

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

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

Respondent.

PCB No. 00-211

(Enforcement-Air)

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on the 24th day of April, 2009, the Complainant filed its Motion for Extension of Time to File Reply to Amended Response, a true and correct copy of which is attached and herewith served upon you.

PEOPLE OF THE STATE OF
ILLINOIS, *by* LISA MADIGAN
Attorney General of
State of Illinois

By: 

Christopher Grant
Assistant Attorney General
69 W. Washington Street, #1800
Chicago Illinois, 60602
(312)814-5388

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MOTION FOR EXTENSION OF TIME TO
FILE REPLY TO AMENDED RESPONSE

Complaint, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests that the Hearing Officer extend the deadline for filing its Reply in this matter, for the purpose of reviewing and responding to Respondent's Amended Response. In support thereof, Complainant states, as follows:

1. Pursuant to the Hearing Officer's Order of April 6, 2009, Complainant was to file its Reply to Toyal America, Inc.'s ("Toyal's") Response brief by April 24, 2009.
2. Complainant had completed its Reply, and was preparing to file via electronic filing at approximately 11:30 a.m. on April 24, 2009.
3. However, prior to the filing, the undersigned checked the Board's web site for this case, and learned for the first time that Toyal had filed an Amended Response to correct certain errors contained in its original Response. Complainant had not been advised that Toyal would be filing an Amended Reply, and had not yet been served with Toyal's Motion.

4. Complainant had suggested that Toyal Amend its Response , and therefore does not object to the Amendment. However, Complainant will need time to revise its Reply based on possible changes in the Response, which consists of sixty-one pages.

5. because Complainant has not yet been served with the Amended Response, and learned for the first time that one would be filed only through checking the record on-line, Complainant requests an additional 14 days, until May 8, 2009, to file its Reply to the Amended Response.

6. At approximately 11:45 a.m. on April 24, 2009, the undersigned attempted to contact opposing counsel regarding this extension, but was only able to leave a voice message. Mr. Harsch has since emailed that he is out of town and does not object to the State's taking such time as necessary to revise its Response. Having not yet reviewed the Amended Response, Complaint believes that a two week extension is reasonable.

Wherefore, Complainant requests that its deadline for filing a Reply to Toyal's Amended Response be continued until May 8, 2009.

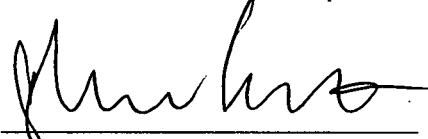
RESPECTFULLY SUBMITTED

PEOPLE OF THE STATE OF ILLINOIS
by LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

ROSEMARIE CAZEAU, Chief
Environmental Bureau North

BY:

A handwritten signature in black ink, appearing to read "Christopher Grant", written over a horizontal line.

CHRISTOPHER GRANT

Environmental Bureau

Assistant Attorney General

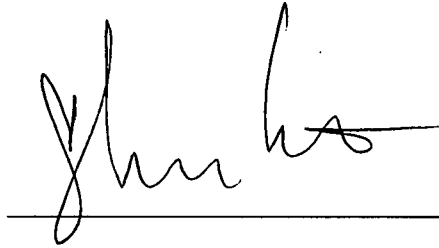
69 W. Washington Street, #1800

Chicago, IL 60602

(312)814-5388

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 24th day of April, 2009, the foregoing Motion for Extension of Time to File Reply to Amended Response and Notice of Electronic Filing upon the persons listed below, by hand delivery, and by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago, Illinois.

A handwritten signature in black ink, appearing to read 'Christopher Grant', is written over a horizontal line.

CHRISTOPHER GRANT

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph
Chicago, Illinois 60601 (By Hand Delivery)

Mr. Roy M. Harsch
Drinker Biddle Gardner Carton LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698 (By fax and First Class Mail)