



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

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TRANSMITTAL LETTER FOR BOARD MEETING OF AUGUST 6, 2015

COMMITTEE ON STORMWATER MANAGEMENT

Mr. David St. Pierre, Executive Director

Approval of revisions to the District's Green Infrastructure Program Plan and authority to transmit same to the United States Department of Justice, the United States Environmental Protection Agency, and the Illinois Environmental Protection Agency for their approval pursuant to the Consent Decree entered in *United States of America, et al., v. Metropolitan Water Reclamation District of Greater Chicago*, 11 C 8859 (As Revised)

Dear Sir:

On January 6, 2014, the United States District Court for the Northern District of Illinois ("District Court") approved entry of a Consent Decree between the District, the United States Environmental Protection Agency ("USEPA"), and the Illinois Environmental Protection Agency ("IEPA") in *United States of America, et al., v. Metropolitan Water Reclamation District of Greater Chicago*, 11 C 8859. In their complaint against the District, the USEPA and IEPA alleged that the District violated Section 301(a) of the Clean Water Act (33 U.S.C. § 1311 (a)), as well as the terms and conditions of certain National Pollutant Discharge Elimination System permits issued by the District. The Consent Decree resolved these claims in their entirety without any admission of liability by the District. On July 9, 2015, the United States Court of Appeals for the Seventh Circuit affirmed the District Court's approval of entry of the Consent Decree.

On December 18, 2014, the District's Board of Commissioners approved transmittal of the Green Infrastructure Program Plan ("GIP Plan") to the USEPA and the IEPA, as required by Appendix E, Section II C of the Consent Decree. The GIP Plan was to become effective upon approval by the USEPA. Thereafter, in May 2015, the USEPA and IEPA contacted District staff with questions and comments regarding the proposed GIP Plan. From May through July 2015, District staff met with USEPA and IEPA staff and discussed proposed revisions, subject to approval by the District's Board of Commissioners.

Based on feedback received from USEPA and IEPA, District staff has drafted a revised GIP Plan for consideration and approval by the Board of Commissioners. In summary, the proposed revisions are minor and drafted to more closely track the language of the Consent Decree and, specifically, Appendix E. Attached hereto is a draft red-line of the GIP Plan with appendices. All of the proposed changes are contained in the GIP Plan. There are no changes to the appendices.

It is requested that the Executive Director recommend to the Board of Commissioners that it approve the District's revised Green Infrastructure Program Plan and authorize the District to transmit the revised Green Infrastructure Program Plan to the United States Department of Justice, the United States Environmental Protection Agency, and the Illinois Environmental Protection Agency for approval pursuant to the Consent Decree entered in *United States of America, et al., v. Metropolitan Water Reclamation District of Greater Chicago*, 11 C 8859. The Green Infrastructure Program Plan will become effective upon approval by the United States Environmental Protection Agency.

Requested, Ronald M. Hill, General Counsel, RMH:LLD:BO'C:nm

Recommended, David St. Pierre, Executive Director

Respectfully Submitted, Michael A. Alvarez, Chairman Committee on Stormwater Management

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for August 6, 2015

Attachments