

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FLAGG CREEK WATER RECLAMATION)	
DISTRICT,)	
Complainant,)	PCB 06-141
v.)	
VILLAGE OF HINSDALE, ILLINOIS)	
DEPARTMENT OF TRANSPORTATION,)	
DUPAGE COUNTY, <i>et al.</i>)	
Respondents.)	


NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on August 5, 2016, I filed, electronically with the Office of the Clerk of the Illinois Pollution Control Board, **Flagg Creek Water Reclamation District Motion to Dismiss**, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

Flagg Creek Water Reclamation District

BY: 

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)

THIS FILING BEING SUBMITTED ELECTRONICALLY

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FLAGG CREEK WATER RECLAMATION)	
DISTRICT,)	
Complainant,)	PCB 06-141
v.)	
VILLAGE OF HINSDALE, ILLINOIS)	
DEPARTMENT OF TRANSPORTATION,)	
DUPAGE COUNTY, <i>et al.</i>)	
Respondents.)	

FLAGG CREEK WATER RECLAMATION
MOTION TO DISMISS

NOW COMES Complainant, Flagg Creek Water Reclamation District, (hereinafter, the "District"), by and through its attorneys, and hereby voluntarily moves to dismiss this case. In Support of this Motion the District states as follows:

1. The District originally filed this case on March 1, 2006 and an amended complaint on June 29, 2006 at a time when there were various problems occurring in its sewer system and waste water treatment plant that it believed were happening as a result of excess flows entering its sewer system during wet weather events. These problems formed the basis for the various allegations in the original and amended complaints.

2. Since filing of the complaint, the District has had a long series of discussions with the original defendants which have continued with the remaining defendants after the Metropolitan Water Reclamation District of Greater Chicago and the Illinois Department of Transportation were dismissed in 2010 and 2012 respectively. These discussions included various improvements and measures that the District and Respondents could individually and collectively implement. During this time period numerous improvements have been made.

THIS FILING IS BEING SUBMITTED ELECTRONICALLY

3. During the pendency of these discussions the District has continued to monitor the conditions that exist in its sewer system and at its waste water treatment plant. The District has observed significant improvement in both surcharging and overflows from its sewer system that it attributes to various measures undertaken by the various Respondents in this matter, improvements made by additional significant dischargers to its collection system and various improvements it made by itself.


4. These improvements have resulted in there not being any wet weather sewer overflows since 2012 with the exception of those attributed to an extremely large widespread storm event in April of 2013 that resulted in numerous overflows throughout the Chicagoland area impacted by the storm. In addition the operational issues at the wastewater treatment plant have been addressed as well.

5. Accordingly, the District believes that no purpose now exists to continue this case as the original issues giving rise to its decision to file it have been apparently addressed as a result of these various improvements.

6. The District has discussed this Motion with both the DuPage County and the Village of Hinsdale and agrees that each party should bear its own fees and costs.

Wherefore, for the foregoing reasons, the District respectfully requests that the Illinois Pollution Control Board approve this Motion to Dismiss as provided herein.

Respectfully submitted,
Flagg Creek Water Reclamation District

BY:  _____

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

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Flagg Creek Water Reclamation District Motion to Dismiss** was filed electronically with the Clerk of the Illinois Pollution Control Board and served upon the parties below by U.S. First Class Mail and Electronic Mail on Friday, August 5, 2016.

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street – Suite 11-500
Chicago, IL 60601
John.Therriault@Illinois.gov

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street – Suite 11-500
Chicago, IL 60601
Brad.Holloran@illinois.gov

Jennifer J. Sackett Pohlenz
CLARK HILL PLC
150 N. Michigan Avenue - Suite 2700
Chicago, IL 60601
jpohlenz@clarkhill.com

Barbara Reynolds
Assistant State's Attorney
DuPage County State's Attorney's Office
505 N. County Farm Road
Wheaton, IL 60187
Barbara.Reynolds@dupageco.org

William D. Seith
917 Cleveland Road
Hinsdale, IL 60521
wdseith@aol.com

BY: _____



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

THIS FILING IS BEING SUBMITTED ELECTRONICALLY

SERVICE LIST
PCB 06-141

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street – Suite 11-500
Chicago, IL 60601
John.Therriault@Illinois.gov

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street – Suite 11-500
Chicago, IL 60601
Brad.Holloran@illinois.gov

Jennifer J. Sackett Pohlenz
CLARK HILL PLC
150 N. Michigan Avenue
Suite 2700
Chicago, IL 60601
jpohlenz@clarkhill.com

Barbara Reynolds
Assistant State's Attorney
DuPage County State's Attorney's Office
505 N. County Farm Road
Wheaton, IL 60187
Barbara.Reynolds@dupageco.org

William D. Seith
917 Cleveland Road
Hinsdale, IL 60521
wdseith@aol.com

86260324 1