

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF MOTION**

TO: All counsel of record.

PLEASE TAKE NOTICE that on **Thursday, December 22, 2005 at 10:00 a.m. CST**, Counsel for Petitioner C&F Packing Company, Inc. will appear in a telephonic status hearing, **Toll Free Dial in Number 1-888-476-3757, Participant Code 460377** before Hearing Officer, Bradley P. Halloran, Illinois Pollution Control Board and then and there present the attached **MOTION FOR OPEN WAIVER OF STATUTORY DECISION DEADLINE**, a copy of which is attached hereto.

Dated: December 16, 2005

Respectfully submitted,

**C&F PACKING COMPANY, INC.**

By:



\_\_\_\_\_  
One of its Attorneys

Brett D. Heinrich  
Matthew E. Cohn  
MECKLER BULGER & TILSON LLP  
123 N. Wacker Drive  
Suite 1800  
Chicago, IL 60606  
Tel: (312) 474-7900  
Fax: (312) 474-7898  
Attorneys for Plaintiff

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**MOTION FOR OPEN WAIVER OF STATUTORY DECISION DEADLINE**

Counsel for Petitioner C&F Packing Company, Inc., Brett D. Heinrich and Matthew E. Cohn, contacted Counsel for Respondent Lake County, Daniel L. Jasica, and Counsel for Respondent Illinois Environmental Protection Agency, Charles Gunnarson, on the afternoon of December 15, 2005. Since the status hearing on December 8, 2005, there has been significant progress in settlement discussions of the connection fee dispute between Lake County and Petitioner. Those discussions included the participation of interested parties Village of Lake Villa and the Village of Fox Lake. Consequently, Petitioner and Respondents agreed that an open waiver of the 120-day decision requirement, pursuant to ILL. ADMIN. CODE tit. 35, § 101.308(c)(1), will serve to advance the possibility of a successful settlement of this matter.

Petitioner therefore requests that the Board enter an order granting an open waiver of the 120-day decision requirement, pursuant to ILL. ADMIN. CODE tit. 35, § 101.308(c)(1).

Respectfully submitted,



---

Matthew E. Cohn

Dated: December 16, 2005  
Brett D. Heinrich  
Matthew E. Cohn  
Meckler Bulger & Tilson LLP  
123 North Wacker Drive, Suite 1800  
Chicago, Illinois 60606  
Phone: (312) 474-7900  
Fax: (312) 474-7898  
brett.heinrich@mbtlaw.com  
matthew.cohn@mbtlaw.com

N:\2333\pleading\Illinois Pollution Control Board\Motion for Extension of Time to Respond.doc

**CERTIFICATE OF SERVICE**

I, Matthew E. Cohn, an attorney, certify that on December 16, 2005, I served the foregoing **MOTION FOR OPEN WAIVER OF STATUTORY DECISION DEADLINE** by causing true and correct copies of same to be sent via U.S. Mail.

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

Charles W. Gunnarson  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276

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

Dan Jasica, Assistant State's Attorney  
Civil Division  
Office of the State's Attorney of Lake County  
18 North County Street, 4<sup>th</sup> Floor  
Waukegan, IL 60085

Victor Filippini, Esq.  
Holland & Knight LLC  
131 South Dearborn, 30<sup>th</sup> Floor  
Chicago, IL 60603

Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 West Randolph Street  
Chicago, IL 60601



Matthew E. Cohn