

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)

Petitioner,)

v.)

PCB Nos. 14-103 and 14-104
(NPDES Appeal-Water)
14-106, 14-107, 14-108
(Third Party NPDES Appeal-Water)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY, and)

Respondent.)

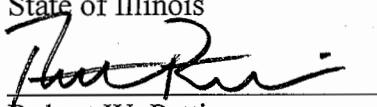
To: See attached service list.

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on the 20th day of March, 2014, the undersigned filed the attached Motion to Consolidate by electronic filing.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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AGREED MOTION TO CONSOLIDATE PERMIT APPEALS

Respondent Illinois Environmental Protection Agency (“Illinois EPA”) moves, pursuant to 35 Ill. Admin. Code 101.406, to consolidate the permit appeals filed by Metropolitan Water Reclamation District Greater Chicago (“Petitioner”), in PCB Nos. 14-103 and 14-104 (collectively the “103 Permit Appeals”), filed simultaneously on March 3, 2014. In support of this Motion, Illinois EPA states as follows:

1. On December 23, 2013, Illinois EPA issued National Pollution Discharge Elimination System permit nos. IL0028088, IL0028061, and IL0028053 (collectively the “Permits”), to the Petitioner.
2. On January 27, 2014, Petitioners in PCB Nos. 14-106, 14-107, and 14-108 filed for administrative review of the Permits (collectively the “106 Permit Appeals”).
3. On March 3, 2014, Petitioner filed for administrative review of the Permits in the 103 Permit Appeals, seeking review of various aspects of Illinois EPA’s December 23, 2013, decision to issue the Permits.
4. On March 6, 2014, the Board entered an Order consolidating the 106 Permit

Appeals for hearing.

3. The 103 Permit Appeals and the 106 Permit Appeals involve the same parties, the same or similar factual issues, and the same or similar legal issues.

4. The Permits are so similar in nature that the Illinois EPA held one joint public hearing to accept comments regarding all three draft permits and issued one Permit Responsiveness Summary addressing the three Permits together.

5. The administrative record for the Permit Appeals will include almost entirely identical documents, which totals 5500 pages. To require that the 5500 pages of administrative record be filed in three separate actions is clearly not convenient or efficient for the Illinois EPA, Petitioners or the Board.

6. The Permit Appeals clearly involve overlapping factual and legal issues.

7. Because of the overlap between the 103 Permit Appeals and the 106 Permit Appeals, it will be more convenient, efficient, and expeditious for Illinois EPA, Petitioners, and the Board to have the Permit Appeals consolidated for hearing and decision pursuant to 35 Ill. Admin. Code 101.406.

8. Consolidation of the Permit Appeals will not cause material prejudice to any of the parties involved in this matter.

10. Counsel for the Petitioners have agreed to the request for consolidation presented in this Motion pursuant to 35 Ill. Admin. Code 101.406,

Wherefore, for the foregoing reasons, Illinois EPA respectfully requests that the Board consolidate PCB Nos. 14-103 and 14-104, filed March 3, 2014, into the previously consolidated PCB Nos. 14-106, 14-107, and 14-108.

Dated: March 20, 2014

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
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