

FEB 10 2010

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FLAGG CREEK WATER  
RECLAMATION DISTRICT

Complainant,

vs.

VILLAGE OF HINSDALE,  
METROPOLITAN WATER  
RECLAMATION DISTRICT OF  
GREATER CHICAGO,  
ILLINOIS DEPARTMENT OF  
TRANSPORTATION, and  
DUPAGE COUNTY,

Respondents

PCB 2006-141  
(Citizens Enforcement – Water)

**NOTICE OF FILING**

**TO: See Attached Service List**

**PLEASE TAKE NOTICE** that on **February 10, 2010**, we filed with the Office of the Clerk of the Pollution Control Board – **Flagg Creek Water Reclamation District's Motion to Dismiss Metropolitan Water Reclamation District of Greater Chicago**, a copy of which is served upon you.

Respectfully Submitted,



Roy M. Harsch

Dated: February 10, 2010

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**THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

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RECLAMATION DISTRICT

Complainant,

vs.

VILLAGE OF HINSDALE,  
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GREATER CHICAGO,  
ILLINOIS DEPARTMENT OF  
TRANSPORTATION, and  
DUPAGE COUNTY,

Respondents

PCB 2006-141

(Citizens Enforcement – Water)

**FLAGG CREEK WATER RECLAMATION DISTRICT'S MOTION TO DISMISS  
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

Now comes Complainant, FLAGG CREEK WATER RECLAMATION DISTRICT ("FCWRD") by and through its attorneys, DRINKER BIDDLE & REATH LLP, pursuant to 35 Ill. Adm. Code Section 101.500 and 735 ILCS 5/2-1009, and hereby moves to voluntarily dismiss, Respondent, the Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC") from this matter. In support thereof, FCWRD states as follows:

1. On March 3, 2006, FCWRD initiated this matter against several respondents including the MWRDGC. Specifically, FCWRD's Complaint included allegations concerning MWRDGC's diversion of flows from its geographically served area into the FCWRD's sewer system. Thus, this diversion of flows combined with wet weather events has contributed and/or caused FCWRD to be in violation with its National Pollutant Discharge Elimination Permit System ("NPDES") and the United States Environmental Protection Agency's and Illinois Environmental Protection Agency's rules and policies concerning Combined Sewer Overflows.

2. Since the filing of this action, FCWRD and the various respondents have been engaged in collective settlement negotiations. In addition, FCWRD and the MWRDCGC have participated in ongoing separate settlement negotiations.

3. In February 2008, an agreement between the MWRDGC and FCWRD was entered into titled "INTERGOVERNMENTAL AGREEMENT FOR THE DESIGN, CONSTRUCTION, AND OPERATION AND MAINTENANCE OF A PUMP STATION AND FORCE MAIN."

4. Most recently, on January 20, 2010, FCWRD entered into an additional agreement with the MWRDGC titled "INTERGOVERNMENTAL AGREEMENT FOR THE EVALUATION, ALLOCATION AND SHARING OF SEWAGE FLOWS."

5. In accordance and subject to the terms of the above settlement agreements, FCWRD agrees to voluntarily dismiss the MWRDGC with each party to bear its own costs and fees.

WHEREFORE, for all the foregoing reasons FCWRD respectfully requests that the Illinois Pollution Control Board approve its Motion to Dismiss MWRDGC as provided herein.

Respectfully Submitted,



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Roy M. Harsch

Dated: February 10, 2010

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**CERTIFICATE OF SERVICE**

I, Yesenia Villaseñor-Rodríguez, an attorney, hereby certify that on February 10, 2010 a copy of **FLAGG CREEK WATER RECLAMATION DISTRICT'S MOTION TO DISMISS METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO** was electronically mailed and deposited in the United States mail or overnight courier with certain attachments as indicated below before the hour of 5:00 p.m., postage prepaid to:

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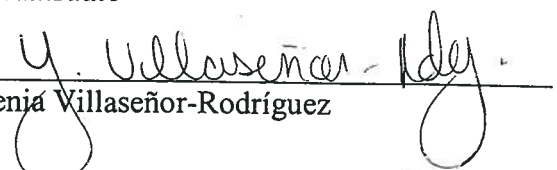
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