

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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MAY 17 2005

STATE OF ILLINOIS  
Pollution Control Board

RICHARD KARLOCK, )  
Petitioner, )  
v. ) PCB No. 05-127  
ILLINOIS ENVIRONMENTAL ) (LUST Appeal)  
PROTECTION AGENCY, )  
Respondent. )

NOTICE

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

Jeffrey W. Tock  
Harrington & Tock  
201 West Springfield Avenue  
Suite 601  
P.O. Box 1550  
Champaign, IL 61824-1550

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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**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE  
TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

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 an extension of time within which to file its Response to the Petitioner's Motion for Summary Judgment. In support of this motion, the Illinois EPA states as follows:

1. On May 2, 2005, the Illinois EPA received service of the Petitioner's motion for summary judgment. Pursuant to an order from the Hearing Officer, the parties in this appeal were to file concurrent motions for summary judgment on or before April 29, 2005, with responses to be filed on or before May 13, 2005.

2. Unfortunately, due to greater than anticipated workload, counsel for the Illinois EPA has not yet finished drafting its motion for summary judgment. That filing is anticipated to be complete by no later than May 17, 2005, if not sooner. It would be unfair to the Petitioner for the Illinois EPA to draft its motion having had the benefit of first reviewing the motion filed by the Petitioner; thus, the Illinois EPA has not reviewed the Petitioner's motion to date.

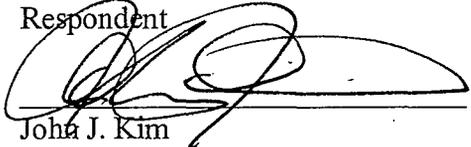
3. The Illinois EPA anticipates that its motion will be filed on or May 17, 2005, with an accompanying motion for leave to file instanter. The Petitioner's motion will then be reviewed, and a response will be filed no later than May 18, 2005.

4. The Illinois EPA regrets this delay in the handling of this matter, and will take all possible steps to ensure future filings and participation is without anymore delay. Of course, any resulting additional time that the Petitioner may need to file its response to the Illinois EPA's motion would not be objected to.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA an extension of time to file the response to the Petitioner's motion for summary judgment to May 18, 2005, with the Illinois EPA's motion for summary judgment to be filed (along with a motion for leave to file instanter) on or before May 17, 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  
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Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)  
Dated: May 13, 2005

This filing submitted on recycled paper.

**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  
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