

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release, effective as of the date the last signature is affixed hereto (the "Effective Date"), is entered into by Environmental Law & Policy Center ("ELPC"), Natural Resources Defense Council, Inc. ("NRDC"), Sierra Club, Inc., Friends of the Chicago River, Gulf Restoration Network and Prairie Rivers Network (collectively the "Environmental Groups") and Metropolitan Water Reclamation District of Greater Chicago ("MWRD") (hereafter the Environmental Groups and MWRD are collectively referred to as the "Parties" and any individual may be referred to as a "Party").

RECITALS

WHEREAS, on or about December 23, 2013, the Illinois Environmental Protection Agency ("IEPA" or the "Agency") issued National Pollutant Discharge Elimination System (NPDES) Permit for the MWRD's Stickney water reclamation plant (Permit No. IL0028053) (the "Stickney Permit"), the MWRD's NPDES Permit for the Calumet water reclamation plant (Permit No. IL0028061) (the "Calumet Permit") and the MWRD's NPDES Permit for the Terrence J. O'Brien water reclamation plant (Permit No. IL0028088) (the "O'Brien Permit") (collectively the "Permits").

WHEREAS, the Permits, among other requirements, contain a 1.0 mg/L Total Phosphorus effluent limit and other phosphorus monitoring and sampling requirements for each water reclamation plant's discharge.

WHEREAS, the Environmental Groups appealed, among other things, the 1.0 mg/L Total Phosphorus limit in each of the Permits to the Illinois Pollution Control Board. In three consolidated cases styled *Prairie Rivers Network, et al. v. Illinois Environmental Protection Agency, et al.*, PCB Case No. 14-106, *Prairie Rivers Network, et al. v. Illinois Environmental Protection Agency, et al.*, PCB Case No. 14-107, and *Prairie Rivers Network, et al. v. Illinois Environmental Protection Agency, et al.*, PCB Case No. 14-108, the Environmental Groups' principal argument is that the 1.0 mg/L phosphorus effluent limit is not stringent enough to protect against violations of the Illinois Environmental Protection Act and corresponding regulations (the "IPCB Proceedings").

WHEREAS, on December 18, 2014, the Illinois Pollution Control Board granted summary judgment in favor of the Agency and the MWRD on the Environmental Groups' appeal.

WHEREAS, the Environmental Groups appealed the Illinois Pollution Control Board's grant of summary judgment to the Illinois Appellate Court for the First District in a case styled *Prairie Rivers Network, et al. v. Illinois Pollution Control Board, et al.*, No. 1-15-0971 (the "Appellate Proceedings") (the IPCB Proceedings and the Appellate Proceedings are collectively referred to as the "Litigation").

WHEREAS, the Appellate Court reversed the Illinois Pollution Control Board's grant of summary judgment in favor of the Agency and the MWRD, and remanded the matter back to the Illinois Pollution Control Board for further proceedings.

WHEREAS, the Litigation is now pending before the Illinois Pollution Control Board.