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**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ESTATE OF GERALD D. SLIGHTOM,)	
Petitioner,)	
)	
v.)	PCB 11-25
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P. O. Box 19274
Springfield, IL 62794-9274

Patrick Shaw
Fred C. Prillaman
Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323

PLEASE TAKE NOTICE that I have today, on behalf of the Illinois Environmental Protection Agency, filed with the office of the Clerk of the Pollution Control Board an OBJECTION TO PETITIONER'S MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT DIRECTED TO BOARD, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

Melanie A. Jarvis
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
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217/782-5544
217/782-9143 (TDD)
Dated: October 3, 2011

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ESTATE OF GERALD D. SLIGHTOM,)	
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OBJECTION TO PETITIONER'S MOTION FOR LEAVE TO FILE SURREPLY

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500, 101.502, 101.616, and 101.622 hereby respectfully moves the Illinois Pollution Control Board ("Board") to DENY the Petitioner's Motion for Leave to File Surreply. In support of said motion, the Illinois EPA states as follows:

I. ARGUMENT

As the Illinois EPA has stated over and over again, this case is very simple and straight forward. It is a case where the relevant facts are not in dispute. Petitioner has repeatedly tried to throw in irrelevant issues to distract the Board from the clear issue at hand: Whether the Illinois EPA applied the correct deductible. The Illinois EPA has clearly and convincingly shown through its Motion for Summary Judgment that it did apply the correct deductible.

The facts and the law are uncontroverted. The only reason the Petitioner continues down this path with motion after motion, such as its latest incarnations entitled "Petitioner's Motion for Leave to File the Surreply" and the "Surreply", is simply because it really cannot meet its burden of proof to show that, based upon the Administrative Record, the Illinois EPA decision was made in error.

So what is left for the Petitioner then? Apparently, attempts to create discovery where none exists, argue law not applicable, offer Motions ad infinite in an attempt to both harass the Illinois EPA and possibly distract the Illinois Pollution Control Board.

Simply, Petitioner, within numerous “pleadings” and “motions”, has truly demonstrated only one thing, the fact that Petitioner has no persuasive argument to make on appeal. And, as such, Petitioner’s attempts including this most current Motion, amount to little more than advancing a campaign of spurious motions and distractions to no real endpoint.

Petitioner offers nothing new in its current motion and in response the Board should deny Petitioner’s Motion and should issue an Order in favor of the Illinois EPA’s Motion for Summary Judgment.

II. CONCLUSION

For the reasons stated herein, the Illinois EPA respectfully requests that the Board, DENY the Petitioner’s Motion for Leave to File Surreply. If the Board allows Petitioner’s Motion, the Illinois EPA reserves the right to file a response.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent

Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on October 3, 2011, I served true and correct copies of an OBJECTION TO PETITIONER'S MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT DIRECTED TO BOARD, via the Board's COOL system and by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. Mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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