

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 11 2009

STATE OF ILLINOIS
Pollution Control Board

PRAIRIE RIVERS NETWORK)
and SIERRA CLUB,)
)
Complainants,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 09-46
(Third Party NPDES Permit Appeal)

ORIGINAL

NOTICE OF FILING

To: Albert F. Ettinger
Bradley Klein
Environmental Law and Policy Center
35 East Wacker Drive, Ste. 1300
Chicago, IL 60601

Elizabeth Hoskins Dow
1003 Western Avenue
Joliet, IL 60435

Brian A. Glasser
Jonathan D. Boggs
Bailey and Glasser, LLP
209 Capitol Street
Charleston, WV 25301

Susan Franzetti
10 South LaSalle Street
Chicago, IL 60603


PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a Supplement to Record and Answers to Interrogatories, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
THOMAS DAVIS
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 8, 2009

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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I hereby certify that I did on September 8, 2009, send by First Class Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box, a true and correct copy of the following instruments entitled NOTICE OF FILING, SUPPLEMENT TO RECORD and ANSWERS TO INTERROGATOIRES

To: Albert F. Ettinger
Bradley Klein
Environmental Law and Policy Center
35 East Wacker Drive, Ste. 1300
Chicago, IL 60601

Susan Franzetti
10 South LaSalle St.
Chicago, IL 60603

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Elizabeth Hoskins Dow
1003 Western Avenue
Joliet, IL 60435

Brian A. Glasser
Jonathan D. Boggs
Bailey and Glasser, LLP
209 Capitol Street
Charleston, WV 25301

and the original and four copies by U.S. mail with postage fully prepaid of the same foregoing instrument(s):

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

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794


THOMAS DAVIS
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PRAIRIE RIVERS NETWORK)
and SIERRA CLUB,)
)
 Petitioners,)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB No. 09-46
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SUPPLEMENT TO RECORD

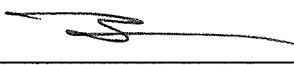
Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, hereby submits
a Supplement to the Record, comprising IEPA Exhibits 56 though 59 as described in the attached
document entitled "Amended Record."

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN,
Attorney General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 3124200
500 South Second Street
Springfield, Illinois 62706
217/782-7968
Dated: September 8, 2009

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD STATE OF ILLINOIS
Pollution Control Board

PRAIRIE RIVERS NETWORK)
and SIERRA CLUB,)

Petitioners,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB No. 09-46
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ORIGINAL

ANSWERS TO INTERROGATORIES

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, hereby acknowledges service of Petitioners' Interrogatories on July 16, 2009, and provides the following answers thereto:

1. Please identify all of the documents that define the Best Management Practices that are required to be implemented under Condition 11 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.


Answer:

- a. Gary W. Raines, P.E.
 - b. Yes. The document is IEPA Exhibit 44 (Record pages 001456 through 001459).
 - c. Record pages 001457 through 001459.
 - d. Not applicable.
 - e. The Final New NPDES Permit is the only document that contains permit conditions.
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.

Answer: None.

Verification by Certification

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the answers made herein are true, correct and complete to the best of my knowledge and belief.

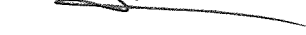
By: 
LARRY CRISLIP
Illinois Environmental Protection Agency

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN,
Attorney General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 3124200
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