

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

Petitioner,

v.

THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

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PCB 10-75  
(Permit Appeal – Air)

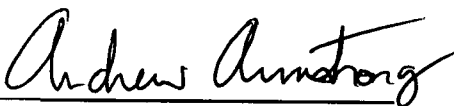
**NOTICE OF FILING**

TO: Michael J. Maher  
Elizabeth Harvey  
Erin E. Wright  
Swanson, Martin & Bell, LLP  
330 North Wabash Avenue, Suite 3300  
Chicago, Illinois 60611

PLEASE TAKE NOTICE that on the 30th day of June, 2010, 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

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**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 Motion to Dismiss.

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. Petitioner's Response in Opposition to Respondent's Motion to Dismiss contains multiple mischaracterizations of Respondent's arguments that warrant clarification. As one example of several, Petitioner mistakenly characterizes Respondent's Motion to Dismiss Petition for Review ("Motion") as contending that the Board "may hear only 'traditional' permit appeals." (Resp. at 3.) This is not a fair reading of any statement within Respondent's Motion, and prejudice might result absent an opportunity for Respondent to dispute Petitioner's mischaracterizations in a formal reply. Respondent will file its proposed reply brief within fourteen (14) days after Petitioner's service of its Response.

WHEREFORE, Respondent, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, respectfully seeks leave to file a Reply to Petitioner's Response in Opposition to Motion to Dismiss within fourteen (14) days after Petitioner's service of its Response.

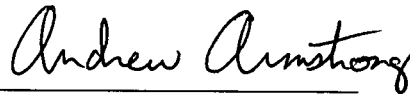
THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY, by

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

**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 foregoing Notice of Filing and Motion for Leave to Reply and caused them to be served this 30th day of June, 2010 upon the persons listed on the foregoing Notice of Filing by depositing true and correct copies of same in an envelope, certified mail postage prepaid, with the United States Postal Service at 69 West Washington Street, Chicago, Illinois.

  
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ANDREW B. ARMSTRONG