

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
) PCB 07-53  
MOLINE PLACE DEVELOPMENT, LLC, ) (Enforcement – Water)  
and CROSSTOWNE PLACE )  
DEVELOPMENT, LLC, )  
)  
Respondents. )

**NOTICE OF FILING**

TO: Mr. John Therriault Carol Webb, Esq.  
Assistant Clerk of the Board Hearing Officer  
Illinois Pollution Control Board Illinois Pollution Control Board  
100 West Randolph Street 1021 North Grand Avenue East  
Suite 11-500 Post Office Box 19274  
Chicago, Illinois 60601 Springfield, Illinois 62794-9274  
**(VIA ELECTRONIC MAIL)** **(VIA U.S. MAIL)**

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an **AGREED MOTION OF EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO COUNTS I AND II OF COMPLAINT** on behalf of MOLINE PLACE DEVELOPMENT, LLC, copies of which are herewith served upon you.

Respectfully submitted,

By: 

Dated: February 8, 2010

Jennifer M. Martin  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
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v.	)	
	)	PCB 07-53
MOLINE PLACE DEVELOPMENT, LLC,	)	(Enforcement – Water)
and CROSSTOWNE PLACE	)	
DEVELOPMENT, LLC,	)	
	)	
Respondents.	)	

**AGREED MOTION FOR EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO COUNTS I AND II OF COMPLAINT**

NOW COMES Respondent, MOLINE PLACE DEVELOPMENT, LLC (“Moline”), by and through its attorneys, HODGE DWYER & DRIVER, and, pursuant to 35 Ill. Adm. Code § 101.522 and Illinois Supreme Court Rule 183, moves the Hearing Officer or Illinois Pollution Control Board (“Board”) in this matter to enter an Order granting Respondent, MOLINE PLACE DEVELOPMENT, LLC, an extension of time until February 19, 2010, in which to file its Answer or otherwise respond to Counts I and II of the Complaint filed in the instant matter. In support of its Motion, Respondent states as follows:

1. “The [Illinois Pollution Control] Board or hearing officer, for good cause shown on a motion after notice to the opposite party, may extend the time for filing any document or doing any act which is required by these rules to be done within a limited period, either before or after the expiration of time.” 35 Ill. Adm. Code § 101.522.

2. On January 3, 2007, the People of the State of Illinois ("the State") filed a Complaint against Moline and Crosstowne Place Development, LLC ("Crosstowne") in the above-captioned matter, alleging violations of Section 12(a) of the Illinois Environmental Protection Act ("Act")(415 ILCS 5/12(a)).

3. On June 4, 2009, the Board granted the State's Motion for Summary Judgment as to Counts III and IV of the Complaint directed to Crosstowne.

4. On December 11, 2009, Moline retained the law firm of HODGE DWYER & DRIVER to represent Moline in the above-captioned matter.

5. On December 22, 2009, counsel from the law firm of HODGE DWYER & DRIVER entered her appearance and filed a Motion for Extension of Time to Respond to Complainant's Request for Admission of Fact and Genuineness of Documents.

6. On January 14, 2010, the Hearing Officer in the instant matter granted Moline an extension of time, or until January 28, 2010, in which to respond to Complainant's Request for Admission of Facts and Genuineness of Documents.

7. Moline's Responses to Complainant's Request for Admission of Facts and Genuineness of Documents were filed on January 28, 2010.

8. Moline's failure to timely answer or otherwise respond to the Complaint was unintentional, and Moline does not intend to admit those matters alleged in Counts I and II of the Complaint.

9. Consistent with the Hearing Officer's January 14, 2010 Order, allowing Moline to respond to the issues of material fact raised in the allegations of Counts I and II of the Complaint will be more time efficient and will clarify the factual issues for purposes of further proceedings in this matter.

10. The impact to Moline of not allowing it to answer or otherwise respond to those matters alleged in Counts I and II of the Complaint would be severe, and any alleged admissions arising from Moline's failure to answer or otherwise respond to the Complaint may be inconsistent with Moline's responses to the State's request for admission.

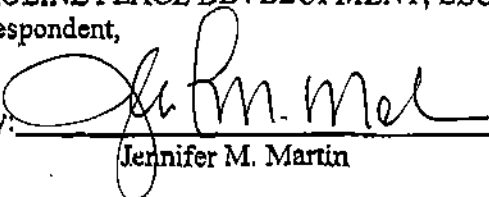
11. For the reasons stated above, good cause exists under 35 Ill. Adm. Code § 101.522 and Illinois Supreme Court Rule 183 to grant the extension of time requested by Moline to remedy its unintentional noncompliance with the deadline for filing its Answer or otherwise responding to Counts I and II of the Complaint.

12. As indicated below, Counsel for Complainant represents that Complainant has been advised regarding Respondent's request for an extension of time until February 19, 2010, to file an Answer or other responsive pleading in the above-captioned matter, and has no objections to the Board granting the requested extension of time.

WHEREFORE, Respondent, MOLINE PLACE DEVELOPMENT, LLC,  
 respectfully moves the Hearing Officer or Board to enter an Order granting its request  
 for an extension of time until February 19, 2010, in which to file its Answer or  
 otherwise respond to Counts I and II of Complainant's Complaint Directed to Moline  
 Place Development, LLC.


Respectfully submitted,

MOLINE PLACE DEVELOPMENT, LLC,  
 Respondent,

By:   
 Jennifer M. Martin

Dated: February 8, 2010

Jennifer M. Martin  
 HODGE DWYER & DRIVER  
 3150 Roland Avenue  
 Post Office Box 5776  
 Springfield, Illinois 62705-5776  
 (217) 523-4900  
 MOPD-001PCB 07-53MET to Answer

AGREED TO:   
 Raymond J. Callery, Esq.  
 Office of the Attorney General  
 500 South Second Street  
 Springfield, Illinois 62706

DATED: 2/08/10

**CERTIFICATE OF SERVICE**

I, Jennifer M. Martin, the undersigned, hereby certify that I have served the  
AGREED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE  
RESPOND TO COUNTS I AND II OF COMPLAINT upon:

Mr. John Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

via electronic mail on February 8, 2010; and upon:

Carol Webb, Esq.  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

Raymond J. Callery, Esq.  
Office of the Attorney General  
500 South Second Street  
Springfield, Illinois 62706

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on February 8, 2010.

  
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Jennifer M. Martin