

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

UNITED STATES STEEL CORPORATION,	)	
	)	
	)	
Petitioner,	)	PCB No. 2024-077
	)	
v.	)	(Permit Appeal - Air)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

**TO: Attached Service List Via Email**

PLEASE TAKE NOTICE THAT today I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the "COOL" System, the Respondent's Response to American Bottom Conservancy's Motion to Intervene, true and correct copy of which is attached hereto and hereby served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY,

By: /s/ Ellen F. O'Laughlin  
Ellen F. O'Laughlin  
Supervising Attorney  
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[Ellen.Olaughlin@ilag.gov](mailto:Ellen.Olaughlin@ilag.gov)

Dated: July 12, 2024

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**CERTIFICATE OF SERVICE**

I, Ellen F. O'Laughlin, an Assistant Attorney General, caused to be served on this 12th day of July 2024, a true and correct copies of the Notice of Filing and Respondent's Response to American Bottom Conservancy's Motion to Intervene, upon the persons listed on the Service List via electronic mail with return receipt.

/s/ Ellen F. O'Laughlin

Ellen F. O'Laughlin

Supervising Attorney

Environmental Bureau

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

UNITED STATES STEEL CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 24-77
	)	(Permit Appeal-Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY	)	
	)	
Respondent.	)	

**RESPONSE TO AMERICAN BOTTOM CONSERVANCY’S MOTION TO INTERVENE**

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by KWAME RAOUL, Attorney General of the State of Illinois, and hereby submits its response to the Motion to Intervene (“Motion”) by American Bottom Conservancy (“ABC”), and states, as follows.

1. Petitioner filed the instant appeal on June 12, 2024. On July 8, 2024, ABC filed its Motion. Prior to filing the Motion, counsel for ABC asked counsel for Illinois EPA and counsel for United States Steel Corporation (“US Steel”) if they opposed the Motion.

2. Although Illinois EPA acknowledged the request, it did not substantively inform ABC of its position prior to ABC filing its Motion. (After filing its Motion, ABC acknowledged to the parties that it mixed up Illinois EPA’s and US Steel’s respective positions and offered to correct it.)

3. For the sake of clarity, Illinois EPA states that it does not object to ABC’s intervention in this matter but as was previously ordered by the Board in 2013-53, ABC’s intervention should be limited and only as authorized by Illinois law. “ABC is bound by Board and hearing officer orders already issued or by evidence already admitted; ABC does not control

any decision deadline; and ABC cannot raise issues that were not raised or might more properly have been raised at an earlier stage in the proceeding. See 35 Ill. Adm. Code 101.402(e).” *US Steel v Illinois EPA*, 2013-53, Order November 21, 2013, p. 5.

4. Illinois EPA statements above and lack of objection to ABC’s Motion in no way responds to the statements plead by ABC in its Motion, nor does Illinois EPA address the merits or accuracy of any statements made by ABC in its Motion. Illinois EPA reserves all rights in this matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

by KWAME RAOUL  
Attorney General of the  
State of Illinois

*/s/ Ellen F. O’Laughlin*

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