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JUN 13 2011

**STATE OF ILLINOIS**  
**Pollution Control Board**

PCB 10-75  
(Permit Appeal)

ORIGINAL

NATURAL RESOURCE DEFENSE  
COUNCIL and SIERRA CLUB,

## **NOTICE OF FILING**

PLEASE TAKE NOTICE that on the 13th day of June, 2011, I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Administrative Record and Motion for Leave to File Reduced Number of Copies of Record, a copy of which is hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:

Andrew B. Armstrong  
Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
69 West Washington Street, 18th Floor  
Chicago, Illinois 60602  
(312) 814-0660

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Pollution Control Board

**CERTIFICATE OF SERVICE**

I, ANDREW B. ARMSTRONG, do certify that I filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Notice of Filing, Administrative Record, and Motion for Leave to File Reduced Number of Copies of Record, and caused them to be served this 13th day of June, 2011 upon the persons listed on the attached Service List 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



**SERVICE LIST**  
**(PCB 10-75 (Permit Appeal))**

John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

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

Michael J. Maher  
Elizabeth Harvey  
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Chicago, Illinois 60611

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

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PCB 10-75  
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**ORIGINAL**

NATURAL RESOURCE DEFENSE  
COUNCIL and SIERRA CLUB,

**MOTION FOR LEAVE TO FILE**  
**REDUCED NUMBER OF COPIES OF RECORD**

1. Section 101.302(h)(2) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.302(h)(2), states that the Illinois EPA is to file a signed original and four duplicate copies of the record.

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3. Communication with the Board Clerk's Office indicated that the Board may be agreeable to accepting an original, two duplicate hard copies, and two duplicate copies on compact discs, in lieu of the required original and four duplicate hard copies.

WHEREFORE, on the foregoing grounds and for the foregoing reasons, Respondent respectfully requests leave to file a reduced number of copies, that being an original, two duplicate hard copies and two duplicate copies on compact disc, of the record in this matter.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Andrew Armstrong

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Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
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**STATE OF ILLINOIS**  
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Respondent,

**ORIGINAL**

## ADMINISTRATIVE RECORD

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

Andrew Armstrong

Andrew B. Armstrong  
Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau  
69 West Washington Street  
18th Floor  
Chicago, Illinois 60602  
(312) 814-0660

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Pollution Control Board

**Privilege Log -  
Chicago Coke Co., Inc. v. IEPA  
(PCB 10-75) (Permit Appeal)**

Bates Number	Date of Document	Document Description	From/by	To	Claim of Privilege
1536	05/25/07	Email re: emission offsets	Robert Smet, Permit Engineer, IEPA Bureau of Air	Laurel Kroack, Bureau Chief, IEPA Bureau of Air; Chris Romaine, Manager, Construction Unit, Permitting Section, IEPA Bureau of Air; and John Kim, Manager, Air Regulatory Unit, IEPA Division of Legal Counsel	Deliberative Process
1545-1547	06/01/07	Handwritten notes regarding meeting between Illinois EPA and representatives of Chicago Coke and Leucadia	John Kim, Manager, Air Regulatory Unit, IEPA Division of Legal Counsel		Deliberative Process; Attorney Work Product
1548	06/15/07	Handwritten notes regarding internal Illinois EPA meeting re: emission offsets	John Kim, Manager, Air Regulatory Unit, IEPA Division of Legal Counsel		Deliberative Process; Attorney Work Product
1550	02/15/07	Email re: emission offsets	Robert Smet, Permit Engineer, IEPA Bureau of Air	Laurel Kroack, Bureau Chief, IEPA Bureau of Air	Deliberative Process

**ORIGINAL**

**Privilege Log -  
Chicago Coke Co., Inc. v. IEPA  
(PCB 10-75) (Permit Appeal)**

<b>Bates Number</b>	<b>Date of Document</b>	<b>Document Description</b>	<b>From/by</b>	<b>To</b>	<b>Claim of Privilege</b>
1562	06/16/07	Email re: emission offsets	Robert Smet, Permit Engineer, IEPA Bureau of Air	Laurel Kroack, Bureau Chief, IEPA Bureau of Air; Chris Romaine, Manager, Construction Unit, Permitting Section, IEPA Bureau of Air; and John Kim, Manager, Air Regulatory Unit, IEPA Division of Legal Counsel	Deliberative Process; Attorney - Client



**Privilege Log -  
Chicago Coke Co., Inc. v. IEPA  
(PCB 10-75) (Permit Appeal)**

<b>Bates Number</b>	<b>Date of Document</b>	<b>Document Description</b>	<b>From/by</b>	<b>To</b>	<b>Claim of Privilege</b>
1563	08/14/07	Email re: emission offsets	Robert Smet, Permit Engineer, IEPA Bureau of Air	Laurel Kroack, Bureau Chief, IEPA Bureau of Air; Chris Romaine, Manager, Permitting Section, IEPA Bureau of Air; John Kim, Manager, Air Regulatory Unit, IEPA Division of Legal Counsel; Ed Bakowski, Manager, Permitting Section, IEPA Bureau of Air; Sally Carter, Assistant Counsel, IEPA Division of Legal Counsel; and Vicky VonLanken Assistant, Bureau of Air	Deliberative Process; Attorney - Client

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Chicago Coke Co., Inc. v. IEPA  
(PCB 10-75) (Permit Appeal)**

<b>Bates Number</b>	<b>Date of Document</b>	<b>Document Description</b>	<b>From/by</b>	<b>To</b>	<b>Claim of Privilege</b>
1565	11/08/07	Email re: emission offsets	Robert Smet, Permit Engineer, IEPA Bureau of Air	Laurel Kroack, Bureau Chief, IEPA Bureau of Air; Chris Romaine, Manager, Construction Unit, Permitting Section, IEPA Bureau of Air; Rob Kaleel, Manager, Air Quality Planning Section, IEPA Bureau of Air; and Ed Bakowski, Manager, Permitting Section, IEPA Bureau of Air	Deliberative Process

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Chicago Coke Co., Inc. v. IEPA  
(PCB 10-75) (Permit Appeal)**

<b>Bates Number</b>	<b>Date of Document</b>	<b>Document Description</b>	<b>From/by</b>	<b>To</b>	<b>Claim of Privilege</b>
1566-1567	06/25/08	Email re: emission offsets	Laurel Kroack, Bureau Chief, Illinois EPA Bureau of Air	Chris Romaine, Manager, Construction Unit, Permitting Section, IEPA Bureau of Air; and Ed Bakowski, Manager, Permitting Section, IEPA Bureau of Air	Deliberative Process
1568	07/18/08	Email re: correspondence with Chicago Coke	John Kim, Manager, Air Regulatory Unit, IEPA Division of Legal Counsel	Laurel Kroack, Bureau Chief, Illinois EPA Bureau of Air	Deliberative Process; Attorney - Client; Attorney Work Product
1572-1573	07/25/08	Email re: emission offsets	Laurel Kroack, Bureau Chief, Illinois EPA Bureau of Air	John Kim, Manager, Air Regulatory Unit, IEPA Division of Legal Counsel	Deliberative Process; Attorney - Client
1577	01/15/10	Email re: correspondence with Chicago Coke	John Kim, Manager, Chief Legal Counsel, IEPA Division of Legal Counsel	Laurel Kroack, Bureau Chief, Illinois EPA Bureau of Air	Deliberative Process; Attorney - Client; Attorney Work Product