

ILLINOIS POLLUTION CONTROL BOARD

EMERALD PERFORMANCE)
MATERIALS, INC)
(as purchaser of Noveon, Inc.))
Petitioner,)
)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB 04-102
(Permit Appeal – Air)

RECEIVED
CLERK'S OFFICE
JUN 05 2008
STATE OF ILLINOIS
Pollution Control Board

Via E-Mail and First Class Mail

TO: Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601

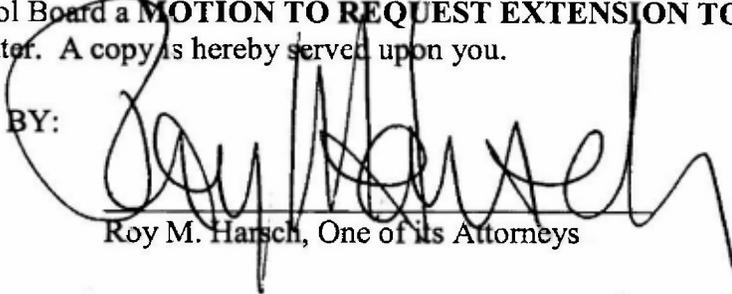
John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601

Sally A. Carter
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

NOTICE OF MOTION

PLEASE TAKE NOTICE that today, I, Roy M. Harsch, have filed with the Clerk of the Office of the Illinois Pollution Control Board a **MOTION TO REQUEST EXTENSION TO FILE BRIEF** in the above titled matter. A copy is hereby served upon you.

BY:



Roy M. Harsch, One of its Attorneys

Dated: June 5, 2008

Roy M. Harsch, Esq. ARDC # 1141481
Drinker Biddle & Reath LLP
191 N. Wacker Drive - Suite 3700
Chicago, IL 60606
(312) 569-1441 (Telephone)
(312) 569-3441 (Facsimile)

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MOTION TO REQUEST EXTENSION TO FILE BRIEF

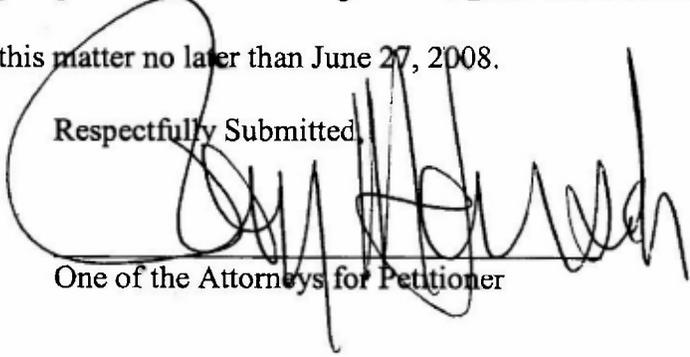
Petitioner by its attorneys, Drinker Biddle & Reath LLP, hereby requests that the Hearing Officer grant this Motion to Request an Extension to File Brief until June 27, 2008. In support, Petitioner states as follows:

1. On February 5, 2008, the parties in this matter participated in a hearing in the Municipal Building Council Chamber's Office in Henry, Illinois. Following conclusion of the hearing, the parties presented the hearing officer with an agreed upon briefing schedule that was subsequently included in a Hearing Officer order which required that Petitioner's brief would be due in this matter on June 6, 2008.
2. Since the entry of this order, Mr. Roy M. Harsch, attorney for Petitioner, has been absent from the office on personal matters and outside the State of Illinois for business purposes.
3. As a result of Mr. Harsch's extended absence from the office, Mr. Harsch is requesting an extension to file the Petitioner's Brief in this matter no later than June 27, 2008.
4. Petitioner has been unable to discuss with the Illinois Environmental Protection Agency's ("Illinois EPA") Attorney, Ms, Sally Carter, whether Illinois EPA would agree to this Motion because Ms. Carter is out of the office this week.

5. Petitioner asserts that Illinois EPA should not be prejudiced by this three week extension request because Petitioner will agree to provide the Illinois EPA the necessary time to prepare their reply brief. Petitioner will contact Ms. Carter on her return and attempt to agree upon a mutually agreeable new briefing schedule to provide to the Hearing Officer.

Wherefore, Petitioner respectfully requests that the Hearing Officer grant this Motion to Request an Extension to File its Brief in this matter no later than June 27, 2008.

Respectfully Submitted,


One of the Attorneys for Petitioner

Dated: June 5, 2008

Roy M. Harsch, Esq. ARDC # 1141481
Drinker Biddle & Reath LLP
191 N. Wacker Drive - Suite 3700
Chicago, IL 60606
(312) 569-1441 (Telephone)
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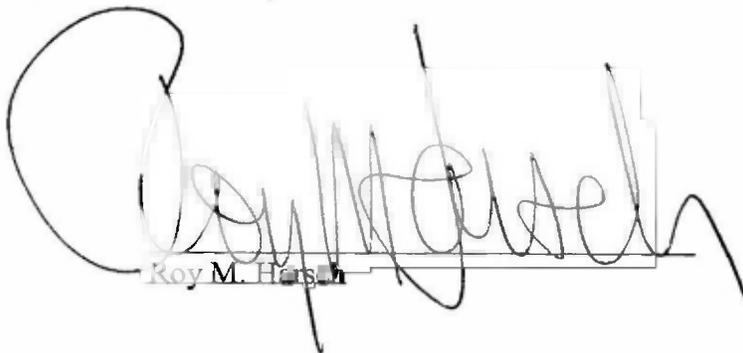
CERTIFICATE OF SERVICE

I, Roy M. Harsch, an attorney, hereby certify that on June 5, 2008 a copy of the foregoing Motion to Request Extension to File Brief, was sent to the following via e-mail and First Class mail:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
hallorab@ipcb.state.il.us

Sally A. Carter
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Sally.Carter@illinois.gov

John T. Therriault
Hearing Officer
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James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
therriaj@ipcb.state.il.us



Roy M. Harsch