

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)

Complainant,)

v.)

TOYAL AMERICA, INC., formerly known
as ALCAN-TOYO AMERICA, INC., a
foreign corporation,)

Respondent.)

PCB No. 00-211
(Enforcement)

RECEIVED
CLERK'S OFFICE
JAN 23 2009
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

Via U.S. Mail

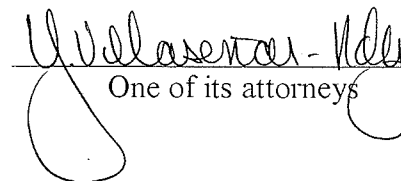
TO: Christopher Grant Assistant Attorney General Environmental Bureau 69 West Washington Street, 18 th Floor Chicago, IL 60602	Bradley P. Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601
John Therriault, Assistant Clerk Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, IL 60601	

PLEASE TAKE NOTICE that on **Friday, January 23, 2009**, we filed the attached **Motion for Leave to File Instantly** and **Motion to Correct the Hearing Transcript** with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

TOYAL AMERICA, INC.

By:


One of its attorneys

Roy M. Harsch
Yesenia Villaseñor-Rodriguez
DRINKER BIDDLE & REATH LLP
191 N. Wacker Drive Suite 3700
Chicago, IL 60606-1698
Telephone: (312) 569-1000
Facsimile: (312) 569-3000

THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED
CLERK'S OFFICE
JAN 23 2009
STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)	
)	
Complainant,)	
)	
v.)	PCB No. 00-211
)	(Enforcement)
TOYAL AMERICA, INC., formerly known)	
as ALCAN-TOYO AMERICA, INC., a)	
foreign corporation,)	
)	
Respondent.)	

TOYAL'S MOTION FOR LEAVE TO FILE INSTANTER

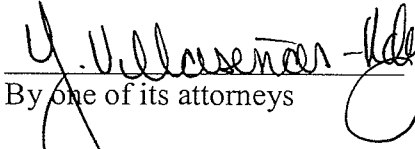
Now here comes Toyal America, Inc. ("Toyal") by and through its Attorneys, DRINKER BIDDLE & REATH LLP and respectfully requests that the Illinois Pollution Control Board ("Board") allow the filing of Toyal's Motion to Correct Hearing Transcript instanter. In support, Toyal states as follows:

1. The transcript records for the December 10th and 11th hearing dates in this matter were filed with the Board on December 30, 2008.
2. Due to the holiday schedule and Toyal Plant shutdown, Toyal was not made aware that the transcripts were available until after the new year.
3. Toyal's witnesses have reviewed the transcript records and noted certain typographical errors that they wish to correct.
4. Toyal has confirmed with Assistant Attorney General Grant that it wishes to make corrections. Mr. Grant has no objections to the filing of this Motion for Leave to File Instanter.

WHEREFORE, for all the foregoing reasons, Toyal respectfully requests that the Board grant this Motion for Leave to File Instantly authorizing the filing of the attached Motion to Correct Hearing Transcript.

Respectfully Submitted,

TOYAL AMERICA, INC.,


By one of its attorneys

Date: January 23, 2009

Roy M. Harsch
Yesenia Villasenor-Rodriguez
Drinker Biddle & Reath LLP
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606
(312) 569-1441

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)

Complainant,)

v.)

TOYAL AMERICA, INC., formerly known)
as ALCAN-TOYO AMERICA, INC., a)
foreign corporation,)

Respondent.)

PCB No. 00-211
(Enforcement)

RECEIVED
CLERK'S OFFICE
JAN 23 2009
STATE OF ILLINOIS
Pollution Control Board

TOYAL'S MOTION TO CORRECT THE HEARING TRANSCRIPT

Now here comes Toyal America, Inc. ("Toyal") by and through its Attorneys, DRINKER BIDDLE & REATH LLP and pursuant to 35 Ill. Adm. Code Section 101.604 respectfully requests that the Illinois Pollution Control Board ("Board") grant this Motion to Correct the Hearing Transcript. In support, Toyal states as follows:

1. Toyal's witnesses completed their review of the hearing transcripts on January 14, 2009. Based on their review of the hearing record, the witnesses noted certain typographical errors that they wish to correct.
2. With respect to the December 10, 2008 hearing transcript, Toyal respectfully requests that the Board make the following corrections:
 - i. Page 208: Line 15 should be changed from "passion" to "position"
 - ii. Page 209: Line 2 should be changed from "the then" to "the"
 - iii. Page 209: Line 21 "restructure" should be changed to "destruction"
 - iv. Page 224: Line 13 "Anju Matia" should be changed to "Anju Bhatia"

3. With respect to the December 11, 2008 hearing transcript, Toyal respectfully requests that the Board make the following corrections:

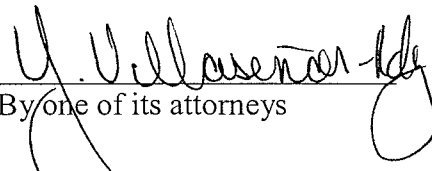
- i. Page 64: Line 11 "coders" should be "coaters"
- ii. Page 72: Line 9 "We first see" should be "We first had to see"
- iii. Page 72: Line 11 "talk" should be "talked"
- iv. Page 93: Line 3 "Rick Mattis" should be "Rick Matus"
- v. Page 121: Line 10 "coal cleaners" should be "cold cleaners"
- vi. Page 158: Line 8 "legal" should be "illegal"
- vii. Page 159: Line 8 "107,000" should be "104,000"
- viii. Page 165: Line 20 "Stevens" should be "Stevenson"
- ix. Page 169: Line 18 "spend" should be "spent"

4. Toyal does not believe that the proposed corrections will adversely impact Petitioner in this matter. Further, Petitioner's post hearing brief is not due until February 16, 2009, and therefore, Petitioner has ample time to review changes in preparation for same.

WHEREFORE, for all the foregoing reasons, Toyal respectfully requests that the Board grant this Motion to Correct the Hearing Transcript.

Respectfully Submitted,

TOYAL AMERICA, INC.,

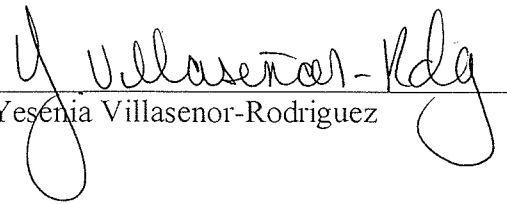

By one of its attorneys

Date: January 23, 2009

Roy M. Harsch
Yesenia Villaseñor-Rodriguez
Drinker Biddle & Reath LLP
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606
(312) 569-1441

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion for Leave to File** **Instanter** and **Motion to Correct the Hearing Transcript** were filed by hand delivery with the Hearing Officer and served upon the parties to whom said Notice is directed by first class mail, postage prepaid, by depositing in the U.S. Mail at 191 North Wacker Drive, Chicago, Illinois on Friday January 23, 2009.



Yesenia Villasenor-Rodriguez

THIS FILING IS SUBMITTED ON RECYCLED PAPER