

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

C&F PACKING COMPANY, INC. an
Illinois corporation,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY and
LAKE COUNTY,

Respondents.

PCB 06-053
(Water-Variance)

RECEIVED
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NOV 28 2005
STATE OF ILLINOIS
Pollution Control Board

NOTICE

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

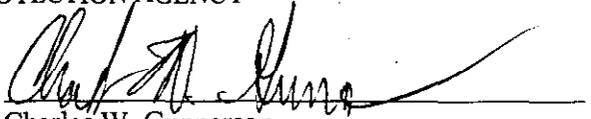
Brett D. Heinrich, Esq.
Meckler Bulger & Tilson LLP
123 North Wacker Drive
Suite 1800
Chicago, Illinois 60606

Lake County Department of Public Works
650 West Winchester Road
Libertyville, Illinois 60048

Dan Jasica, Assistant State's Attorney
Civil Division
Office of the State's Attorney of Lake County
18 North County Street
Waukegan, Illinois 60085

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the
Pollution Control Board the **MOTION FOR EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING** of the Illinois Environmental Protection Agency, a copy of which
is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Charles W. Gunnarson
Assistant Counsel
Division of Legal Counsel

DATED: November 22, 2005

Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217-782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

C&F PACKING COMPANY, INC. an)
Illinois corporation,)
)
Petitioner,)
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v.) PCB 06-053
) (Water-Variance)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and)
LAKE COUNTY,)
)
Respondents.)

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**MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OF
RESPONDENT ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

NOW COMES Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA") by Charles W. Gunnarson, one of its attorneys, and for its motion for extension of time to file responsive pleading ("Motion") states as follows:

1. According to the notice and proof of service filed by the Petition C&F PACKING COMPANY, INC. ("C&F"), it filed its variance petition ("Petition") in the above-captioned matter with the Illinois Pollution Control Board ("Illinois PCB") on October 28, 2005 and the Petition was served upon the Illinois EPA on October 29, 2005 via messenger service.
2. Pursuant to 35 Ill. Adm. Code 101.506, all motions concerning the sufficiency of pleadings must be filed within 30 days after service of the challenged document. Based on the date of service, the Illinois EPA has until November 29, 2005 to file any pleading pursuant to 35 Ill. Adm. Code 101.506.
3. Due to a death in the family of counsel for the Illinois EPA and the unavailability of other Illinois EPA staff necessary for review of any responsive pleading

prior to filing due to the impending holiday, counsel for the Illinois EPA has been and will be unable to adequately prepare and complete its response to the Petition by close of business November 29, 2005.

4. In light of the above, Respondent ILLINOIS EPA respectfully requests the Illinois PCB grant it an extension of time to file its responsive pleading until December 12, 2005. Counsel for the Illinois EPA has spoken with counsels for both C&F and Respondent Lake County, Illinois, prior to filing this Motion, and neither objected to this request.

WHEREFORE, Respondent ILLINOIS EPA respectfully requests that the Illinois PCB grant it an extension of time until the close of business December 12, 2005 to file its responsive pleading in the above-captioned matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Charles W. Gunnarson
Assistant Counsel

Dated: November 22, 2005

Charles W. Gunnarson
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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STATE OF ILLINOIS

COUNTY OF SANGAMON

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PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached **MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**, upon the person to whom it is directed, by placing a copy in an envelope addressed to:

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

Brett Heinrich, Esq.
Meckler Bulger & Tilson LLP
123 North Wacker Drive
Suite 1800
Chicago, Illinois 60606

Lake County Department of Public Works
650 West Winchester Road
Libertyville, Illinois 60048

Dan Jasica, Assistant State's Attorney
Civil Division
Office of the State's Attorney of Lake County
18 North County Street, 4th Floor
Waukegan, Illinois 60085

and mailing it from Springfield, Illinois on November 22, 2005 with sufficient postage affixed for first class mail.

Nancy J. Lampert

SUBSCRIBED AND SWORN TO BEFORE ME
this twenty-second day of November, 2005

Cynthia L. Wolfe
Notary Public

