

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

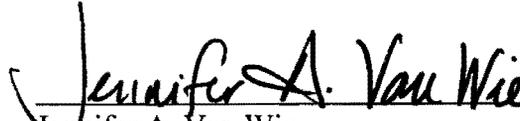
NACME STEEL PROCESSING, LLC,)
)
) Petitioner,)
)
) v.)
) PCB 13-7
) (CAAPP Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
) Respondent.)

NOTICE OF FILING

To: See attached service list
 (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board by electronic filing the following Respondent's Motion for Leave to Reply, a copy of which is attached and hereby served upon you.

LISA MADIGAN
Attorney General
State of Illinois


Jennifer A. Van Wie
On behalf of AAG Nancy Tikalsky

Dated: October 12, 2012

Jennifer A. Van Wie
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Service List

For the Petitioner

Edward V. Walsh, III
ReedSmith, LLP
10 South Wacker Drive, Suite 4000
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Illinois Pollution Control Board

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NACME STEEL PROCESSING, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 13-7
)	(CAAPP Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

RESPONDENT'S MOTION FOR LEAVE TO REPLY

Respondent, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, hereby respectfully seeks leave to file a reply to NACME's Response to IEPA's Motion to Dismiss NACME's Amended Petition for Hearing ("Response"). In support of its Motion, Respondent states as follows:

Section 101.500(e) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.500(e), allows for a reply by a movant in order to avoid prejudice. Petitioner's Response contains multiple factual and legal mischaracterizations of the Respondent's position both in this matter and in *People v. NACME Steel Processing, LLC*, PCB 13-12, which need to be corrected.

The Respondent requests leave to file its reply by October 26, 2012.

WHEREFORE, Respondent, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, respectfully seeks leave to file the Respondent's Reply to NACME's Response to IEPA's Motion to Dismiss NACME's Amended Petition for Hearing by October 26, 2012.

Respectfully Submitted,

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY:


JENNIFER A. VAN WIE

On behalf of AAG Nancy Tikalsky
Assistant Attorney General
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CERTIFICATE OF SERVICE

I, JENNIFER A. VAN WIE, an Assistant Attorney General, certify that on the 12th day of October 2012, I caused to be served by First Class U.S. Mail the foregoing Notice of Filing and Respondent's Motion for Leave to Reply to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



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