

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ROLF SCHILLING, PAM SCHILLING and)
SUZANNE VENTURA,)

Complainants,)

v.)

PCB. No. 10-100

GARY D. HILL, VILLA LAND TRUST,)
an Illinois Land Trust, and PRAIRIE)
LIVING WEST, LLC)

Respondents.)

COMPLAINANTS' OBJECTION TO MOTION FOR AN EXTENSION OF TIME

Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, by and through their attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Stephen F. Hedinger of Counsel, state their objection to the Motion for An Extension of Time filed by and on behalf of all Respondents, as follows:

1. Respondents have requested an extension of thirty days, until July 31, 2010 within which to file any motion for dismissal based upon assertions that the Citizen's Complaint in this matter is frivolous or duplicitous, as set forth in this Board's procedural regulations, 35 Ill. Adm. Code 103.212(b).

2. Respondents fail to set forth any basis for their request. The only justification cited is the potential that the Illinois Environmental Protection Agency might "render its findings" concerning some sort of "survey" it conducted at Respondents' site three weeks ago. The motion, however, fails to explain what the "survey" consisted of, or why any "findings" concerning that survey would have any bearing on whether this complaint is either frivolous or duplicitous, and in particular whether Respondents are guilty of past and/or present violations of the Environmental Protection Act and this Board's regulations. Certainly "findings" of the Illinois Environmental Protection Agency are not dispositive of any issues, and so regardless of

those findings, they could not render this case frivolous, in and of themselves. Similarly, mere recitation by the Illinois Environmental Protection Agency of "findings" does not render this matter duplicitous, either.

3. In addition to the above, the motion does not state that the "findings" will be rendered prior to July 31. It is pure speculation that the Illinois Environmental Protection Agency will do anything within the timeframe requested by Respondents.

4. Pursuant to Section 103.204(d) of this Board's procedural rules, 35 Ill. Adm. Code 103.204(d), Respondents have 60 days within which to file an answer; the only relief they have suggested a need for is a frivolous and duplicitous motion under Section 103.212(b), 35 Ill. Adm. Code 103.212(b). Nothing will happen in the thirty days Respondents have requested that will in any way impact the availability of such a motion, though; instead, the motion if allowed would serve only to unnecessarily delay the progress of this case.

5. Because there is no basis for the motion, it should be denied. Complainants request that this matter proceed without any undue delay, in light of the serious environmental damage that continues to result from Respondents' actions and failures to act, as alleged in the Complaint.

WHEREFORE Complainants, ROLF SCHILLING, PAM SCHILLING and SUZANNE VENTURA, request that this Board deny the "Motion for an Extension of Time" filed by Respondents, accept this case for hearing forthwith, and instruct the Hearing Officer to proceed with this litigation without any undue delay.

Date June 29, 2010

Respectfully submitted,

ROLF SCHILLING, PAM SCHILLING and
SUZANNE VENTURA, Complainants

By: 

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, certify that I have served a copy of the foregoing Complainants' Objection to Motion for an Extension of Time upon the attorney for Respondents at the following addresses:

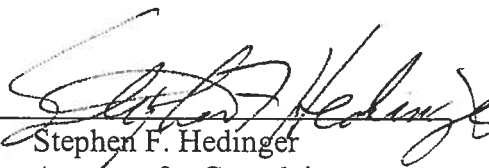
Molly Wilson Dearing
Winters, Brewster, Crosby & Schafer LLC
111 West Main
P.O. Box 700
Marion, IL 62959

by depositing same in the U.S. Mail, certified mail/return receipt requested, postage prepaid, on this 29th day of June, 2010.

Similarly, the original and nine copies were mailed to:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601

by depositing same in the U.S. Mail, first class, postage prepaid, on this 29th day of June, 2010.

By: 
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