

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 22 2004

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF LAKE BARRINGTON, CUBA)
TOWNSHIP, PRAIRIE RIVERS NETWORK,)
SIERRA CLUB, BETH WENTZEL and)
CYNTHIA SKRUKRUD,)

Petitioners)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WAUCONDA,)

Respondents.)

PCB 05-55

(3rd Party NPDES Permit
Appeal)

SLOCUM LAKE DRAINAGE DISTRICT OF)
LAKE COUNTY, ILLINOIS)

Petitioner)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY AND VILLAGE OF)
WAUCONDA, ILLINOIS)

Respondents.)

PCB 05-58

(3rd Party NPDES Permit
Appeal)

AL PHILLIPS, VERN MEYER, GAYLE DEMARCO,)
GABRIELLE MEYER, LISA O'DELL, JOAN LESLIE,)
MICHAEL DAVEY, NANCY DOBNER, MIKE)
POLITO, WILLIAMS PARK IMPROVEMENT)
ASSOCIATION, MAT SCHLUETER, MYLITH PARK)
LOT OWNERS ASSOCIATION, DONALD KREBS,)
DON BERKSHIRE, JUDY BRUMME, TWIN POND)
FARMS HOMEOWNERS ASSOCIATION, JULIA)
TUDOR and CHRISTINE DEVINEY,)

Petitioners)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WAUCONDA,)

Respondents.)

RECEIVED
CLERK'S OFFICE

DEC 22 2004

STATE OF ILLINOIS
Pollution Control Board

PCB 05-59
(3rd Party NPDES Permit
Appeal)
(Consolidated)

NOTICE OF MOTION

TO: See Attached Certificate of Service


Please take notice that on December 22, 2004, I filed with the Illinois Pollution Control Board an original and four (4) copies of the attached MOTION FOR SANCTIONS AND TO COMPEL, copies of which are attached and hereby served upon you.

Dated: December 22, 2004


Jay J. Glenn

Attorney for the Resident Group

Bonnie L. Macfarlane
BONNIE MACFARLANE, P.C.
106 W. State Road, P.O. Box 268
Island Lake, Illinois 60042
847-487-0700
Attorney No. 06205127


Bonnie L. Macfarlane

Attorney for the Slocum Lake
Drainage District of Lake County,
Illinois

This Document Printed on Recycled Paper

STATE OF ILLINOIS)
) ss.
COUNTY OF MCHENRY)

CERTIFICATE OF SERVICE

Bonnie L. Macfarlane, an attorney, hereby certifies that a copy of the foregoing Notice of Motion, Certificate of Service, and MOTION FOR SANCTIONS AND TO COMPEL, was served on the persons listed below by first Class U.S. Mail, proper postage prepaid, on December __, 2004.

**Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601**

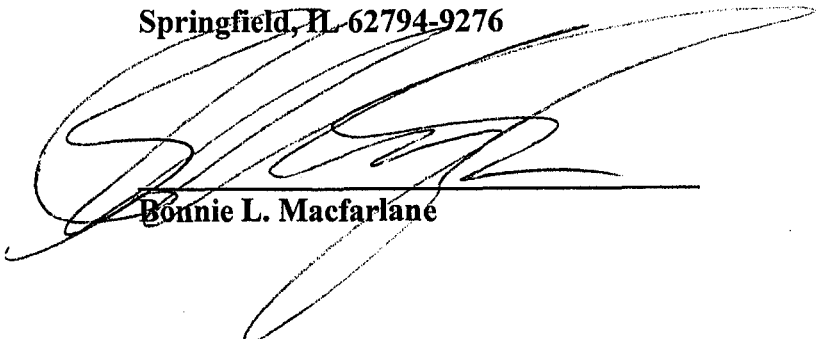
**Bradley P. Halloran
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Ste. 11-500
Chicago, Illinois 60601**

**Percy L. Angelo
Russell R. Eggert
Kevin G. Desharnais
Mayer, Brown, Rowe & Maw, L.L.P.
190 S. LaSalle Street
Chicago, IL 60603**

**Albert Ettinger
Environmental Law and Policy Center
35 E. Wacker Drive, Ste. 1300
Chicago, Illinois 60601**

**William D. Seith
Total Environmental Solutions, P.C.
631 E. Butterfield Road, Ste. 315
Lombard, IL 60148**

**Sanjay K. Sofat, Asst. Counsel
James Allen Day
Illinois Environmental Protection Agency
1021 North Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276**



Bonnie L. Macfarlane

**Bonnie L. Macfarlane
BONNIE MACFARLANE, P.C.
106 W. State Road, P.O. Box 268
Island Lake, IL 60042
847-487-0700**

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 22 2004

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF LAKE BARRINGTON, CUBA)
TOWNSHIP, PRAIRIE RIVERS NETWORK,)
SIERRA CLUB, BETH WENTZEL and)
CYNTHIA SKRUKRUD,)

Petitioners)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WAUCONDA,)

Respondents.)

PCB 05-55

(3rd Party NPDES Permit
Appeal)

SLOCUM LAKE DRAINAGE DISTRICT OF)
LAKE COUNTY, ILLINOIS)

Petitioner)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY AND VILLAGE OF)
WAUCONDA, ILLINOIS)

Respondents.)

PCB 05-58

(3rd Party NPDES Permit
Appeal)

DEC 22 2004

STATE OF ILLINOIS
Pollution Control Board

AL PHILLIPS, VERN MEYER, GAYLE DEMARCO,)
GABRIELLE MEYER, LISA O'DELL, JOAN LESLIE,)
MICHAEL DAVEY, NANCY DOBNER, MIKE)
POLITO, WILLIAMS PARK IMPROVEMENT)
ASSOCIATION, MAT SCHLUETER, MYLITH PARK)
LOT OWNERS ASSOCIATION, DONALD KREBS,)
DON BERKSHIRE, JUDY BRUMME, TWIN POND)
FARMS HOMEOWNERS ASSOCIATION, JULIA)
TUDOR and CHRISTINE DEVINEY,)

Petitioners)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WAUCONDA,)

Respondents.)

PCB 05-59
(3rd Party NPDES Permit
Appeal)
(Consolidated)

MOTION FOR SANCTIONS AND TO COMPEL

NOW COMES, the Slocum Lake Drainage District of Lake County, Illinois, an agency of the State of Illinois, through their attorney, Bonnie Macfarlane, P.C., and The Resident Group, by and through their attorney, Jay J. Glenn, and moves the Illinois Pollution Control Board for an Order for Sanctions against the Illinois Environmental Protection Agency for arbitrarily and capriciously failing to Produce the entire Record as required by Statute, and in support thereof, state as follows:

1. That on Friday, December 17, 2004, the undersigned attorneys traveled from Wauconda Township, Lake County, Illinois, to Springfield, Illinois to review documents in the possession of the IEPA.
2. That the attorneys were shown three folders of documents, not heretofore included in the filed Record with the Illinois Pollution Control Board.
3. That two of the three file folders contained numerous documents relevant and

crucial to these proceedings.

4. Access by the undersigned attorneys to the third file folder was restricted to looking at the dates only.

5. The undersigned attorneys were not permitted copies of any of the documents.

6. That this incident combined with the failure to file a transcript of the hearing from September, 2003 hearing.

7. That the Record does not include any E-mails or correspondence between the IEPA and lobbyists that have been retained by the Village of Lake Barrington or other entities unknown to the Movants.

WHEREFORE, the Movants pray that this Honorable Illinois Pollution Control Board:

A. Enter an Order prohibiting the IEPA from altering and/or destroying documents relating to the Wauconda Wastewater Treatment Plant.

B. Order the IEPA to file immediately and to produce documents contained in the folders reviewed in Springfield, Illinois on December 17, 2004.

C. Require the IEPA to provide and certify that the Record before this Honorable Illinois Pollution Control Board is complete.

Respectfully Submitted,


Bonnie L. Macfarlane


Jay J. Glenn

Dated: December 22, 2004

Bonnie L. Macfarlane
BONNIE MACFARLANE, P.C.
106 W. State Road, P.O. Box 268
Island Lake, Illinois 60042
847-487-0700