## Electronic Filing: Received, Clerk's Office 07/08/2021

## BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

PARKER'S GAS & MORE, INC.	)	
Petitioner,	)	
v.	)	PCB 2019-079
	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

#### **NOTICE OF FILING AND PROOF OF SERVICE**

TO: Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 N. Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274 (carol.webb@illinois.gov) Melanie Jarvis Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276 (melanie.jarvis@illinois.gov)

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, Petitioner's Response in Opposition to Illinois EPA's Motion for Leave to File Reply, copies of which are herewith served upon the above persons.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the documents described above, were today served upon the Hearing Officer and Division of Legal Counsel by electronic-mail, this 8<sup>th</sup> day of July, 2021. The number of pages of this filing, other than exhibits, is 3.

Respectfully submitted,

PARKER'S GAS & MORE, INC. Petitioner,

- BY: LAW OFFICE OF PATRICK D. SHAW
- BY: /s/ Patrick D. Shaw

Patrick D. Shaw LAW OFFICE OF PATRICK D. SHAW 80 Bellerive Road Springfield, IL 62704 217-299-8484 pdshaw11aw@gmail.com

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## PETITIONER'S RESPONSE TO ILLINOIS EPA'S MOTION FOR LEAVE TO FILE REPLY

NOW COMES Petitioner, PARKER'S GAS & MORE, INC., by its undersigned counsel, responds to Illinois EPA's Cross Motion for Summary Judgment pursuant to Section 101.500(D) of the Board's Procedural Rules (35 Ill. Adm. Code § 101.500(D)), stating as follows:

- 1. On June 24, 2021, Illinois EPA filed a motion for leave to file reply stating that important and material prejudice may result if the Illinois EPA is not allowed to reply.
  - 2. This conclusory claim is unsupported by any factual averments by which the

potential presence of material prejudice could be ascertained as required by the Board's procedural rules. 35 Ill. Adm. Code § 101.500(e).

3. The Reply itself does not contain citation to any new facts in the administrative record or new legal authorities, but simply rearguement.

4. The reargument merely attempts to obscure that there is not any actual supporting documentation lacking, certainly not the fictitious transaction concocted by the Agency.

WHEREFORE, Petitioner prays for an order denying the Illinois EPA's Motion for Leave to File Reply, and for such other and further relief as the Board deems meet and just. Electronic Filing: Received, Clerk's Office 07/08/2021

PARKER'S GAS & MORE, INC., Petitioner

By its attorneys, LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

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