

ILLINOIS POLLUTION CONTROL BOARD  
July 15, 2010

|                        |   |                       |
|------------------------|---|-----------------------|
| CHICAGO COKE COMPANY,  | ) |                       |
|                        | ) |                       |
| Petitioner,            | ) |                       |
|                        | ) |                       |
| v.                     | ) | PCB 10-75             |
|                        | ) | (Permit Appeal - Air) |
| ILLINOIS ENVIRONMENTAL | ) |                       |
| PROTECTION AGENCY,     | ) |                       |
|                        | ) |                       |
| Respondents.           | ) |                       |

ORDER OF THE BOARD (by G.T. Girard):

On June 11, 2010, the Illinois Environmental Protection Agency (IEPA) filed a motion to vacate the stay and dismiss the petition for review filed by Chicago Coke Company (Chicago Coke). On June 28, 2010, Chicago filed a response to the motion. On June 30, 2010 IEPA filed a motion for leave to file a reply, but a reply was not attached. On July 6, 2010 Chicago Coke filed a response to the motion for leave to file a reply asking that if the motion were granted that Chicago Coke be allowed to file a surreply. Chicago Coke argues that Chicago Coke will be prejudiced if not allowed to file a surreply. On July 12, 2010, IEPA file a reply and a response to the motion to file a surreply. IEPA argues that the Board's procedural rules do not contain a provision granting surreplies.

The Board grants the motion to file a reply and accepts the reply. The Board also grants the motion to file a surreply which is due by July 22, 2010. Although the Board's procedural rules do not contain provisions concerning surreplies, the Board has granted such requests in the past and finds that Chicago Coke may be prejudiced if a surreply is not allowed.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 15, 2010, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board