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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 01 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
Complainant, )  
)  
) PCB 96-98  
)  
)  
) Enforcement  
)  
)  
)  
SKOKIE VALLEY ASPHALT, CO., INC., )  
EDWIN L. FREDERICK, JR., individually and as )  
owner and President of Skokie Valley Asphalt )  
Co., Inc., and RICHARD J. FREDERICK, )  
individually and as owner and Vice President of )  
Skokie Valley Asphalt Co., Inc., )  
Respondents )

**MOTION TO RENEW RESPONDENTS' MOTION TO STAY  
AND/OR EXTEND TIME TO RESPOND TO  
COMPLAINANT'S PETITION FOR ATTORNEYS' FEES AND COSTS**

The Respondents, SKOKIE VALLEY ASPHALT, CO., INC., EDWIN L. FREDERICK, JR., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and RICHARD J. FREDERICK, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc., by and through their attorney, David S. O'Neill, herein respectfully move the Board to renew their Motion to Stay and/or Extend Time to Respond to Complainant's Petition for Attorneys' Fees and Costs. In support of this Motion, the Respondents state as follows:

1. On September 28, 2004, the Respondents filed with the Board a Motion to Stay and/or Extend Time to Respond to Complainant's Petition for Attorneys' Fees and Costs.
2. On September 28, 2004, the Respondents also filed a Petition for Review with the State of Illinois Second District Appellate Court (Skokie Valley et. al. v. Illinois Pollution Control Board, et. al., No. 04-0977).
3. In its Order of October 21, 2004, the Board held that the Board may not consider a motion to reconsider or modify an order being appealed unless the Board regains jurisdiction.

(Board of October 21, 2004 at 2.)

4. On November 18, 2004, the State of Illinois Appellate Court Second District entered a final order dismissing the Respondents' Petition for Review (Ill. App Ct 2<sup>nd</sup> District Order of November 18, 2004).

5. With the dismissal of the Petition for Review by the Appellate Court, the Board has regained jurisdiction over this matters and consistent with the Board's Order of October 21, 2004, the Board has regained jurisdiction and may again rule on motions by the parties.

6. Wherein, the Respondents respectfully renew their Motion to Stay and/or Extend Time to Respond to Complainant's Petition for Attorneys' Fees and Costs.

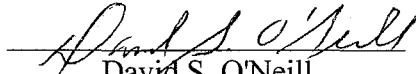
  
David S. O'Neill

David S. O'Neill, Attorney at Law  
5487 N. Milwaukee Avenue  
Chicago, Illinois 60630-1249  
(773) 792-1333

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached MOTION TO RENEW RESPONDENTS' MOTION TO STAY AND/OR EXTEND TIME TO RESPOND TO COMPLAINANT'S PETITION FOR ATTORNEYS' FEES AND COSTS by hand delivery on December 1, 2004, upon the following party:

Mitchell Cohen  
Environmental Bureau  
Assistant Attorney General  
Illinois Attorney General's Office  
188 W. Randolph, 20th Floor  
Chicago, IL 60601

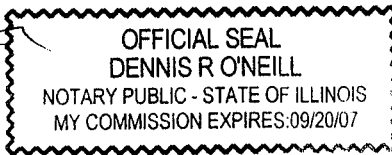
  
David S. O'Neill

NOTARY SEAL

SUBSCRIBED AND SWORN TO ME this 1st

day of Dec, 20 04

  
Notary Public



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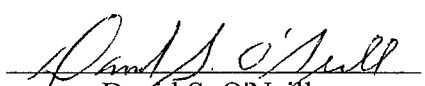
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Complainant,	)	
	)	PCB 96-98
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v.	)	Enforcement
	)	
	)	
SKOKIE VALLEY ASPHALT, CO., INC.,	)	
EDWIN L. FREDERICK, JR., individually and as	)	
owner and President of Skokie Valley Asphalt	)	
Co., Inc., and RICHARD J. FREDERICK,	)	
individually and as owner and Vice President of	)	
Skokie Valley Asphalt Co., Inc.,	)	
Respondents	)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached MOTION TO RENEW RESPONDENTS' MOTION TO STAY AND/OR EXTEND TIME TO RESPOND TO COMPLAINANT'S PETITION FOR ATTORNEYS' FEES AND COSTS, a copy of which is hereby served upon you.



David S. O'Neill

December 1, 2004

David S. O'Neill, Attorney at Law  
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(773) 792-1333