

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

METROPOLITAN PIER AND EXPOSITION)
AUTHORITY, an Illinois municipal corporation,)
)
Petitioner,) PCB 10-73
) (UST Fund Appeal)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY, an Illinois state agency,)
)
Respondent.)

NOTICE OF AGREED MOTION

To: Bradley P. Halloran Hearing Officer Illinois Pollution Control Board 100 W. Randolph St., Suite 11-500 Chicago, IL 60601	John Therriault Assistant Clerk Illinois Pollution Control Board 100 W. Randolph Street, Suite 11-500 Chicago, IL 60601-3218
James G. Richardson, Esq. Assistant Counsel Illinois Environmental Protection Agency P.O. Box 19276 1021 North Grand Avenue, East Springfield, IL 62794-9276	Gerald T. Karr Senior Assistant Attorney General Office of the Attorney General Environmental Bureau North 69 West Washington Street, Suite 1800 Chicago, IL 60602

PLEASE TAKE NOTICE that on December 14, 2010 the undersigned filed with the Clerk of the Illinois Pollution Control Board, via the Clerk's Office On-Line (COOL) System, Metropolitan Pier and Exposition Authority's *Second Agreed Motion to Supplement the Record* in the above-entitled cause, a copy of which is attached hereto.

Respectfully submitted,
By: Emily N. Masalski
One of the attorneys for Petitioner, Metropolitan Pier and
Exposition Authority, an Illinois municipal corporation

Kenneth W. Funk, Esq.
Karen Kavanagh Mack, Esq.
Emily N. Masalski, Esq.
Deutsch, Levy & Engel, Chartered
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SECOND AGREED MOTION TO SUPPLEMENT THE RECORD

NOW COMES Petitioner, Metropolitan Pier and Exposition Authority ("MPEA"), by its attorneys, Deutsch, Levy & Engel, Chartered, pursuant to Sections 101.500 and 101.502 of the Illinois Pollution Control Board's (the "Board") Rules, moves the Board and/or the Hearing Officer to supplement the Administrative Record filed by the Illinois Environmental Protection Agency (the "Agency") on or about July 26, 2010, in this matter. In support thereof, MPEA states as follows:

1. On June 25, 2010, MPEA filed the underlying Petition for Review of Underground Storage Tank Fund Reimbursement Determination in response to the Agency's denial of the MPEA's reimbursement request from the underground storage tank fund for corrective action costs incurred by MPEA.

2. On July 26, 2010, the Agency filed a Motion for Leave to File a Reduced Number of Copies of Record, along with a copy of the Administrative Record.

3. MPEA did not object to the Agency's motion; however, upon information and belief, the Administrative Record is not complete and should be supplemented.

4. The Administrative Record submitted by the Agency does not contain certain critical correspondence between the Agency to MPEA. In particular, the Reimbursement

application from MPEA to the Agency dated December 14, 2007 (Exhibit I) is missing from the Administrative Record.

5. MPEA is not aware of any reason why this document was not included in the Agency's submission, as it is clear it is a material document relating to this matter. The Agency had or should have had copies of the Reimbursement application, as on information and belief, they received copies during the course of the underlying remediation.

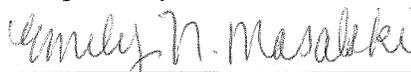
6. Thus, MPEA moves the Board and/or the Hearing Officer to supplement the Administrative Record as it is incomplete and failure to do so would greatly prejudice MPEA. MPEA asks the Board to include the document set forth in Paragraph 4 in the Administrative Record.

7. It is appropriate and necessary in the interests of justice that the Board and/or the Hearing Officer grant MPEA's Motion to Supplement the Record and include the document set forth in paragraph 4 above, a copy of which is attached hereto as Exhibit I.

8. Counsel for Petitioner conferred with Counsel for Respondent who has confirmed that Respondent has no objection to Petitioner's Second Agreed Motion to Supplement the Record.

Respectfully submitted,

By:

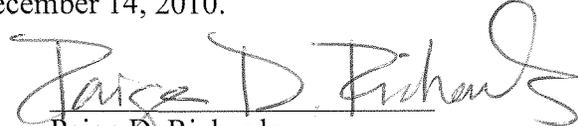


One of the attorneys for Petitioner
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CERTIFICATE OF SERVICE

I, Paige D. Richards, a non-attorney, certify that I served a copy of the attached Notice of Motion and Metropolitan Pier and Exposition Authority's *Second Agreed Motion to Supplement the Record* upon the above-named persons at the addresses there stated by causing true and correct copies thereof to be placed in a properly addressed envelopes with proper postage affixed and by depositing said envelopes in a U.S. Post Office Mail Box at 225 West Washington Street, Chicago, Illinois 60606, prior to 5:00 p.m. on December 14, 2010.


Paige D. Richards