

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 13 2004

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF ROBBINS and)	
ALLIED WASTE)	
TRANSPORTATION, INC.,)	
Petitioner,)	
v.)	PCB No. 04-48
ILLINOIS ENVIRONMENTAL)	(Permit 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

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

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board an APPEARANCE and 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 10, 2004

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 13 2004

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF ROBBINS and)	
ALLIED WASTE)	
TRANSPORTATION, INC.,)	
Petitioner,)	
v.)	PCB No. 04-48
ILLINOIS ENVIRONMENTAL)	(Permit Appeal)
PROTECTION AGENCY,)	
Respondent.)	

APPEARANCE

The undersigned, as one of its attorneys, hereby enters his Appearance on behalf of the Respondent, the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John L. 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 10, 2004

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

RECEIVED
CLERK'S OFFICE

MAY 13 2004

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF ROBBINS and)	
ALLIED WASTE)	
TRANSPORTATION, INC.,)	
Petitioner,)	
v.)	PCB No. 04-48
ILLINOIS ENVIRONMENTAL)	(Permit Appeal)
PROTECTION AGENCY,)	
Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

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 101.500, 101.516 and 101.522, hereby requests that the Illinois Pollution Control Board ("Board") waive the normal filing requirements of 35 Ill. Adm. Code 101.516(a) and grant the Illinois EPA an extension of time within which to file a response to the Petitioners' motion for summary judgment. In support of this motion, the Illinois EPA states as follows:

1. The Petitioners, Village of Robbins and Allied Waste Transportation, Inc., filed a motion for summary judgment with the Board on or about April 28, 2004. By facsimile transmission, the undersigned counsel for the Illinois EPA received service of the Petitioners' motion on April 30, 2004. Pursuant to 35 Ill. Adm. Code 101.516(a), a response to the motion for summary judgment is to be filed with the Board within fourteen (14) days after the filing of the motion. Accordingly, the response is due on or before May 14, 2004.

2. In the time between service of the motion and the required date for filing the response, the undersigned counsel for the Illinois EPA has been and will be expending time and resources to prepare for and defend four depositions (in R.W. Sheridan v. Illinois EPA, PCB 03-

88 and 04-109 on May 7, 2004, and Wei Enterprises v. Illinois EPA, PCB 04-83 on May 14, 2004) and prepare for and participate in one hearing before the Board (in Vogue Tyre & Rubber Company v. Illinois EPA, PCB 96-10, on May 12, 2004). These obligations, in addition to other required case management responsibilities, will impose a great burden upon the Illinois EPA to prepare and file a response by May 14, 2004.

3. No hearing date has been set in this matter.

4. The Illinois EPA and the Petitioners have discussed issues related to this matter and are seeking to schedule a meeting to further these discussions in the near future. These discussions may result in either a settlement of the case or a narrowing of the pertinent issues, thereby avoiding or limiting litigation. Upon express mandate of the Board in response to this motion, the Illinois EPA will keep the Board apprised of any settlement negotiations through status reports or conferences as scheduled by the Board.


5. Such discussions notwithstanding, the Illinois EPA recognizes and appreciates the need to comply with otherwise applicable filing deadlines. Therefore, in order to comply with the filing requirements, the Illinois EPA is seeking a two (2) week extension of time by which the response to the motion for summary judgment is due. The new deadline for the response to the motion for summary judgment would therefore be May 28, 2004.

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 motion for summary judgment to May 28, 2004.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent


John F. 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 10, 2004

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 10, 2004, I served true and correct copies of an APPEARANCE and 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

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

Charles F. Helsten
Hinshaw & Culbertson
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

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)