

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK and)
SIERRA CLUB,)
)
Complainant,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and PEABODY)
GATEWAY NORTH MINNING, LLC,)
)
Respondents.)

RECEIVED
CLERK'S OFFICE

JAN 30 2013

STATE OF ILLINOIS
Pollution Control Board

PCB No. 13-21
(Third-Party NPDES Permit Appeal)



ORIGINAL

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on January 25, 2013, I mailed to the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, a MOTION TO SUPPLEMENT RECORD, RESPONDENT'S MOTION FOR LEAVE TO FILE REDUCED NUMBER OF COPIES OF SUPPLEMENT TO AGENCY RECORD, and SUPPLEMENT TO THE RECORD a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: 

Michael Mankowski
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: January 25, 2013

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CERTIFICATE OF SERVICE

I hereby certify that I did on January 25, 2013, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF FILING and MOTION TO SUPPLEMENT RECORD, RESPONDENT'S MOTION FOR LEAVE TO FILE REDUCED NUMBER OF COPIES OF SUPPLEMENT TO AGENCY RECORD, and SUPPLEMENT TO THE RECORD upon the persons listed on the Service List.



Michael Mankowski
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Jessica Dexter
Environmental Law & Policy Center
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Chicago, IL 60601

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

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Petitioners,)
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Respondents.)

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MOTION TO SUPPLEMENT RECORD

Now comes Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by LISA MADIGAN, Attorney General of the State of Illinois, and requests that the Board allow it to supplement the record in this matter. In support thereof, Respondent states, as follows.

1. The Illinois EPA's Record of National Pollutant Discharge System ("NPDES") Permit number IL0079481 was filed on December 21, 2012.
2. Respondent has determined that email correspondence, with attachments, from the file of Larry Crislip, Manager, Illinois EPA Mine Pollution Control Program, Permit Section, should be included in the Record in this matter. The email correspondence consists of two hundred and eighty nine (289) pages, bates stamp numbers 1476-1764.
3. Accordingly, Respondent moves the Board to allow it to supplement the Agency Record in PCB 13-21 with these materials.

WHEREFORE, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, requests
leave to supplement the Agency Record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
ex rel. LISA MADIGAN,
Attorney General
of the State of Illinois

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

BY: 

MICHAEL D. MANKOWSKI
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 6287767
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: January 25, 2013

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**RESPONDENT'S MOTION FOR LEAVE TO FILE
REDUCED NUMBER OF COPIES OF SUPPLEMENT TO AGENCY RECORD**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by its attorney, LISA MADIGAN, Attorney General of the State of Illinois, hereby moves for leave to file a reduced number of copies of the Agency's Supplement to the Record of National Pollutant Discharge System ("NPDES") Permit number IL0079481, issued to Peabody Gateway North Mining, LLC ("Gateway North") on September 28, 2012, and states as follows:

1. Section 101.302(h)(2) of the Board's General Rules, 35 Ill. Adm. Code 101.302(h)(2), states that the Agency may file a signed original and 4 duplicate copies (5 total) of the record required by Section 105.116, 105.302, and 105.410.
2. In order to conserve scarce state resources the Respondent respectfully requests leave to file a reduced number of copies of the Agency's Record of NPDES Permit number IL0079481.
3. In lieu of the original and 4 duplicate copies, the Respondent respectfully requests leave to file an original, two copies, and a compact disc containing all documents in .pdf format.

WHEREFORE, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, requests
leave to file a reduced number of copies of the Agency Record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
ex rel. LISA MADIGAN,
Attorney General
of the State of Illinois

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

BY: 

MICHAEL D. MANKOWSKI
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 6287767
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SUPPLEMENT TO RECORD


Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB") as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files its Supplement to the Illinois EPA's Record of National Pollutant Discharge System ("NPDES") Permit number IL0079481, issued to Peabody Gateway North Mining, LLC ("Gateway North") on September 28, 2012, which is attached and consists of the following documents (three sets of paper copies and one electronic copy on CD):

Email correspondence, with attachments, from the file of Larry Crislip, Manager, Illinois EPA Mine Pollution Control Program, Permit Section. Bates stamp numbers 1476-1764.

Respectfully submitted,

LISA MADIGAN,
Attorney General of the
State of Illinois,

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

By: 
MICHAEL D. MANKOWSKI
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 6287767
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Dated: January 25, 2013

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