three business days.
- 3. The Illinois EPA hereby requests a second extension of time to complete researching and drafting a response to the petition for fees to May 18, 2005.
- 4. This short delay will not prejudice the Petitioner's case, but will allow for sufficient time to present the Illinois EPA's information and response.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA a second extension of time to file the response to the petition for fees to May 18, 2005.

Respectfully submitted,

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)

Dated: May 13, 2005

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 13, 2005, 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 Webb, 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

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