

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

)	
IN THE MATTER OF:)	Appeal No. PSD 10-11
VULCAN CONSTRUCTION)	
MATERIALS, LP)	Illinois PSD Permit No. 91806AAB
)	

Petitioner's Unopposed Motion For Leave To File A Reply

Petitioner, Sierra Club, respectfully moves for leave to file a reply to the Response of the Illinois Environmental Protection Agency, which was filed with the Board on July 19, 2010, and to the Response of the Permittee, which was filed with the Board on June 14,.

On May 10, 2010, Petitioner filed a Petition for Review in this docket. (Doc. 1.) The Petition seeks review of a Prevention of Significant Deterioration ("PSD") permit proposed by the Illinois Environmental Protection Agency ("IEPA") for a coal-fired lime kiln to be located near Manteno, Illinois. (Id.)

On May 14, 2010, the Clerk to the Board sent a notification to IEPA providing deadlines to file a response to the Petition. (Doc. 2.)

On May 25, 2010, the permittee, Vulcan Construction Materials LP, filed a notice of appearance and request to participate. (Doc. 5, 6.) The Board granted the request to participate on May 28, 2010. (Doc. 7.)

On June 8, 2010, IEPA moved the Board for an extension of time to file a Response and to file the record. (Doc. 10.) On June 9, 2010, the Board extended the time for filing a response and the record until June 19, 2010. (Doc. 10.)

On June 14, 2010, Vulcan Construction Materials filed a response to the Petition and exhibits A through I. (Doc. 12, 12.1-12.09)

On July 19, 2010, IEPA filed a certified index of the record and its response to the Petition. (Doc. 14, 16.)

The responses raise arguments that Petitioner respectfully requests the opportunity to respond to. Sierra Club believes that the Board would benefit from Sierra Club's further briefing on these issues. However, in the alternative, if the Board grants review and seeks further briefing, Sierra Club believes that process would also provide an opportunity to address the arguments raised in the responses. *See* 40 C.F.R. § 124.19(c) (providing that the Board may grant review and establish a briefing schedule).

Counsel for Sierra Club has conferred with counsel for IEPA and for Vulcan Construction Materials and both have indicated that their clients do not oppose Petitioner's reply.

WHEREFORE, Petitioner respectfully requests that the Board grant Petitioner leave to file a reply to IEPA and Vulcan Construction Material's responses. A copy of the reply is filed herewith.

Respectfully submitted this 19th day of August, 2010.

Counsel for Sierra Club,

McGILLIVRAY WESTERBERG & BENDER LLC

A handwritten signature in black ink, appearing to read 'D. C. Bender', with a stylized flourish at the end.

David C. Bender

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