

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)

Petitioner,)

v.)

PCB Nos. 14-103 and 14-104
Consolidated
(NPDES Appeal-Water)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)


Respondent.)

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

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on the 14th day of November, 2014, the undersigned filed the attached Motion for Leave to File Reply to Petitioner's Response to Agency's Cross-Motion for Summary Judgment by electronic filing.


ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
By LISA MADIGAN
Attorney General of the State of Illinois



Robert W. Petti
Thomas H. Sheperd
Assistant Attorney General
Environmental Bureau
69 W. Washington Street
Suite 1800
Chicago Illinois, 60602
(312)-814-2069
(312)-814-5361

CERTIFICATE OF SERVICE

I, Robert W. Petti, an Assistant Attorney General, certify that on the 14th day of November, 2014, I caused to be served by U.S. Mail, the foregoing Notice of Filing, Agency's Motion for Leave to File a Reply to Petitioner's Response to the Agency's Cross-Motion for Summary Judgment, to the party named on the Notice of Filing, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

A handwritten signature in black ink, appearing to read 'R. Petti', is written over a horizontal line.

Robert W. Petti
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
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(312) 814-2069

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**AGENCY'S MOTION FOR LEAVE TO FILE REPLY TO PETITIONER'S RESPONSE
TO AGENCY'S CROSS-MOTION FOR SUMMARY JUDGMENT**

Now Comes, Respondent, Illinois Environmental Protection Agency, ("Agency"), by and through its attorney, Lisa Madigan, Attorney General of the State of Illinois, and pursuant to 35 Ill. Adm. Code §101.500(e), hereby files the following Motion for Leave to File a Reply to Petitioner's Response to IEPA's Cross Motions for Summary Judgment ("Reply"). In support thereof, the Agency states as follows:

1. Section 101.500(e) of the Illinois Pollution Control Board's ("Board's") procedural rules, provides that a person may reply "as permitted by the Board or the hearing officer to prevent material prejudice." 35 Ill. Admin. Code Sec. 101.500(e).

2. On September 19, 2014, the Agency filed its Cross-Motion for Summary Judgment and Memorandum in Support of its Cross-Motion for Summary Judgment.

3. On October 31, 2014, the Petitioner filed a Response to the Agency's Cross Motion for Summary Judgment. In the Response, Petitioner asserts the novel argument that it is

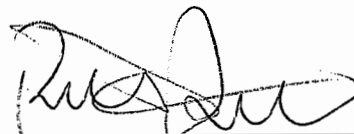
“unsure what conduct is prohibited by the ‘continuous’ sampling requirement” for dissolved oxygen at the O’Brien Plant. (Pet. Resp. at p. 8).

4. Accordingly, the Agency would be materially prejudiced if it is not permitted by the Board to reply to the claim in the Response that “continuous” monitoring is somehow ambiguous, and requests leave to file a Reply no later than Friday, November 21, 2014.

Wherefore, the Agency, for the above stated reasons, respectfully requests that the Illinois Pollution Control Board enter an Order granting this Motion for Leave to File a Reply to Petitioner’s Response, and permitting the Agency leave to file a Reply no later than Friday, November 21, 2014.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By LISA MADIGAN
Attorney General of the, State of Illinois



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