

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRARIE RIVERS NETWORK, )  
NATURAL RESOURCES DEFENSE )  
COUNCIL, SIERRA CLUB, )  
ENVIRONMENTAL LAW & POLICY )  
CENTER, FRIENDS OF CHICAGO )  
RIVER, and GULF RESTORATION )  
NETWROK, )

Petitioner, )

v. )

PCB No. 14-107  
(Third Party NPDES Appeal-Water)

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, and )  
METROPOLITAN WATER RECLAMATION )  
DISTRICT OF GREATER CHICAGO, )

Respondent. )

To: See attached service list.

**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that on the 14<sup>th</sup> day of February, 2014, the undersigned filed the attached **AGREED MOTION TO CONSOLIDATE PERMIT APPEALS AND FOR EXTENSION OF TIME TO FILE THE ADMINISTRATIVE RECORD** by electronic filing.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By LISA MADIGAN  
Attorney General of the, State of Illinois



Robert W. Petti  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago Illinois, 60602

**SERVICE LIST**

PRARIE RIVERS NETWORK

Kim Knowles  
1902 Fox Drive, Suite G  
Champaign, Illinois 61820  
Telephone: (217) 344-2371

SIERRA CLUB

Albert Ettinger  
53 W. Jackson #1664  
Chicago, Illinois 60604  
Telephone: (773) 818-4825

ENVIRONMENTAL LAW & POLICY CENTER

Jessica Dexter  
35 E. Wacker Drive, Suite 1600  
Chicago, Illinois 60601  
Telephone: (312) 673-6500

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Ann Alexander  
2 North Riverside Plaza, Ste. 2250  
Chicago, Illinois 60606  
Telephone: (312) 651-7905

METROPOLITAN WATER RECLAMATION DISTRICT

Ronald M. Hill  
100 East Erie  
Chicago, Illinois 60611  
Telephone: (312) 751-6588

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METROPOLITAN WATER RECLAMATION )  
DISTRICT OF GREATER CHICAGO, )  
Respondent. )

PCB No. 14-106, 107, and 108  
(Third Party NPDES Appeal-Water)

**AGREED MOTION TO CONSOLIDATE PERMIT APPEALS  
AND FOR EXTENSION OF TIME TO FILE THE ADMINISTRATIVE RECORD**

Respondent Illinois Environmental Protection Agency (“Illinois EPA”) moves, pursuant to 35 Ill. Admin. Code 101.406, to consolidate the permit appeals filed by Prairie Rivers Network, Natural Resource Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of the Chicago River, and Gulf Restoration Network (collectively “Petitioners”), in PCB Nos. 14-106, 14-107, and 14-108 (collectively “Permit Appeals”), filed simultaneously on January 27, 2014. In support of this Motion, Illinois EPA states as follows:

1. On December 23, 2013, Illinois EPA issued National Pollution Discharge Elimination System permit nos. IL0028088, IL0028061, and IL0028053 (collectively “Permits”), to the Metropolitan Water Reclamation District of Greater Chicago (“MWRD”).
2. On January 27, 2014, Petitioners filed for administrative review of the Permits in the Permit Appeals, seeking review of various aspects of Illinois EPA’s December 23, 2013,

decision to issue the Permits.

3. Each of the Permit Appeals involve the same parties, the same or similar factual issues, and the same or similar legal issues.

4. The Permits are so similar in nature that the Illinois EPA held one joint public hearing to accept comments regarding all three draft permits and issued one Permit Responsiveness Summary addressing the three Permits together.

5. The administrative record for the Permit Appeals will include almost entirely identical documents, which total between 3000 and 4000 pages. To require that the 3000 to 4000 pages of administrative record be filed in three separate actions is clearly not convenient or efficient for the Illinois EPA, Petitioners or the Board.

6. The Permit Appeals clearly involve overlapping factual and legal issues, as demonstrated by the fact that the relief requested in each is identical and described word for word in paragraph 2 of each of the Permit Appeals.

7. Because of the overlap between the three Permit Appeals, it will be more convenient, efficient, and expeditious for Illinois EPA, Petitioners, and the Board to have the Permit Appeals consolidated for hearing and decision pursuant to 35 Ill. Admin. Code 101.406.

8. Consolidation of the Permit Appeals will not cause material prejudice to any of the parties involved in this matter.

9. Further, Petitioners have agreed to extend the deadline for filing the administrative record in the Permit Appeals for 28 days from the original due date of February 26, 2014, making the administrative record in the Permit Appeals, or in a consolidated matter, due March 26, 2014.

10. Counsel for the Petitioners have agreed to the contents of this Motion, the request

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for consolidation pursuant to 35 Ill. Admin. Code 101.406, and the 28 day extension of time to file the administrative record.

Wherefore, for the foregoing reasons, Illinois EPA respectfully requests that the Board consolidate PCB Nos. 14-106, 14-107, and 14-108, filed January 27, 2014, and extend the deadline for filing of the administrative record until March 26, 2014.

Dated: February 13, 2014

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

Robert W. Petti  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street  
Suite 1800  
Chicago, Illinois 60602  
(312) 814-2069  
[rpetti@atg.state.il.us](mailto:rpetti@atg.state.il.us)