

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)	PCB 14-106
NETWORK)	(O'Brien)
)	PCB 14-107
Petitioner,)	(Calumet)
)	PCB 14-108
v.)	(Stickney)
)	(Third-Party Permit Appeals - Water)
ILLINOIS ENVIRONMENTAL PROTECTION)	(Consolidated)
AGENCY and METROPOLITAN WATER)	
RECLAMATION DISTRICT OF GREATER)	
CHICAGO)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

To: See attached service list

PLEASE TAKE NOTICE that on October 3, 2014, the undersigned electronically filed the Metropolitan Water Reclamation District of Greater Chicago's Motion for Leave to File a Reply in Opposition to Petitioners' Motion for Summary Judgment and in Support of its Cross Motion for Summary Judgment, a copy of which is herby served upon you.

I HEREBY CERTIFY that I served this Notice and the above referenced Motion by placing copies in an envelope, postage prepaid, and depositing it in the U.S. Mail, at 100 East Erie Street, at or before 5:00 p.m. on October 3, 2014.

Dated: October 3, 2014

METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO

By: /s/ Ronald M. Hill

Ronald M. Hill, General Counsel

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**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S
MOTION FOR LEAVE TO FILE REPLY IN OPPOSITION TO PETITIONERS'
MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF ITS CROSS-MOTION
FOR SUMMARY JUDGMENT**

Pursuant to Title 35, Part 101.500 of the Illinois Administrative Code, Respondent, Metropolitan Water Reclamation District of Greater Chicago ("District"), by its General Counsel, Ronald M. Hill, asks the Illinois Pollution Control Board ("Board") for leave to file a Reply in support of its Cross Motion for Summary Judgment in the above captioned matter on or before October 10, 2014. In support thereof, the District states as follows:

1. On July 11, 2014, Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of the Chicago River and Gulf Restoration Network ("Petitioners") filed a Motion for Summary Judgment on their Third-Party Appeals of the Illinois Environmental Protection Agency's (IEPA) National Pollutant Discharge Elimination System (NPDES) Permits for the District's Stickney, Calumet, and Terrence J. O'Brien Water Reclamation Plants (the "Permits").

2. In their Summary Judgment Motion, Petitioners contest the Permits' effluent limits for phosphorus, the lack of effluent limits for nitrogen, the phosphorous compliance schedules, and those provisions related to sanitary sewer overflows.

3. On August 22, 2014, the District responded to the Summary Judgment Motion and moved for cross summary judgment in this matter. The District demonstrated that the IEPA's Permits were reasonable and did not violate the Illinois Environmental Protection Act or this Board's regulations.

4. On September 19, 2014, Petitioners filed a reply in support of the Summary Judgment Motion and response to the District and IEPA's cross motions for summary judgment. In this filing, Petitioners have shifted the focus of this appeal by arguing that the Permits, as issued, will lead to violations of the Illinois Administrative Code's dissolved oxygen and/or narrative offensive conditions water quality standards.

5. Title 35, Part 101.500 of the Illinois Administrative Code provides that a motion to file a reply brief must be presented to this Board within 14 days after service. 35 Ill. Admin. Code 101.500(e). A reply brief may be allowed to prevent material prejudice. *Id.*

6. In this case, the District would be prejudiced if it were not allowed to address Petitioners' arguments relating to dissolved oxygen and narrative water quality standards raised in its most recent pleading. The record does not support these novel arguments just as it does not support the arguments raised by Petitioners in their initial Summary Judgment Motion. However, the District would be materially prejudiced if it were not allowed to demonstrate the appropriateness of the Permits on these new grounds, as well.

Chicago, respectfully requests this Board grant its Motion for Leave to File a Reply Brief within seven (7) days, or on or before October 10, 2014, and for such further relief as appropriate.

Dated: October 3, 2014

Respectfully submitted,

METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO

/s/ Ronald M. Hill

By: Ronald M. Hill, General Counsel

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