

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

In re:)	
)	
Vulcan Construction Materials, LP)	PSD Appeal No. 10-11
)	
Permit No. 91806 AAB)	

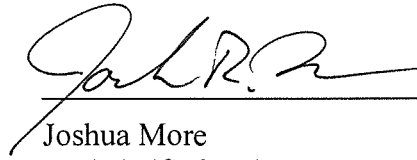
NOTICE

To:

Erica Durr, Clerk of the Board U.S. Environmental Protection Agency Environmental Appeals Board Colorado Building 1341 G Street, N.W., Suite 600 Washington, D.C. 20005	Mr. Douglas P. Scott, Director Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 63794-9276
David C. Bender McGillivray Westerberg & Bender LLC 305 S. Paterson Street Madison, WI 53703 Tel. 608-310-3560 Fax. 608-310-3561	James Gignac Sierra Club 70 E. Lake Street, Suite 1500 Chicago, IL 60602 Tel. 312-251-1680 Fax. 312-251-1780
Robert A. Kaplan, Regional Counsel Office of Regional Counsel U.S. EPA, Region 5 77 West Jackson Boulevard Chicago, IL 60604-3507	

PLEASE TAKE NOTICE that I have today filed electronically with the Clerk of the Environmental Appeals Board, **VULCAN CONSTRUCTION MATERIALS, LP's MOTION FOR LEAVE TO PARTICIPATE IN THE PROCEEDING AND TO RESPOND TO THE PETITION** on behalf of Vulcan Construction Materials, LP, a copy of which is herewith served upon you.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "J. More", is positioned above a horizontal line.

Joshua More
On behalf of Vulcan Construction Materials, LP

Dated: May 25, 2010

Renee Cipriano
Joshua More
Schiff Hardin LLP
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**VULCAN CONSTRUCTION MATERIALS, LP'S
MOTION FOR LEAVE TO PARTICIPATE IN THE PROCEEDING
AND TO RESPOND TO THE PETITION**

In accordance with Environmental Appeals Board Practice Manual section III.D.4, Permittee Vulcan Construction Materials, LP ("Vulcan") by its counsel, hereby moves for leave to participate in the above-captioned proceeding and to respond to the petition for review filed by the Sierra Club on May 10, 2010 ("Petition"). The Petition involves the decision of the Illinois Environmental Protection Agency ("IEPA") to issue a Prevention of Significant Deterioration ("PSD") permit to Vulcan to upgrade and restart its lime kiln located at 6141 North Route 50 in Manteno, Illinois.

In support of this motion, Vulcan states:

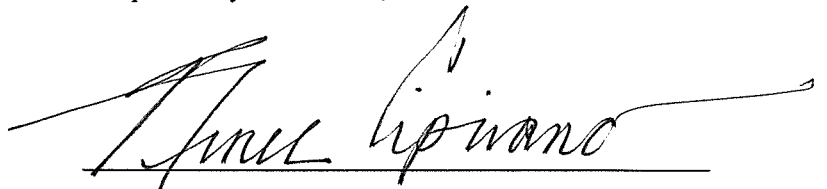
1. Vulcan, as the Permittee, is a party in interest in this proceeding with a direct and vested interest in the permit identified above and the expeditious conclusion of this appeal. This proceeding and its disposition may impair Vulcan's ability to proceed with construction of the planned facility and any delay in issuance of the permit could compromise Vulcan's ability to remain competitive in the current economic climate.
2. Including Vulcan in this proceeding will result in administrative efficiency because, by virtue of its participation, Vulcan will provide legal analysis and

factual support from the record which is directly relevant to understanding the permit provisions and responding to issues raised in the Petition.

3. Vulcan's participation will not delay the Board's ultimate resolution of the matter. Vulcan has a vital interest in ensuring that review of the Petition proceeds as expeditiously as possible and will follow the schedule that the Board sets.
4. Not allowing Vulcan to participate as a party may result in prejudice to Vulcan. Because the Permit is a prerequisite to proceeding with the planned construction activities approved by the IEPA, any unwarranted delay that may occur absent Vulcan's active participation would in turn delay construction activities and result in prejudice to Vulcan.

WHEREFORE, Vulcan respectfully moves the Board to grant Vulcan leave to participate as a party in this proceeding and to respond to the Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Renee Cipriano", written over a horizontal line.

Renee Cipriano
On behalf of Vulcan Construction Materials, LP

Dated: May 25, 2010

Renee Cipriano
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CERTIFICATE OF SERVICE

I certify that on the 25th day of May, 2010, I did file electronically **VULCAN CONSTRUCTION MATERIALS, LP's MOTION TO PARTICIPATE IN THE PROCEEDING AND TO RESPOND TO THE PETITION** on behalf of Vulcan Construction Materials, LP, addressed to the Clerk of the Environmental Appeals Board as follows:

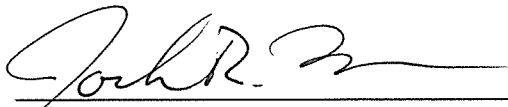
Erica Durr, Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

I further certify that I did sent a true and correct copy of the same by First Class Mail with postage fully paid to:

Mr. Douglas P. Scott, Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 63794-9276

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By: Joshua More

Dated: May 25, 2010

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