

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 03 2004

In re: Prairie-Materials Sales, Inc.'s)
Petition for an Adjusted Standard)
from 35 Ill. Adm. Code Parts 811) No.: AS 01-10
and 814.)
)
)

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: Michael F. Dolan Paul Jagiello Bradley P. Halloran
Jane K. Murphy Associate Counsel Hearing Officer
Jones, Day, Reavis & Pogue Illinois EPA Pollution Control Board
77 West Wacker Drive 9511 West Harrison James R. Thompson Center
Chicago, IL 60601-1692 Des Plaines, IL 60016 100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed the Illinois Attorney General's Office's Motion for Leave to File an Amicus Curiae Brief and to be Included on Service List with the Office of the Clerk of the Illinois Pollution Control Board, a true and correct copy of which is herewith served upon you.

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

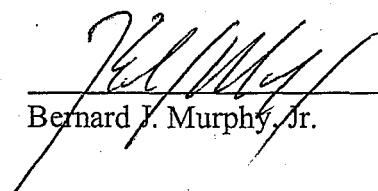
BY: 

Bernard J. Murphy, Jr., Asst. Chief
Assistant Attorney General
Environmental Bureau/North
188 West Randolph Street, Suite 2001
Chicago, Illinois 60601
Tel: (312)814-3908
Fax: (312)814-2347

CERTIFICATE OF SERVICE

I, the undersigned, certify that I caused to be served the attached Illinois Attorney General's Office's Motion for Leave to File an Amicus Curiae Brief and to be Included on Service List by First Class Mail, postage prepaid upon each of the persons listed on the Notice of Filing on May 3, 2004.

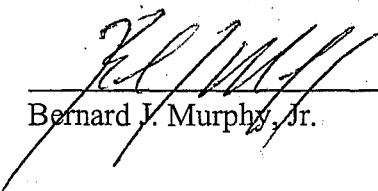
BY:


Bernard J. Murphy, Jr.

I, the undersigned, also certify that I caused to be served the Illinois Attorney General's Office's Motion for Leave to File an Amicus Curiae Brief and to be Included on Service List plus nine (9) copies of the same by hand-delivery upon the following person on May 3, 2004:

Pollution Control Board, Attention: Clerk
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

BY:


Bernard J. Murphy, Jr.

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Illinois Attorney General's Office's Motion for Leave to File
an Amicus Curiae Brief and to be Included on Service List

NOW COMES Movant, ILLINOIS ATTORNEY GENERAL'S OFFICE, and pursuant to 35 Ill. Adm. Code Section 101.110(c), moves the Illinois Pollution Control Board ("Board") to grant it leave to file an amicus curiae brief in connection with these adjusted standard proceedings and to be included on the proceedings' service list. In support of this Motion, Movant states as follows:

The Illinois Attorney General's Office is an interested person in connection with these proceedings by virtue of the fact that it is prosecuting a civil enforcement action against petitioner in Lee County Circuit Court, styled People v. Dixon-Marquette Cement, et al., case no. 00 CH 68. That civil enforcement action concerns the same site that is the subject of these proceedings. The relief requested by petitioner in these proceedings may affect the relief the State is seeking in that circuit court action. By virtue of those facts, the Illinois Attorney General's Office has a vested interest in the outcome of these proceedings and is thus an interested person as that term is used in 35 Ill. Adm. Code 101.110(c).

WHEREFORE, Movant, Illinois Attorney General's Office, respectfully requests that the Board issue an order granting it leave to file an amicus brief in the adjusted standard proceedings within 90 days and directing the hearing officer to include Assistant Attorney General Bernard J. Murphy, Jr. of the Illinois Attorney General's Office's Environmental Bureau North, 188 W.

Randolph Street, 20th Floor, Chicago, Illinois 60601, on the Service List for any and all orders, notices or other pleadings that are hereafter filed in this matter or issued by the Board to the parties herein.

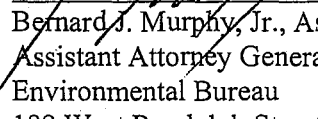
Respectfully submitted,

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

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

ROSEMARIE CAZEAU, Chief
Environmental Bureau

By:


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Assistant Attorney General
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188 West Randolph Street, 20th Floor
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(312) 814-3908

DATE: May 3, 2004