

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JAN 24 2012

IN THE MATTER OF: )  
 )  
SITE SPECIFIC RULE FOR CITY OF )  
JOLIET WASTEWATER TREATMENT )  
PLANT FLUORIDE AND COPPER )  
DISCHARGES: 35 ILL ADM. CODE )  
303.432 )

R07-21  
(Rulemaking – Water)

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

RETURN TO CLERK'S OFFICE

NOTICE OF FILING

TO: Kathleen M. Crowley  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Illinois Pollution Control Board  
John Therriault  
100 West Randolph  
Suite 11-500  
Chicago, IL 60601

Albert Ettinger  
Senior Staff Attorney  
Environmental Law & Policy Center  
35 E. Wacker Drive, Suite 1300  
Chicago, IL 60601

Mitchell Cohen  
General Counsel  
Illinois Department of Natural Resources  
One Natural Resources  
Springfield, IL 62702

Deborah Williams  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Zemeheret Bereket AG  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602

Illinois Attorney General  
Chief, Division of the Attorney General  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602

PLEASE TAKE NOTICE that on January 24, 2012 we filed with the Office of the Clerk of the Pollution Control Board a **Motion To Dismiss**, a copy of which is served upon you.

Respectfully submitted,

CITY OF JOLIET

By:   
One of Its Attorneys

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

Roy M. Harsch, Esq.  
Drinker Biddle & Reath LLP  
191 North Wacker Drive, Suite 3700  
Chicago, IL 60606  
(312) 569-1441 (Direct Dial)  
(312) 569-3441 (Facsimile)

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JAN 24 2012

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
 )  
SITE SPECIFIC RULE FOR CITY OF )  
JOLIET WASTEWATER TREATMENT )  
PLANT FLUORIDE AND COPPER )  
DISCHARGES: 35 ILL ADM. CODE )  
303.432 )

R07-21  
(Rulemaking – Water)

ORIGINAL  
RETURN TO CLERK'S OFFICE

**MOTION TO DISMISS**

Now comes the City of Joliet, by and through its attorneys, Drinker Biddle & Reath LLP, and hereby moves that the Pollution Control Board dismiss the above referenced matter.

In support of this Motion the City of Joliet states the following:

1. This matter was originally filed to request site specific relief regarding the discharge from the City of Joliet's ("Joliet") Eastside Waste Water Treatment Plant to Hickory Creek as envisioned in the March 30, 2007 Consent Order in the Circuit Court for the Twelfth Judicial Circuit in Will County, Illinois for case No. 05 CH 593 with the Illinois Attorney General and the Illinois Environmental Protection Agency ("IEPA") because Joliet could not comply with its NPDES permit limits for fluoride and copper.

2 The IEPA issued a renewal of Joliet's NPDES Permit on May 23, 2008 which became effective on June 1, 2008 ("Renewed NPDES Permit"). This permit authorized Joliet to continue to discharge to Hickory Creek through outfall 001 and to the Des Plaines River through outfall 002 once Joliet completed construction of a new discharge. Because the flows in the Des Plaines River are much larger than flows in Hickory Creek, the Renewed NPDES Permit does not have a water quality based effluent limitation for fluoride and has a less restrictive limitation for copper for outfall 002.

3. On Monday, January 9, 2012, the effluent discharged from the Eastside Waste Water Treatment Plant was diverted to the newly constructed Des Plaines River Outfall and accordingly became subject to the effluent limitations set forth for outfall 002 in the Renewed NPDES Permit. Outfall 001 was then decommissioned and taken out of service. Flow cannot be returned to the old Hickory Creek outfall 001.

4. Because Joliet is in compliance with the Renewed NPDES Permit limitations applicable to outfall 002 and the limitations for outfall 001 are no longer applicable, there is no longer any reason to continue this matter.

WHEREFORE, the City of Joliet requests that the Illinois Pollution Control Board dismiss this site specific rule proceeding.

Respectfully submitted,

CITY OF JOLIET,

By:   
One of its Attorneys

Dated: January 24, 2012

Roy M. Harsch, Esq.  
Drinker Biddle & Reath LLP  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606  
(312) 569-1441 (Direct Dial)  
(312) 569-3441 (Facsimile)

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached Joliet's **Motion To Dismiss** on January 24, 2012 by hand delivery to:

Kathleen M. Crowley  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

Illinois Pollution Control Board  
John Therriault  
100 W. Randolph Street – Suite 11-500  
Chicago, IL 60601

and by first class mail to the following list:

Albert Ettinger  
Senior Staff Attorney  
Environmental Law & Policy Center  
35 E. Wacker Drive, Suite 1300  
Chicago, IL 60601

Mitchell Cohen  
General Counsel  
Illinois Department of Natural Resources  
One Natural Resources  
Springfield, IL 62702

Illinois Attorney General  
Chief, Division of the Attorney General  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602

Zemheret Bereket AG  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago, IL 60602

Deborah J. Williams  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East - P.O. Box 19276  
Springfield, IL 62702

Roy M. Harsch

RECEIVED  
CLERK'S OFFICE

JAN 24 2012

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL  
RETURN TO CLERK'S OFFICE