

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 99-134
)	(Enforcement - Water)
HERITAGE COAL COMPANY, L.L.C.)	
(f/k/a PEABODY COAL COMPANY)	
L.L.C.),)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on April 21, 2011, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, COMPLAINANT'S RESPONSE TO REQUEST FOR LEAVE TO REPLY, copies of which are attached hereto and herewith served upon you.

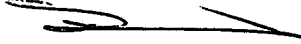
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: _____


THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: April 21, 2011

CERTIFICATE OF SERVICE

I hereby certify that I did on April 21, 2011, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and COMPLAINANT'S RESPONSE TO REQUEST FOR LEAVE TO REPLY upon the persons listed on the Service List.



THOMAS DAVIS, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Stephen F. Hedinger
Sorling, Northrup, Hannah, Cullen & Cochran
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Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, #11-500
100 West Randolph Street
Chicago, IL 60601

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PEOPLE OF THE STATE OF ILLINOIS,)	
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HERITAGE COAL COMPANY, LLC, f/k/a)	
PEABODY COAL COMPANY, LLC,)	
)	
Respondent.)	

COMPLAINANT'S RESPONSE TO REQUEST FOR LEAVE TO REPLY

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, and responds to the Respondent's request for leave to reply pursuant to Section 101.500(e) of the Board's Procedural Rules. The Complainant acknowledges the importance of the legal issues raised by the Motion for Summary Judgment. The Respondent's challenge to the legal applicability of the Part 620 standards to its mining activities as alleged in Count III of the People's Third Amended Complaint requires "case of first impression" rulings by the Board and the Complainant has filed a comprehensive response to the Motion for Summary Judgment.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully does not object to this request for leave to file a reply.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General of the State of Illinois

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

BY: 

THOMAS DAVIS
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500 South Second Street
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Dated: 4/21/11