

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: John Therriault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(via electronic mail)

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

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


Ann Alexander
Shannon Fisk
Natural Resources Defense Council
2 North Riverside Plaza, Suite 2250
Chicago, Illinois 60606

PLEASE TAKE NOTICE that on the 1st day of February, 2011, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Response to Motion for Leave to Intervene Filed by Natural Resources Defense Council and Sierra Club, 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

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 attached Notice of Filing and Response to Motion for Leave to Intervene Filed by Natural Resources Defense Council and Sierra Club and caused them to be served this 1st day of February, 2011 upon the persons listed on the foregoing Notice of Filing by depositing true and correct copies of same in an envelope, postage prepaid, with the United States Postal Service at 69 West Washington Street, Chicago, Illinois, unless otherwise noted on the Notice of Filing.



ANDREW B. ARMSTRONG

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 10-75
(Permit Appeal)

**RESPONDENT'S RESPONSE TO MOTION FOR LEAVE TO INTERVENE
FILED BY NATURAL RESOURCES DEFENSE COUNCIL AND SIERRA CLUB**

Respondent, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, hereby responds to the Motion for Leave to Intervene filed by Natural Resources Defense Council and Sierra Club ("Movants") on January 14, 2011. In response to the Motion, Respondent states as follows:


Respondent does not object to Movants' intervention in this action. However, Respondent's lack of an objection to Movants' intervention should not be construed as an endorsement of any particular argument made within the Motion for Leave to Intervene. In addition, Respondent notes that some of the arguments that Movants outline in their Motion for Leave to Intervene appear to raise issues that are outside of the scope of the matters set forth in the Petition for Review. Respondent requests that the Board's review in this matter be limited to the issues set forth in the Petition for Review. *See United States Steel Corp. v. IEPA*, PCB 10-23, slip. op. at 8 (December 3, 2009) (citing Board's "long-held view that allowing intervenor status does not enlarge the scope of review") (citation and internal quotation marks omitted).

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:


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DATE: February 1, 2011