

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CHICAGO COKE CO., INC., an Illinois  
corporation,

Petitioner,

v.

THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

PCB 10-75  
(Permit Appeal – Air)

**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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHICAGO COKE CO., INC.,  
an Illinois corporation,

Petitioner,

v.

THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB 10-75  
(Permit Appeal)

**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 Petitioner's Response in Opposition to Movant's Motion for Leave to Intervene.

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. Respondent seeks to correct a misstatement by Petitioner regarding the February 22, 2010 letter from Respondent to Petitioner that is the subject of this appeal.


WHEREFORE, Respondent, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, respectfully seeks leave to file the attached Reply to Petitioner's Response in Opposition to Movant's Motion to Intervene.

THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY, by

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

ROSEMARIE CAZEAU, Chief  
Environmental Bureau

BY:   
ANDREW B. ARMSTRONG  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, 18th Floor  
Chicago, Illinois 60602  
Tel: (312) 814-0660

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHICAGO COKE CO., INC.,  
an Illinois corporation,

Petitioner,

v.

THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

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

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

ROSEMARIE CAZEAU, Chief  
Environmental Bureau

BY:



ANDREW B. ARMSTRONG  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, 18th Floor  
Chicago, Illinois 60602  
Tel: (312) 814-0660