

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK)
and SIERRA CLUB,)
)
Petitioners,)
)
v.) PCB 2009-46
) (Third Party NPDES Appeal)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and)
SUGAR CAMP ENERGY, LLC.,)
)
Respondents.)

NOTICE OF FILING

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

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

Persons included on the
ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have electronically filed today with the Office of the Clerk of the Pollution Control Board the attached **Petitioners' interrogatories to the Illinois Environmental Protection Agency**, a copy of which is herewith served upon you.

Respectfully submitted,



Albert Ettinger (Reg. No. 3125045)
Jessica Dexter (Reg. No. 6298340)
Counsel for Prairie Rivers Network and Sierra Club

Date: July 14th, 2009

Environmental Law and Policy Center
35 E. Wacker Dr. Suite 1300
Chicago, Illinois 60601
312-795-3707

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK)	
and SIERRA CLUB,)	
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Petitioners,)	
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PETTITIONERS' INTERROGATORIES TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Petitioners Prairie Rivers Network and Sierra Club hereby pose the following interrogatories to the Illinois Environmental Protection Agency with regard to the terms and conditions of NPDES permit IL0078565 that is the subject of this appeal.

Definitions

1. The "Final New NPDES Permit" means the seventeen page document entitled "New NPDES Permit" dated December 2, 2008, that is contained in the record at pages 1544 to 1560.
2. The "Permit" means the Final New NPDES Permit together with any other documents that the Agency believes contains conditions or definitions that constitute enforceable conditions on the Agency decision to allow the Sugar Camp Energy LLC to discharge.
3. "Identify" means, in the case of a document, to state the record citation number(s) of the document and author of the document or, if the document is not in the record, the author, title and date of the document.

4. The "Agency" means the Illinois Environmental Protection Agency and all of its officers, employees, consultants and contractors.
5. "Record before the Agency" and "record" means the all of the documents that the Agency considers to be in the Record before the Agency for the issuance of the Permit under 415 ILCS5/40(e).

Interrogatories

1. Please identify all of the documents that define the Best Management Practices that are required to be implemented under Condition 10 of the Construction of the Final New NPDES Permit (Record page 001553) including:

- a. The author of the document,
- b. Whether the document is contained in the Record
- c. The pages of the document that define the Best Management Practices
- d. If the document is not in the Record, any reason for it not being in the Record,
- e. Where in the Record or elsewhere one can find the recording, reporting, monitoring or sampling conditions of the permit that would allow the Agency or members of the public to determine whether the permit holder had implemented the required Best Management Practices. 35 Ill. Adm. Code 309.146.

2. Please identify any and all documents, other than the Final New NPDES Permit and any documents identified in response to interrogatory #1, that contain enforceable conditions of the Permit and for each such document, please state:

- a. Whether the document is contained in the Record,
- b. If the document is not in the Record, any reason for it not being in the record,
- c. The pages of the document that include such enforceable conditions, and
- d. Where in the Record or elsewhere one can find the provisions for recording, reporting, monitoring and sampling the permit holder's compliance with the conditions. See 35 Ill. Adm. Code 309.146.



Albert Ettinger (Reg. No. 3125045)
Jessica Dexter (Reg. No. 6298340)
Counsel for Prairie Rivers Network and Sierra Club

Date: July 14th, 2009

CERTIFICATE OF SERVICE

I, Albert Ettinger, hereby certify that I have served the attached **Petitioners' Interrogatories to the Illinois Environmental Protection Agency** upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic filing on July 14th, 2009; and upon the attached service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on July 14th, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Albert Ettinger". The signature is stylized and cursive.

Albert Ettinger
Senior Attorney
Environmental Law and Policy Center
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312-795-3707

SERVICE LIST
July 14th, 2009

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