

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

PCB NO. 12-21

ALTIVITY PACKAGING, LLC,  
a Delaware limited liability company,  
INTRA-PLANT MAINTENANCE CORPORATION,  
an Illinois corporation,  
IRONHUSTLER EXCAVATING, INC.,  
an Illinois corporation, and  
RON BRIGHT, d/b/a Quarter Construction,

Respondents.

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on September 20, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, COMPLAINANT'S OBJECTION TO RESPONDENTS' MOTION FOR LEAVE TO REPLY TO COMPLAINANT'S RESPONSE TO MOTION TO RECONSIDER AND MODIFY BOARD ORDER, a copy of which is attached hereto and herewith served upon you.

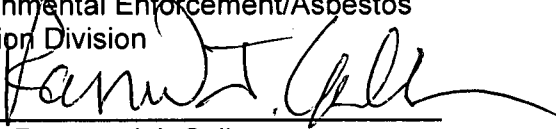
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY:

  
Raymond J. Callery  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

Dated: September 20, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 ALTIVITY PACKAGING, L.L.C., )  
 a Delaware limited liability company, )  
 INTRA-PLANT MAINTENANCE )  
 CORPORATION, an Illinois corporation, )  
 IRONHUSTLER EXCAVATING, INC., )  
 an Illinois corporation, and RON BRIGHT, )  
 d/b/a QUARTER CONSTRUCTION, )  
 )  
 Respondents. )

PCB No. 12-021  
(Enforcement - Land)

**COMPLAINANT'S OBJECTION TO RESPONDENTS' MOTION  
FOR LEAVE TO REPLY TO COMPLAINANT'S RESPONSE TO MOTION TO  
RECONSIDER AND MODIFY BOARD ORDER**

Now comes Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and objects to the Motion for Leave to File Reply to Complainant's Response to Motion to Reconsider and Modify Board Order filed by Respondents IRONHUSTLER EXCAVATING, INC. and RON BRIGHT ("Respondents"), as follows:

1. On September 16, 2013, Respondents filed their Motion for Leave to File Reply to Complainant's Response to Motion to Reconsider and Modify Board Order ("Motion for Leave")

2. "The moving party will not have the right to reply, except as permitted by the Board or the hearing officer to *prevent material prejudice.*" 35 Ill. Adm. Code 101.500(e) (emphasis added).

3. In ruling upon requests pursuant to Section 101.500(e), the Board has cited as relevant its decision in *In the Matter of Ford Motor Company for Adjusted Standard*, PCB AS 91-2, slip opinion at 2, (February 28, 1991) (stating that where a filing is late, the Board may "justifiably find that any prejudice . . . is self imposed . . ."). See *Nash v. Jimenez*, PCB 07-97, slip opinion at 3 (August 19, 2010).

4. Respondents' suggestion that Complainant's Response to the Motion to Reconsider includes certain statements "to which a brief reply by Respondents is appropriate" (Motion for Leave at p. 2) does not support a finding of "material prejudice."

5. Respondents' inability to file further pleadings in this case is the result of their own dilatory conduct.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully objects to the Motion for Leave to File Reply.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY: 

RAYMOND J. CALLERY  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

Dated: September 19, 2013.

**CERTIFICATE OF SERVICE**

I hereby certify that I did on September 20, 2013, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and COMPLAINANT'S OBJECTION TO RESPONDENTS' MOTION FOR LEAVE TO REPLY TO COMPLAINANT'S RESPONSE TO MOTION TO RECONSIDER AND MODIFY BOARD ORDER upon the persons listed on the Service List.

A handwritten signature in black ink, appearing to read "Raymond J. Callery", written over a horizontal line.

Raymond J. Callery  
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

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