

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

PEOPLE OF THE STATE OF ILLINOIS )  
ex rel. LISA MADIGAN, Attorney General )  
of the State of Illinois )  
 ) PCB 2008-007  
Complainant, )  
 )  
vs. ) **VIA ELECTRONIC FILING**  
 )  
UNION PACIFIC RAILROAD COMPANY, )  
a Delaware corporation, )  
 )  
Respondent. )

**NOTICE OF FILING**

John Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

Zemeheret Bereket-Ab  
Assistant Attorney General  
Environmental Bureau North  
69 West Washington Street, Suite 1800  
Chicago, IL 60602

Bradley P. Halloran  
Hearing Officer  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

W. Lee Hammond  
Union Pacific Railroad Company  
1400 Douglas Street, Stop 1080  
Omaha, NE 68179

Please take notice that today, November 6, 2009, I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing Union Pacific Railroad Company's Motion for Leave to File a Reply in Support of Motion for Reconsideration, along with Notice of Filing and Certificate of Service, a copy of which is attached hereto and served upon you.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: /s/ Thomas A. Andreoli  
Attorneys for Respondent  
Union Pacific Railroad Company

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**CERTIFICATE OF SERVICE**

I, Thomas A. Andreoli, an attorney, hereby certify that I caused a copy of Union Pacific Railroad Company's Motion for Leave to File a Reply in Support of Motion for Reconsideration, along with Notice of Filing and Certificate of Service, to be served upon the service list on November 6, 2009, by regular mail.

/s/ Thomas A. Andreoli  
Thomas A. Andreoli

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**MOTION FOR LEAVE TO FILE A REPLY  
IN SUPPORT OF MOTION FOR RECONSIDERATION**

Union Pacific Railroad Company (“Union Pacific”) hereby respectfully moves the Illinois Pollution Control Board (the “Board”), pursuant to 35 Ill. Admin. Code § 101.500(e), for leave to file a Reply in support of its Motion for Reconsideration of the Board’s August 20, 2009 Order (“Order”), which denied Union Pacific’s Motion to Sever to the State’s claims and to require the State to re-file separate actions for each of the two unrelated alleged releases addressed in the Complaint. A Reply is necessary to prevent material prejudice to Union Pacific, because the Response filed by the State to the Motion for Reconsideration (1) contains inaccurate statements relating to the new evidence now before the Board; (2) misstates the Complaint’s allegations and the facts as they are known related to the alleged November 2005 release at the Proviso Yard and the alleged February 2006 release at the Global II intermodal facility; and (3) again fails to provide a proper foundation for the hearsay document offered in opposition to the Motion to Sever. The State’s Response also contains highly prejudicial language and argument that is simply inappropriate in connection with the Motion for Reconsideration or in

any other context before the Board. Union Pacific also has filed its proposed Reply in Support of its Motion for Reconsideration, which is incorporated by reference herein.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Illinois Pollution Control Board grant its Motion for Leave to File a Reply in Support of Its Motion for Reconsideration.

Dated: November 6, 2009

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: /s/ Thomas A. Andreoli  
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Union Pacific Railroad Company

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