

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

MAY 15 2006

STATE OF ILLINOIS  
Pollution Control Board

Des Plaines River Watershed )  
Alliance, Livable Communities )  
Alliance, Prairie Rivers Network, )  
and Sierra Club, )

PCB 04-88

(NPDES Permit Appeal)

Petitioners )

v. )

Illinois Environmental Protection )  
Agency and Village of New Lenox, )

Respondents )

**NOTICE OF FILING**

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

Albert F. Ettinger  
Senior Staff Attorney  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1300  
Chicago, Illinois 60601

Sanjay K. Sofat  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on May 15, 2006, The Village of New Lenox has filed the attached joint motion for extension of time to respond to petitioners' post-hearing brief.



Roy M. Harsch  
*Counsel for New Lenox*

Dated: May 15, 2006

Gardner Carton & Douglas LLP  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606  
(312) 569-1441 (Office)  
(312) 569-3441 (Fax)

**THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER**

**RECEIVED**  
CLERK'S OFFICE

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD** MAY 15 2006

STATE OF ILLINOIS  
Pollution Control Board

|                                   |   |                              |
|-----------------------------------|---|------------------------------|
| Des Plaines River Watershed       | ) |                              |
| Alliance, Livable Communities     | ) | <b>PCB 04-88</b>             |
| Alliance, Prairie Rivers Network, | ) |                              |
| and Sierra Club,                  | ) | <b>(NPDES Permit Appeal)</b> |
|                                   | ) |                              |
| Petitioners                       | ) |                              |
| v.                                | ) |                              |
|                                   | ) |                              |
| Illinois Environmental Protection | ) |                              |
| Agency and Village of New Lenox,  | ) |                              |
|                                   | ) |                              |
| Respondents                       | ) |                              |

**AGREED MOTION FOR EXTENSION OF TIME**

Respondent Village of New Lenox ("New Lenox"), Respondent Illinois Environmental Protection Agency ("IEPA") (collectively, "Respondents"), Petitioner Des Plaines River Watershed Alliance, Petitioner Livable Communities Alliance, Petitioner Prairie Rivers Network, and Petitioner Sierra Club (collectively "Petitioners"), by their respective attorneys, hereby respectfully request that the Board enter an Order granting an extension of time for the date by which Respondents are to reply to Petitioners' post-hearing brief and consequently, an extension of time for which Petitioners' will reply to Respondent's post-hearing brief. In support of this Motion, the parties state as follows:

1. On March 30, 2006, Petitioners and Respondents appeared before the Board at the Village of Bolingbrook Boardroom in Bolingbrook, Illinois. The matter was heard by Hearing

**THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER**

Officer Bradley P. Halloran. At the hearing, a briefing schedule was discussed and agreed upon by Petitioners and Respondents.

2. The agreed-upon briefing schedule was set for the following dates: The petitioners post hearing brief was due to be filed on or before April 21, 2006. Respondents' respective post-hearing brief is due to be filed on or before May 19, 2006. Petitioners' reply, if any, is due to be filed on or before June 2, 2006.

3. On the week of May 8, 2006, unforeseen circumstances arose such that the attorney for New Lenox was required to be out of the office for the following two weeks. On May 10, 2006, the attorney for New Lenox notified the attorney for the IEPA and the attorney for Respondents regarding the unforeseen circumstances. Based on communications between the attorneys for all the parties, it is Respondents understanding that neither attorney for IEPA nor Petitioners object to this extension.

4. Therefore, on behalf of the parties, counsel for New Lenox respectfully requests an extension of time of fourteen (14) additional days for the due date of its post-hearing response brief and consequently, twenty-one (21) additional days for Petitioners to respond to Respondent's brief. This additional time up to and including June 9, 2006 (respondent's post-hearing response) and June 23, 2006 (petitioner's reply to respondent's brief), is necessary to permit counsel to properly respond to petitioner's post-hearing brief.

WHEREFORE, Respondent respectfully requests that this Court issue an Order granting this agreed motion for an extension of time of fourteen (14) days for the date Respondent's post-hearing brief is due up to and including June 9, 2006 and twenty-one (21) days for the date Petitioners' response brief is due up to and including June 23, 2006.

Respectfully Submitted,

VILLAGE OF NEW LENOX

By: Ron Mauseh  
One of its attorneys

**CERTIFICATE OF SERVICE**

I, Roy M. Harsch, certify that on May 15, 2006, I filed the attached NOTICE OF FILING FOR THE VILLAGE OF NEW LENOX. An original was filed, on recycled paper, with the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601, and copies were served via United States Mail to those individuals on the included service list.



---

Roy M. Harsch  
*Counsel for New Lenox*

Gardner Carton & Douglas  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606  
(312) 569-1441

Dated: May 15, 2006

Gardner Carton & Douglas LLP  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606  
(312) 569-1441 (Office)  
(312) 569-3441 (Fax)

**THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER**

**SERVICE LIST**

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

Albert F. Ettinger  
Senior Staff Attorney  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1300  
Chicago, Illinois 60601

Sanjay K. Sofat  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

CH01/ 12473856.1