

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney General)
of the State of Illinois)
)
Complainant,)
)
v.) PCB No. 2019-090
) (Enforcement-Water)
ONE EARTH ENERGY, LLC, an Illinois)
limited liability company,)
)
Respondent.)

NOTICE OF FILING

TO: Raymond J. Callery
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **Unopposed Motion for Extension of Time in Which to File Respondent's Answer to Complaint and Acknowledgement of Service of Complaint**, a copy of which is hereby served upon you.

Respectfully submitted,

/s/ David M. Loring

David M. Loring

Dated: April 26, 2019

David M. Loring
SCHIFF HARDIN LLP
233 South Wacker Drive, Suite 7100
Chicago, IL 60606
Phone: 312-258-5603
Fax: 312-258-5600
dloring@schiffhardin.com

Attorney for Respondent

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by KWAME RAOUL, Attorney General)	
of the State of Illinois)	
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Complainant,)	
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v.)	PCB No. 2019-090
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limited liability company,)	
)	
Respondent.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME
IN WHICH TO FILE RESPONDENT’S ANSWER TO COMPLAINT AND
ACKNOWLEDGEMENT OF SERVICE OF COMPLAINT**

NOW COMES Respondent, One Earth Energy, LLC (“One Earth Energy”), by its attorney, David M. Loring, pursuant to Section 101.522 of the Illinois Pollution Control Board rules, moves that the Hearing Officer extend the time for One Earth Energy to file its Answer to the State of Illinois’ Complaint in the above-captioned matter to May 29, 2019. In support of its Motion, One Earth Energy states as follows:

1. On February 28, 2019, the State of Illinois filed a Complaint on behalf of the Illinois Environmental Protection Agency against One Earth Energy, alleging certain violations of the Illinois Environmental Protection Act, 415 ILCS 5/31 (2016).
2. On March 20, 2019, the State of Illinois provided One Earth Energy with a stipulation and proposal for settlement (“Settlement”) of the above-captioned matter, to which One Earth Energy proposed revisions on April 8, 2019.
3. On March 28, 2019, the Board issued an Order directing the State of Illinois to provide proof of service of the Complaint to One Earth Energy by April 18, 2019.

4. On April 24, 2019, attorneys on behalf of the State of Illinois and One Earth Energy conferred regarding the Settlement, and both parties agree that additional time is needed to finalize certain terms and conditions of the Settlement.

5. As a result of the anticipated settlement of this matter, on April 24, 2019, the State of Illinois agreed that an extension of time to file One Earth Energy's Answer to the Complaint is appropriate.

6. In order to avoid unnecessary motion practice and in furtherance of settlement of this matter, One Earth Energy has proposed to waive any objections to the State of Illinois' failure to file proof of service and agrees to have accepted service of the Complaint.

7. One Earth Energy's Answer to the Complaint is due on April 29, 2019, 60 days after the filing of the Complaint.

8. One Earth Energy therefore requests an extension to May 29, 2019, to file its Answer to provide the parties additional time necessary to reach agreement on the Settlement.

WHEREFORE, for the reasons set forth above, One Earth Energy respectfully requests that the Board grant an extension until May 29, 2019, for One Earth Energy to file its Answer to the Complaint.

Respectfully submitted,

/s/ David M. Loring
David M. Loring

Dated: April 26, 2019

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233 South Wacker Drive, Suite 7100
Chicago, IL 60606
Phone: (312) 258-5603
Fax: (312) 258-5600
dloring@schiffhardin.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 26th day of April, 2019, I have served electronically the attached **Unopposed Motion for Extension of Time in Which to File Respondent's Answer to Complaint and Acknowledgement of Service of Complaint**, upon the following person by e-mail at the e-mail address indicated below:

Raymond J. Callery
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706
rcallery@atg.state.il.us

I further certify that my e-mail address is dloring@schiffhardin.com; the number of pages in the e-mail transmission is 4; and the e-mail transmission took place today before 5:00 p.m.

Respectfully submitted,

/s/ David M. Loring

David M. Loring

Dated: April 26, 2019

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Chicago, IL 60606
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Attorney for Respondent