

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMERICAN LOUVER COMPANY)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
)
Respondent.)

PCB No. 2010-090
(Permit Appeal – Air)

NOTICE OF FILING

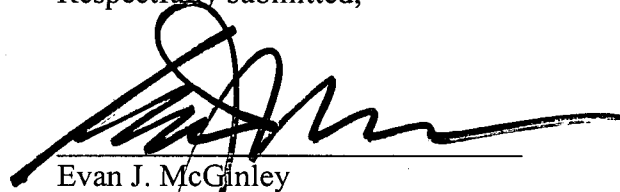
TO: John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Joseph R. Podlewski, Jr.
Heidi E. Hanson
Podlewski & Hanson P.C.
4721 Franklin Ave., suite 1500
Western Springs, Illinois 60558

Bradley Halloran
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that today, May 27, 2010, I have caused to be filed with the Illinois Pollution Control Board RESPONDENT'S MOTION FOR LEAVE TO FILE ANSWER AND RECORD OF DETERMINATION, as well as the APPEARANCE of the undersigned counsel, copies of which are hereby served upon you.

Respectfully submitted,



Evan J. McGinley
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602
312.814.3153

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APPEARANCE OF EVAN J. MCGINLEY

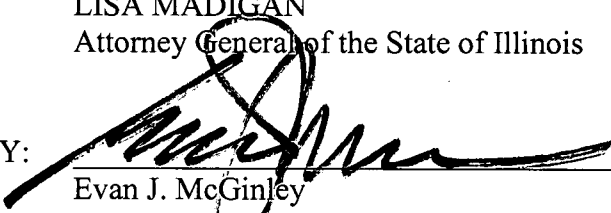
NOW COMES Evan J. McGinley, Assistant Attorney General, who hereby files his appearance in this matter on behalf of Respondent, the Illinois Environmental Protection Agency.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General of the State of Illinois

BY:


Evan J. McGinley
Assistant Attorney General
Environmental Bureau
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RESPONDENT'S MOTION FOR LEAVE TO FILE ANSWER AND RECORD OF DETERMINATION

NOW COMES, Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, Lisa Madigan, Attorney General of the State of Illinois ("Attorney General") and Assistant Attorney General Evan J. McGinley, who respectfully move the Illinois Pollution Control Board ("Board"), pursuant to 35 Ill. Adm. Code 101.500(d), for leave to file an answer to Petitioner's, American Louver Company, Petition for Review of Construction Permit for American Louver Company ("Petition for Review"), as well as the record of determination for this matter. Respondent states the following in support of this motion.

1. On March 19, 2010, Illinois EPA issued Construction Permit (Application No. 09110020) which Illinois EPA issued to Petitioner ("Construction Permit"). The Construction Permit authorized Petitioner to construct a new plastic blow molder at its facility, which is located at 7700 Austin Avenue, Skokie, Illinois.

2. On April 26, 2010, Petitioner filed its Petition for Review with the Board, pursuant to Section 40 of the Environmental Protection Act ("Act"), 415 ILCS 5/40 (2008), and 35 Ill. Adm. Code Part 105, Subpart. Petitioner, through its Petition, seeks review by the Board

of the Permit, arguing the new blow molding unit for which Petition submitted its Construction Permit is, in fact, exempt from permitting requirements. Petitioner's Petition further requests that the Board "stay of Standard Condition Number 6 of the [Construction P]ermit during the pendency of this appeal." Finally, Petitioner requests that the Board direct Respondent to return the Construction Permit fee of \$4,000.00.

3. By order of the Board, dated May 6, 2010, the Illinois EPA was directed to file its Answer to the Petition and the "record of its determination" within thirty (30) days from the date that the Petitioner filed its Petition. The thirty day period set by the Board's May 6th order expired on May 26, 2010.

4. On May 18, 2010, the Board set this matter for an initial telephonic status conference on June 3, 2010, at 9:45 a.m.

5. On May 26, 2010, Illinois EPA formally requested that the Attorney General represent the Agency relative to Petitioner's appeal.

6. Because Illinois EPA did not formally request representation by the Attorney General until the date that both its Answer and the filing of its Record of Determination were due, Illinois EPA, hereby requests that it be allowed to file its Answer and the Record of Determination related to the issuance of the Construction Permit on such dates as may be set by the Hearing Officer at the June 3, 2006 status conference.

7. The Petitioner will not be prejudiced by granting the Illinois Environmental Protection Agency such additional time to file its Answer and the Record of Determination as the Hearing Officer may determine to be appropriate.

WHEREFORE, Respondent, the Illinois Environmental Protection Agency, respectfully requests that the Illinois Pollution Control Board grant its Motion for Leave to File its Answer and the Record of Determination in the above-referenced cause, by such date(s) as the Hearing Officer may deem appropriate.

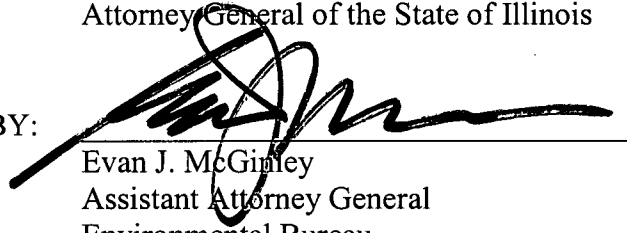
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN

Attorney General of the State of Illinois

BY:

A handwritten signature in black ink, appearing to read "Evan J. McGinley", is written over a horizontal line. The signature is stylized and cursive.

Evan J. McGinley

Assistant Attorney General

Environmental Bureau

69 West Washington Street, 18th Floor

Chicago, Illinois 60602

312.814.3153

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 27, 2010, I served true and correct copies of my APPEARANCE, and RESPONDENT'S MOTION FOR LEAVE TO FILE ANSWER AND RECORD OF DETERMINATION, upon the persons listed below, according to the following methods:

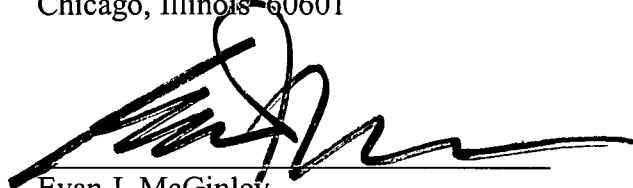
[Electronic filing]

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[First Class Mail]

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