

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|--------------------------------|---|-----------------------------------|
| PRAIRIE RIVERS NETWORK, |) | |
| NATURAL RESOURCES DEFENSE |) | |
| COUNCIL, SIERRA CLUB, |) | |
| ENVIRONMENTAL LAW & POLICY |) | |
| CENTER, FRIENDS OF THE CHICAGO |) | |
| RIVER and GULF RESTORATION |) | |
| NETWORK |) | PCB 14-106 |
| |) | (O'Brien) |
| Petitioners, |) | PCB 14-107 |
| |) | (Calumet) |
| v. |) | PCB 14-108 |
| |) | (Stickney) |
| ILLINOIS ENVIRONMENTAL |) | (Third-Party NPDES Permit Appeals |
| PROTECTION AGENCY and |) | - Water) |
| METROPOLITAN WATER |) | (Consolidated) |
| RECLAMATION DISTRICT OF |) | |
| GREATER CHICAGO |) | |
| |) | |
| Respondents. |) | |

NOTICE OF FILING

To: Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph St., Suite 11-500
Chicago, IL 60601

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794

Persons included on the attached
SERVICE LIST

PLEASE TAKE NOTICE that Prairie Rivers Network and Sierra Club have today filed a **Motion for Voluntary Dismissal** in three third-party NPDES permit appeals identified as PCB 2014-106, 107, and 108, a copy of which is herewith served upon you.

Respectfully Submitted,



Jessica Dexter

Environmental Law and Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601

*Counsel for ELPC & Friends of the Chicago River
and authorized to file this motion on behalf of all
petitioners.*

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| RECLAMATION DISTRICT OF |) | |
| GREATER CHICAGO |) | |
| |) | |
| Respondents. |) | |

MOTION FOR VOLUNTARY DISMISSAL

Prairie Rivers Network, Natural Resources Defense Council, Inc. (“NRDC”), Sierra Club, Inc., Environmental Law & Policy Center (“ELPC”), Friends of the Chicago River, and Gulf Restoration Network (collectively the “Environmental Groups”) hereby move to voluntarily dismiss the Petitions filed in the above-captioned third-party NPDES permit appeals. In support of this motion, Environmental Groups state as follows:

1. On or about December 23, 2013, the Illinois Environmental Protection Agency (“IEPA” or the “Agency”) issued National Pollutant Discharge Elimination System (NPDES) Permit for the MWRD’s Stickney water reclamation plant (Permit No. IL0028053) (the “Stickney Permit”), the MWRD’s NPDES Permit for the Calumet water reclamation plant (Permit No. IL0028061) (the “Calumet Permit”) and the MWRD’s NPDES Permit

for the Terrence J. O'Brien water reclamation plant (Permit No. IL0028088) (the "O'Brien Permit") (collectively the "Permits").

2. On December 18, 2014, the Illinois Pollution Control Board granted summary judgment in favor of the Agency and the MWRD on the Environmental Groups' appeal.
3. The Environmental Groups appealed the Illinois Pollution Control Board's grant of summary judgment to the Illinois Appellate Court for the First District in a case styled *Prairie Rivers Network, et al. v. Illinois Pollution Control Board, et al.*, No. 1-15-0971. The Appellate Court reversed the Illinois Pollution Control Board's grant of summary judgment in favor of the Agency and the MWRD, and remanded the matter back to the Illinois Pollution Control Board for further proceedings.
4. On or about January 25, 2017, Environmental Groups and Metropolitan Water Reclamation District of Greater Chicago ("MWRD") executed a settlement agreement that resolves the above-captioned matters. Pursuant to the terms of the parties' settlement agreement, MWRD asked Illinois Environmental Protection Agency (Agency) to modify the Permits.
5. IEPA reviewed the modifications, and put the permits on public notice in accordance with applicable regulations. IEPA has now indicated it is ready to issue final permits, but reports that it cannot do so until the proceedings before the PCB are dismissed.
6. Accordingly, Environmental Groups respectfully move to voluntarily dismiss the Petitions before the IPCB.

Dated: June 28, 2017

Respectfully submitted,



Jessica Dexter
*Counsel for ELPC and Friends of the
Chicago River and authorized to file this
motion on behalf of all petitioners.*

CERTIFICATE OF SERVICE

I, Matthew Glover, the undersigned, hereby certify that I have served the attached

Motion for Voluntary Dismissal upon:

Mr. Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic filing on June 28, 2017; and upon the attached service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on June 28, 2017.

Respectfully submitted,



Matthew Glover
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1600
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SERVICE LIST

June 28, 2017

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