

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHICAGO COKE CO., INC., an Illinois corporation,)	
)	
)	
Petitioner,)	PCB 10-75
)	(Permit Appeal – Air)
v.)	
)	
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
)	
Respondent.)	

NOTICE OF FILING

TO:	John Therriault, Assistant Clerk Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 (via electronic mail)	Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board 100 West Randolph, Suite 11-500 Chicago, Illinois 60601
	Michael J. Maher Elizabeth Harvey Erin E. Wright Swanson, Martin & Bell, LLP 330 North Wabash Avenue, Suite 3300 Chicago, Illinois 60611	Ann Alexander Shannon Fisk Natural Resources Defense Council 2 North Riverside Plaza, Suite 2250 Chicago, Illinois 60606

PLEASE TAKE NOTICE that on the 15th day of February, 2011, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Motion for Leave to Reply, a copy of which is hereby served upon you.

Respectfully submitted,

LISA MADIGAN,
Attorney General of the
State of Illinois

By: 
ANDREW B. ARMSTRONG
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0660

CERTIFICATE OF SERVICE

I, ANDREW B. ARMSTRONG, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached Notice of Filing and Motion for Leave to Reply and caused them to be served this 15th day of February, 2011 upon the persons listed on the foregoing Notice of Filing by depositing true and correct copies of same in an envelope, postage prepaid, with the United States Postal Service at 69 West Washington Street, Chicago, Illinois, unless otherwise noted on the Notice of Filing.


ANDREW B. ARMSTRONG

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

ROSEMARIE CAZEAU, Chief
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BY: *Andrew Armstrong*
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CHICAGO COKE CO., INC.,
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v.

THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

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PCB 10-75
(Permit Appeal)

REPLY TO PETITIONER'S RESPONSE
IN OPPOSITION TO MOVANT'S MOTION TO INTERVENE

Respondent, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, hereby replies in response to Petitioner's Response in Opposition to Movant's Motion for Leave to Intervene ("Response"). Respondent states as follows:

Respondent notes that Petitioner's Response in Opposition to Movant's Motion for Leave to Intervene sets forth several inaccurate statements regarding the basis of the decision set forth in Respondent's February 22, 2010 letter to Petitioner. Respondent has never taken the position that offsets are never available from permanently shutdown facilities. Respondent has taken the position—as is reflected in its February 22, 2010 letter and Petitioner's earlier correspondence to Respondent—that offsets were unavailable from the facility owned by Petitioner under the circumstances applicable to that facility, namely that it was permanently shutdown, and had been so since February 2002. Respondent's position stood in contrast to Petitioner's earlier contentions that the facility *was not* permanently shutdown, and that Petitioner somehow had continued to "operate" a facility that had been shuttered for almost a decade. Respondent will address these issues in greater detail during the hearing of this matter.

THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY, by

LISA MADIGAN,
Attorney General of the
State of Illinois

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