

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

PRIME LOCATION PROPERTIES, LLC,     )  
  Petitioner,     )  
  v.                             )     PCB 09-67  
  )     (LUST Permit Appeal)  
ILLINOIS ENVIRONMENTAL             )  
PROTECTION AGENCY,                 )  
  Respondent.     )

**NOTICE OF FILING AND PROOF OF SERVICE**

To:     John T. Therriault, Acting Clerk  
          Illinois Pollution Control Board  
          100 West Randolph Street  
          State of Illinois Building, Suite 11-500  
          Chicago, IL 60601

          Carol Webb  
          Hearing Officer  
          Illinois Pollution Control Board  
          1021 North Grand Avenue East  
          P.O. Box 19274  
          Springfield, Illinois 62794-9274

          Thomas Davis  
          Assistant Attorney General  
          500 S. Second Street  
          Springfield, IL 62706

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a MOTION FOR LEAVE TO FILE REPLY, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 21<sup>st</sup> day of July, 2009.

Respectfully submitted,  
PRIME LOCATION PROPERTIES, LLC, Petitioner

BY:     MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY:     /s/ Patrick D. Shaw

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PRIME LOCATION PROPERTIES, LLC,	)	
Petitioner,	)	
	)	
v.	)	PCB No. 09-67
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

**MOTION FOR LEAVE TO FILE REPLY**

NOW COMES Prime Location Properties, LLC, by its undersigned counsel,  
and moves the Board for leave to file a reply in this matter, stating as follows:

1. On July 13, 2009, Petitioner filed a Reply Brief in this matter under the mistaken apprehension that the briefing schedule in this matter contemplated filing a reply brief within seven (7) days after the Agency's response brief.
2. While there is no procedural rule specifically on point, Section 101.500(e) of the Board's Procedural Rules states that a motion for leave to file a reply must be filed with the Board within fourteen (14) days after the service of the response. 35 Ill.Admin.Code §101.500(e) (motion practice).
3. Accordingly Petitioner asks for leave to file the reply that has already been "filed" with the Board. Petitioner submits that reply briefs in general serve worthwhile functions to clarify issues and respond to arguments that the Petitioner did not have an opportunity to address in the initial brief. It is Petitioner's understanding that a reply brief was not scheduled in this matter primarily due to the decision deadline in this case, August 6, 2009, which required the briefing schedule be kept short. Contemporaneously with the filing of this Motion, Petitioner is

filing a waiver of decision deadline to August 20, 2009.

4. Petitioner believes it would suffer prejudice in this case if not allowed to file the reply to the arguments raised in the Agency's response brief.

WHEREFORE, Petitioner prays for an Order authorizing the filing of the Reply Brief previously filed in this matter on July 13, 2009, and for such other and further relief as the Board deems meet and just.

Respectfully submitted,

PRIME LOCATION PROPERTIES, LLC,  
Petitioner,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI,  
its attorneys

BY: /s/ Patrick D. Shaw  
Patrick D. Shaw

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