

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROCK RIVER WATER RECLAMATION)
DISTRICT)
)
Petitioner,)
)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
)
Respondent.)

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MAR 04 2013
STATE OF ILLINOIS
Pollution Control Board



PCB No. 13-11
(Permit Appeal-Water)

NOTICE OF FILING

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph
Chicago, IL 60601


Mr. Christopher J. Grant
Assistant Attorney General
Environmental Bureau
69 W. Washington Street, #1800
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Mr. Robert Petti
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John T. Therriault
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James R. Thompson Center
100 W. Randolph Street – Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that on **March 4, 2013**, we filed with the Office of the Clerk of the Pollution Control Board **Rock River Water Reclamation District's Motion to Reopen the Record For Leave To File Instanter Petitioner's Reply to Respondent's Post-Hearing Response Brief**, and a **Waiver of Decision**, copies of which are served upon you.

Respectfully submitted,
ROCK RIVER WATER RECLAMATION
DISTRICT

By: 
One of Its Attorneys

Roy M. Harsch, Esq.
Drinker Biddle & Reath LLP
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THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**ROCK RIVER WATER RECLAMATION DISTRICT
MOTION TO REOPEN THE RECORD
FOR LEAVE TO FILE INSTANTER
PETITIONER' S REPLY TO
RESPONDENT'S POST HEARING RESPONSE BRIEF**

Now here comes Rock River Water Reclamation District, ("RRWRD") by and through its Attorneys, DRINKER BIDDLE & REATH LLP, and respectfully requests that the Hearing Officer grant this Motion to Open the Record For Leave To File Instanter Petitioner's Reply to Respondent's Post-hearing Response Brief. In support, RRWRD states as follows:

1. On November 28, 2012, a hearing was held in this matter. By Hearing Office Order dated January 10, 2013, Petitioner's Post Hearing Brief was due to be filed on January 21, 2013.
2. On January 24, 2013, Petitioner filed a Motion for Leave to File Instanter Petitioner's Post Hearing Brief, due to counsel for Petitioner having been absent from the office with the flu for an extended period of time.
3. Counsel for Responded agreed to the terms set forth in Petitioner's January 24, 2013 Motion.

4. As a result of Petitioner's January 24, 2013 Motion, the Hearing Officer entered a revised Order on January 31, 2013 extending the due date of Respondent's Response from February 11, 2013 to February 15, 2013. Petitioner advised that it would endeavor to meet the original due date for its Reply of February 25, 2013, but that if more time was needed, a waiver would be filed. The Hearing Officer therefore retained the original due date of February 25, 2013 for Petitioner's Reply Brief in his revised Order.

5. Petitioner's counsel made every effort to comply with the February 25, 2013 deadline, however, was unable to do so as a result of being out of the office for an extended period of time for business and personal travel out of state on the Tuesday through Friday of the week preceding the due date. Travel into and out of the state continued through the end of the week of February 25, 2013.


6. Petitioner's counsel is not traveling today, has been able to complete the Reply Brief, and is filing it today, March 4, 2013.

7. Petitioner is also filing as of this date a waiver of decision to extend the decision deadline to May 2, 2013.

WHEREFORE, for all the foregoing reasons, RRWRD respectfully requests that the Hearing Officer grant this Motion to Reopen the Record For Leave To File Instanter Petitioner's Reply to Respondent's Post Hearing Response Brief.

Respectfully submitted,

ROCK RIVER WATER RECLAMATION
DISTRICT

By: 
One of Its Attorneys

Date: March 4, 2013

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March 4, 2013

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VIA E-MAIL: RPetti@atg.state.il.us
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Dear Gentlemen:

**RE: Rock River Water Reclamation District vs. Illinois
Environmental Protection Agency
PCB 2013-11 (Permit Appeal - Water): Waiver of Decision Date**

Dear Gentlemen:

Rock River Reclamation District, through its attorneys, hereby waives its right to a decision in the above-captioned matter through May 4, 2013.

Respectfully submitted,

ROCK RIVER RECLAMATION
DISTRICT



By: _____

Roy M. Harsch
One of Its Attorneys

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MAR 04 2013

STATE OF ILLINOIS
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **Rock River Water Reclamation District's Motion to Open the Record For Leave To File Instant Petitioner's Reply to Respondent's Post Hearing Response Brief**, by electronic mail and first class mail, postage pre-paid on March 4, 2013.

By: Ray M. Harsch
One of Its Attorneys