

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF JOLIET,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 11-08
(Permit Appeal-Water)

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CLERK'S OFFICE

JUN 24 2011

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

NOTICE OF FILING

TO: Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Pollution Control Board
John Therriault
100 West Randolph
Suite 11-500
Chicago, IL 60601

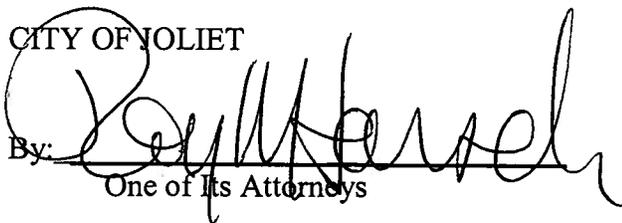
Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

Mr. Gerald Karr
Illinois Attorney General
Environmental Bureau
69 West Washington Street
Chicago, IL 60602

PLEASE TAKE NOTICE that on June 2nd, 2011 we filed with the Office of the Clerk of the Pollution Control Board an **Agreed Motion to Withdraw Permit Appeal Without Prejudice**, a copy of which is served upon you.

Respectfully submitted,

CITY OF JOLIET

By: 
One of its Attorneys

Roy M. Harsch, Esq.
Drinker Biddle & Reath LLP
191 North Wacker Drive, Suite 3700
Chicago, IL 60606
(312) 569-1441 (Direct Dial)
(312) 569-3441 (Facsimile)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**RECEIVED
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JUN 29 2011

**STATE OF ILLINOIS
Pollution Control Board**

CITY OF JOLIET,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 11-08
(Permit Appeal-Water)

ORIGINAL

**AGREED MOTION TO WITHDRAW TO WITHDRAW
PERMIT APPEAL WITHOUT PREJUDICE**

Now comes the City of Joliet, by and through its attorneys, Drinker Biddle & Reath LLP, and hereby moves to withdraw this permit appeal without prejudice to potentially again raise issues with respect to limitations on the City of Joliet's ability to land apply sewage sludges containing radium for the reasons set forth below:

1. The present permit appeal was filed challenging the Illinois Environmental Protection Agency ("IEPA") denial to amend Sewage Sludge Permit No. 2006-SC-4784-5 dated March 2, 2010 ("Permit").

2. During the pendency of this appeal two events have occurred which impact this need to prosecute this appeal. First the Illinois Emergency Management Agency ("IEMA") has completed the adoption of regulations applicable to land application of sewage sludges containing radium. The second is because by its terms the Permit expires September 30' 2011, Joliet has filed a renewal application with the IEPA. The IEPA has informed Joliet that it can not process the renewal of this Permit because of the pendency of this appeal.

3. If the present permit appeal is dismissed as requested, IEPA will be able to process the requested renewal taking into consideration the IEMA regulations and issue a final permit to Joliet.

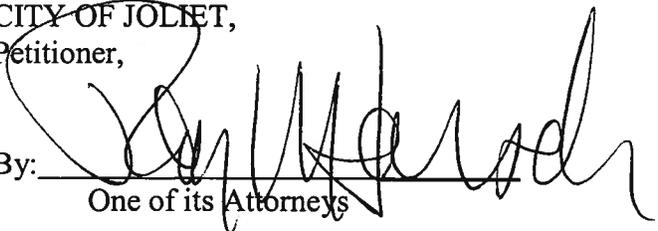
4. Dismissing without prejudice will allow Joliet to challenge the appropriateness of limitations that it might find to be objectionable without the worry that it is barred from doing so by reason of the dismissal of this matter.

5. Mr Gerald T. Karr has informed the undersigned that his client does not have any objection to this motion and does not intend to reply unless requested by the Illinois Pollution Control Board.

For the foregoing reasons, the City of Joliet moves the Illinois Pollution Control Board for an Order dismissing the above captioned permit appeal without prejudice so that the IEPA can proceed to process a pending application for renewal of the Permit.

Respectfully submitted,

CITY OF JOLIET,
Petitioner,

By: 
One of its Attorneys

Dated: June 27, 20011

Roy M. Harsch, Esq.
Drinker Biddle & Reath LLP
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606
(312) 569-1441 (Direct Dial)
(312) 569-3441 (Facsimile)

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Joliet's Motion to Withdraw Permit Appeal Without Prejudice by First Class Mail, postage pre-paid on June 2~~7~~, 2011 upon the following:

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

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JUN 24 2011

STATE OF ILLINOIS
Pollution Control Board

Illinois Pollution Control Board
John Therriault
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

ORIGINAL

Mr. Gerald T. Karr
Illinois Attorney General
Environmental Bureau
69 West Washington Street
Suite 1800

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue
P.O. Box 19276
Springfield, IL 62794-9276
Chicago, Illinois 60602