

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC RULE)
APPLICABLE TO THE CITY OF GALVA)
SEWAGE TREATMENT PLANTS) R09-011
DISCHARGE TO EDWARDS RIVER) (Site Specific Rulemaking-Water)
AND MUD RUN CREEK)
35 ILL. ADM. CODE 303.447 and 303.448)

NOTICE OF FILING

TO: Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)
(SEE PERSONS ON ATTACHED LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of Clerk of the Illinois Pollution Control Board **PREFILED TESTIMONY OF DAVID L. DYER AND STEPHEN M. BRUNER**, copies of which are herewith served upon you.

Respectfully submitted,

CITY OF GALVA, Petitioner,

By: /s/ Claire A. Manning
One of Its Attorneys

Dated: March 16, 2009

BROWN, HAY & STEPHENS, LLP

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PRE-FILED TESTIMONY OF DAVID L. DYER

My name is David Dyer and I have served as the City Administrator of the City of Galva since being appointed to that position by the Mayor, with the advice and consent of the Galva City Council on 21 March, 2005. I continue to serve the citizens of Galva at the pleasure of our current Mayor, the Honorable Thomas E. Hartman. I oversee a budget of \$3.95 million, 12 full time staff, 4 part time employees, 8 seasonal employees and approximately 50 volunteers. Besides running the day-to-day operations of the City, I am tasked with providing professional advice to the Mayor and Council on all things related to municipal government. I am a member of the Government Finance Officer's Association and the American Planning Association. I sit on the boards of the Henry County Economic Development Association, the US 34 Logistics Corridor, and am an advisor to the Quad City Economic Development Group.

Prior to working for the City, I was the Director of Product Development for SureGlobal Communications, LLP in Richardson, TX for five years, a global VoIP start up. Before my tenure with SureGlobal, I was Vice President of Sales & Marketing with Sparks Communications, Inc., Mesquite, TX, a systems integration start-up, where I led a staff of 10 professionals specializing in telecommunications infrastructure. I spent one year as the interim City Administrator for the City of Wilmer, TX after six years of service to Smith Protective Services, Inc. in Dallas, TX as a Human Resources Manager supervising eight staffers responsible for the personnel planning of a 250 employee workforce. Prior to Smith, I was employed by Rockwell International, Richardson, TX where I was part of the team tasked with upgrading the corporation's telecommunications infrastructure. I have a B.A. in Government & Politics from the University of Texas at

Dallas and am currently enrolled in the University of Illinois' Certified Public Managers Program.

My testimony will provide an overview of the City of Galva's population, industry and geography; will include a discussion of the City's boron issue; and will provide my analysis of the economic impact of potential solutions posed in the Technical Support Document submitted to the Pollution Control Board by the engineering firm of Bruner, Cooper & Zuck.

THE MUNICIPALITY

Founded in 1854, the City of Galva is a small but storied municipal corporation that lies midway between Peoria and the Quad Cities. Like many small cities founded before the turn of the last century, Galva was established as a railroad town on what was originally the Military Tract line, later called the Chicago, Burlington & Quincy (C. B. & Q.). Although the economy of this rural community is largely agricultural in nature, the City is home to the casket hardware manufacturer Dixline Corporation, the manufacturer of display cases, Best Manufacturing, and the recycler Eagle Enterprises. True to its agricultural and railroad heritage, Galva is also the home of the River Valley Cooperative which operates an in-land grain terminal for Big River Resources, LLC. (BRR). Formerly owned and operated by Lincoln Land Rail, LLC, the terminal was purchased by BRR in January of 2007 as part of a deal brokered by the City in its effort to "go green" while bolstering the local economy by using the City's agricultural and rail assets to attract an established producer of ethanol.

According to the Census Bureau, Galva's population of 2,758 is aging faster than the State's population. The median age in Galva is 39.2 as opposed to 34.7 for the State at large. Our 1,266 housing units have a median value of \$58,600 as compared to the State's median value of \$130,800. As might be expected, the median family and per capita income in Galva lags the State medians by \$9,665 and \$5,939 respectively. Accordingly, the City is pursuing an aggressive economic development strategy in an attempt to stave off further economic stagnation and "youth flight." The results of the City's forceful economic development posture will not be fully revealed until after the 2010 census.

THE BORON ISSUE

During the month of May, 2005, I was briefed by licensed Class C Operator In Charge for the City of Galva, Greg Thompson (Thompson), and licensed Wastewater and Treatment Operator for Galva, Larry Lawson (Lawson), on the City's outstanding boron compliance issue. In short, Lawson stated that the City needed to take steps to address a "Special Condition" of its NPDES permit which limited the amount of boron that could be discharged from its Northeast and Southwest Sewage Treatment Plants (STPs). I inquired into the source of the problem and its harmful effects. Thompson stated that the source was the City's potable water supply and Lawson, who holds degrees in chemistry and mathematics from Lyon College and a Masters in Inorganic Chemistry from Iowa State, assured me that due to the relatively low concentration of boron in our water supply, there was no known health hazard to the City's water customers. I concluded the briefing with a request for further information and a draft plan of action for compliance.

During subsequent meetings, Lawson shared testing data with me that confirmed the presence of boron in our water supply. In addition, Lawson informed me that we were discharging boron as evidenced by analytical results from the effluent of our STPs. As further background information, Lawson informed me that boron in excess of the standard was discovered while testing for other items specifically related to the operations of Dixline Corporation. As requested, Lawson proffered several options for dealing with the problem, each requiring further investigation. To wit: an alternate water supply free of boron, Reverse Osmosis (RO) and Ion Exchange.

Based on Lawson's recommendations, the City engaged the services of a Galesburg, Illinois engineering firm, Bruner, Cooper & Zuck, Inc., to provide professional guidance and further elucidation on Lawson's proffered solutions. Discussions were immediately opened with the Cities of Kewanee and Galesburg for alternate supply. The City of Kewanee responded in writing to our request on 24 May, 2005 stating "The Council didn't believe it to be in our best interest to commit a majority of our excess capacity to another community at this time, nor commit our staff resources to prepare the level of detail sought by your engineers." Based on the Kewanee response, Galva did not engage Kewanee further. Galesburg's response was more positive.

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Formal meetings were held with the City of Galesburg, and based on those meetings the City directed Bruner, Cooper & Zuck to develop a Preliminary Report (Report) on a Water Transmission Main from Galesburg to Galva. The Report was completed in September, 2005. Based on the Report, Galesburg and Galva began to explore funding sources for the project, estimated at \$13-\$16 million for the transmission line with an additional \$3-\$10 million to upgrade Galesburg's water transmission capabilities.

Over the next several months, the City of Galesburg and the City of Galva approached state representatives, the USDA, the federal EDA, U.S. congressmen and U.S. senators in Washington with follow up meetings in Illinois. The municipalities were unable to obtain the funding necessary to make the project viable.

The lack of funding prompted the City of Galva to explore the feasibility of correcting the deficiency through ion exchange and RO. Neither of these solutions were found to be viable, which led the City to explore the possibility of obtaining a site specific regulation through this rulemaking proceeding.

THE ECONOMIC VIABILITY OF PROPOSED SOLUTIONS

Based on engineering and construction cost data submitted by Bruner, Cooper & Zuck, potential remedies other than a site specific regulation for boron are as follows:

1. Ion Exchange: \$2 million
2. Reverse Osmosis: \$6.9 million
3. Water Transmission Main from Galesburg: \$16.1 million
4. Water Transmission Main from Kewanee: cost not evaluated due to rejection by Kewanee
5. Test drilling program: cost beyond drilling test well not obtained due to lack of suitable aquifer (nearest sand and gravel aquifer in excess of thirty miles from Galva).

None of these solutions include ongoing operations and maintenance expenditures because the capital costs alone are beyond the financial capacity of the City.

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PRE-FILED TESTIMONY OF STEPHEN M. BRUNER

BACKGROUND

My name is Stephen M. Bruner and I am a Licensed Professional Engineer and Licensed Land Surveyor employed by the firm of Bruner, Cooper & Zuck, Inc., located in Galesburg, Illinois. My current position is CEO of the firm, and in the past I have held the positions of Vice-President, Treasurer and President of Bruner, Cooper & Zuck, Inc. and its predecessor firms of Weber, Hillemeier & Zuck and Weber, Hillemeier and Fischer, Inc. I began work with Weber, Hillemeier & Fischer, Inc. in April of 1974 as a Civil Engineer and Land Surveyor, after having graduated from St. Louis University in June of 1971 with a Bachelor of Science degree in Geological Engineering. By training, apprenticeship and work experience, I have specialized in the fields of Civil Engineering and Land Surveying, and I became licensed as a Professional Land Surveyor in 1981 and as a Professional Engineer in 1982. Currently, I am licensed as a Professional Land Surveyor in the States of Illinois, Iowa and Wisconsin, and as a Professional Engineer in the States of Illinois, Iowa and Missouri.

In my duties as a Civil Engineer over the years, I have designed a number of municipal infrastructure projects, including Activated Sludge Sewage Treatment Plants, both Aerated and Facultative Lagoon type Sewage Treatment Plants, Sanitary Sewer Collection Systems, Storm Sewer Systems, Water Treatment Plants, including Reverse Osmosis Systems, Water Wells, Water Distribution Systems, Water Storage Tanks, both Elevated and

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Ground, Pumping Systems for both Water and Wastewater, Road and Highway Projects as well as a number of Railroad Track Projects. My current duties with Bruner, Cooper & Zuck include acting as the chief Design Engineer for municipal infrastructure projects for the firm.

The firm of Bruner, Cooper & Zuck, Inc. began performing municipal engineering work for the City of Galva, Illinois, in January of 2003. Since that time, I have designed, or participated in the design of the following types of projects for the City:

1. Sanitary Sewers.
2. Water Mains.
3. Sewage Pumping Stations.
4. Land Boundary Surveys.
5. Residential Subdivisions.
6. Streets and Street Maintenance Projects.
7. Water Tower Inspections.
8. Storm Sewers.
9. Feasibility Study regarding a 25 mile pipeline to supply the city of Galva with potable water from the City of Galesburg.
10. Facilities Plan detailing various methods and associated costs involved with reducing Boron in the effluent of Galva's Sewage Treatment Plants.

My testimony will discuss my being asked by the City Administrator of the City of Galva to study Alternatives that are available to reduce the level of Boron in the effluent of Galva's Sewage Treatment Plants; my development of these Alternatives along with their associated costs; my preparation of a written report entitled "Technical Support Document Site Specific Water Quality Standard, Galva, Illinois".

I was initially asked to investigate the issue of Boron removal from Galva's Southwest Sewage Treatment Plant effluent in April of 2005. This work was immediately undertaken by our firm, and a report entitled "Achieving compliance with Boron Effluent Limitations for the City of Galva" was prepared and submitted to the Illinois Environmental Protection Agency for their review in December of 2005. Subsequent revisions to this report have resulted in the "Technical Support Document, Site Specific Water Quality Standard, Galva, Illinois" that forms a portion of the petition for relief now in front of the Illinois Pollution Control Board.

OVERVIEW OF TECHNICAL SUPPORT DOCUMENT

The purpose of the Technical Support Document (the Report) is to identify and discuss the alternatives available to the City of Galva in reducing Boron concentrations in its wastewater effluent, including relief that could be provided by a site specific water quality standard, if granted by the Illinois Pollution Control Board.

The City of Galva, Illinois, is a community of 2,758 people located in south central Henry County, Illinois, approximately 30 miles southeast of the Quad Cities. Potable water used in the City is supplied by two (2) municipal wells, No. 4 and No. 5 (Figure No. 2 in the Report). Testing authorized by the City has revealed that the water from these wells contains Boron concentrations in excess of 1 mg/l (Appendix C of the Report), which is the discharge limitation contained in the NPDES Permit for Galva's Southwest Sewage Treatment Plant (Appendix B of the Report). The Boron that is present in Galva's well water is a naturally occurring element. Galva's Water Plant treatment processes consist of aeration and chlorination, which do not alter the concentration of Boron in the potable water sent to the Water Distribution System.

Potable water used in Galva is ultimately discharged as wastewater into Galva's Sanitary Sewer System for transport to Galva's two (2) Sewage Treatment Plants. The Northeast Sewage Treatment Plant is an activated sludge plant that discharges into an unnamed tributary of the South Branch of the Edwards River. The Northeast Sewage Treatment Plant is governed by NPDES Permit No. IL0026344 (Appendix A of the Report), issued August 3, 2004, with an expiration date of August 31, 2009.

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The Southwest Sewage Treatment Plant is an aerated Lagoon that discharges into Mud Creek, which is a tributary to Walnut Creek and ultimately the Spoon River. The Southwest Sewage Treatment Plant is governed by NPDES Permit NO. IL0023647 (Appendix B of the Report), issued August 4, 2004, with an expiration date of August 31, 2009. A location map of both Plants is included in the Report as Figure 2.

Because Galva's Southwest Sewage Treatment Plant accepts industrial wastewater from the Dixline Corporation, a metal finishing plant, the City has been required to sample for Nickel and Copper in the effluent from the Southwest Plant. While sampling for these elements, it was discovered that the Southwest Plant's effluent contained levels of Boron in excess of the water quality standard of 1 mg/l. This discovery has led to the Illinois Environmental Protection Agency including the 1 mg/l Boron Standard in the NPDES Permit for this facility.

During preparation of the Report, several different treatment alternatives were considered in order to reduce the concentration of Boron released into the receiving streams at both of Galva's Sewage Treatment Plants. The first option studied was to construct an Ion Exchange treatment unit at each Sewage Treatment Plant that would reduce the Boron concentration in each Plant's effluent. With a properly selected resin, it was estimated that a significant decrease in Boron concentrations could be obtained by using an Ion Exchange process. However, the resin regeneration cycle required to "backwash" the Ion Exchange units would produce a highly mineralized wastewater that would have high concentrations of Boron. It was estimated that approximately 5000 gallons of regeneration wastewater would be produced every 8 to 9 days from such a process. Disposal options include trucking this water for disposal at a large Sewage Treatment Plant that discharges to a major river, or possibly utilizing evaporation ponds. The construction cost estimate to install Ion Exchange Units at each of Galva's Sewage Treatment Plants was \$2,016,410. Potential long term operation and maintenance costs of this Alternative were not investigated, but are thought to be substantial over a long term basis.

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Also investigated were treatment alternatives that applied to Galva's potable water supply, including Ion Exchange and Reverse Osmosis.

In a manner similar to treating the wastewater effluent from Galva's Sewage Treatment Plants, the Ion Exchange process could be used to treat potable water from Galva's Wells, and thus significantly decrease Boron concentrations prior to ultimate discharge in the effluent of the Sewage Treatment Plants. Similar problems with disposal of regeneration wastewater remain if potable water instead of wastewater is treated by this process. Only one (1) Ion Exchange Plant would have to be constructed, instead of one (1) at each Sewage Treatment Plant; however it would necessarily be larger in size due to the hydraulic loadings present for the entire water system. The construction cost estimate for an Ion Exchange Plant to treat Galva's potable water supply is \$2,099,784. Long term operation and maintenance costs associated with this option are anticipated to be significant, but were not investigated during the preparation of the Report.

Reverse Osmosis (RO) treatment of Galva's potable water supply was also investigated as a part of the Report. Although not as common as the Ion Exchange process, RO technology has been used for Boron removal. Relying on a nonporous, semi-permeable series of membranes, the RO process typically generates up to 25% of waste concentrate which typically is highly mineralized. Similar to the Ion Exchange process, this waste concentrate presents a disposal problem. Due to the large volume of waste concentrate produced by the RO process, trucking the wastewater or evaporation ponds are not seen to be viable disposal options for this Alternative. Instead, deep well injection was identified as the one (1) feasible disposal option to be used for RO waste concentrate. The construction cost estimate for the Reverse Osmosis Alternative is \$6,905,955. As with the other treatment options, significant operation and maintenance costs are anticipated for this option, but were not investigated further.

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Another avenue that was investigated in order to solve Galva's Boron concentration problem was the possibility of obtaining a different, Boron free source of potable water. Drilling a new well was investigated first, with a shallow well or wells being identified as the most likely to avoid the Boron-rich water that lie in deeper geologic formations currently penetrated by Galva's existing wells. It appears that shallow sand and gravel deposits along the Green River in northern Henry County may offer both the quantity and Boron-free characteristics of potable water needed by Galva; however, the straight line distance from this area to the City of Galva is in the range of 20 to 25 miles. In the absence of a costly test drilling program, this alternative was not investigated further and is so noted in the Report.

The City of Kewanee, approximately 12 miles northeast of Galva, possesses potable water relatively free of Boron having first installed two (2) new Reverse Osmosis Water Plants. Inquiries by the City Administrator of Galva to the City of Kewanee regarding Galva's potential purchase of potable water from Kewanee were not positive. Due to the amount of water that may be required by Galva, the City of Kewanee determined that this option was not feasible, and it was therefore dropped from further consideration in the Report.

Finally, a potable water pipeline between Galva and the City of Galesburg, 22 miles to the southwest, was also investigated. Galesburg has Boron-free potable water, and initial investigation revealed a willingness to sell Galva the amount of water necessary. A report was prepared by this office on the feasibility of such a pipeline between the two cities in conjunction with the water needs of an Ethanol Plant that desired to locate its operations in Galva. The report concluded that the project was feasible but at a rather high construction cost of \$16.1 million. Since the initial preparation of the Report, the Ethanol Plant has indeed located in Galva, but has drilled three (3) deep wells to supply the production facility, rather than utilize Galva's potable water supply. Without a public private partnership regarding the supply of water, the option of Galva constructing a water pipeline to Galesburg on its own is not seen to be economically feasible.

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Due to the extremely high costs associated with the above alternatives along with the fact that some options are not technically feasible, the City of Galva has come to the conclusion that the most reasonable option available to it in this matter is to petition the Illinois Pollution Control Board for a site specific water quality standard for Boron. Available literature, past Illinois Pollution Control Board cases and practical experience in Henry County suggest that Galva's discharge of Boron in excess of the General Use standard of 1 mg/l does not pose a threat to the receiving streams or surrounding farmlands.

Boron is a relatively inert, naturally occurring element that is found in nature in compounds called borates. Borates are found in the oceans, sedimentary rocks, coal, shale, and some soils. Borates are naturally released into the environment from the oceans, volcanic activity and other geothermal releases such as geothermal steam, and weathering of clay-rich sedimentary rocks. Boron is also released, to a lesser extent, from sources due to human activity.

Boron is an essential micronutrient for plants, with levels of Boron required for optimum growth depending on the plant species. In some plants, there is but a narrow range between Boron deficiency and toxicity. Crops that are irrigated with Boron-rich waters are thought to be the most likely to show any adverse effects of high strength Boron toxicity. Previous petitions to the Illinois Pollution Control Board cited in the report more fully discuss and explain Boron toxicity in relation to both plants and animals in the receiving ecosystem.

The receiving streams in question, the South Branch of the Edwards River for the Northeast Plant and Mud Run/Walnut Creek for the Southwest Plant are normal surface drainage features common to west-central Illinois. The South Branch of the Edwards River was rated by the IEPA in its *Integrated Water Quality Report and Section 303(d) List (2006)* as "fully supporting" of aquatic life and "fully supporting" of fish consumption. It is "not supporting" of primary contact use based on fecal coliform bacteria data. The source of the bacteria concentrations is listed as "unknown".

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The South Branch of the Edwards River does not discharge enough water to make it a viable source for potable water for any of the surrounding communities. Mud Run and Walnut Creek were not assessed in the 2006 edition of the IEPA's Report. Neither stream is large enough to make it a source for potable water either.

Investigation by this firm reveals that there are 18 registered nurseries in Henry County. None of these 18 nurseries are located close enough to the affected waterways to utilize them for irrigation. Similarly, all 4 registered nurseries in Knox County were not located near the affected streams. There are no golf courses currently located along the affected waterways.

Communications with Gary Clark, Director of the Office of Natural Resources (part of IDNR), confirmed that there are not authorized permits for structures to draw irrigation water from the streams.

The Henry County Farm Bureau Director checked with County Farm Bureau board members to see if there were any specialty crops being grown along the South Branch of the Edwards River. No one was aware of any specialty crops that may require constant irrigation being grown along the affected waterways.

Also, the Knox County Farm Bureau Director looked into any specialty crops being grown along Walnut Creek and Mud Run in Knox County. To the best of his knowledge, there were not specialty crops being grown in that area of the county.

Considering the lack of current use of the affected streams and their relatively low flows it is reasonable to assume that a site specific water quality standard will not affect future stream usage.

FINAL RECOMMENDATIONS

At the present time, the City of Galva continues to operate its existing water and wastewater systems as it has in the past. This undoubtedly translates into occasional violation of the General Use standard of 1 mg/l for Boron, as I.E.P.A. interprets such violation to be whenever effluent from the City of Galva's plants exceeds 1 mg/L. The Boron limit is more likely to be violated during dry weather, when relatively no dilution is occurring in the Sanitary Sewer Collection System. During wet weather, Boron violations are less likely due to the dilution caused by infiltration and inflow of ground and rainwater into the Collection System. These violations are therefore erratic in nature, and based upon previous discussion, are not thought to be harmful to the environment of the receiving streams.

In conclusion, removal of Boron from a water source is not completely uncommon; however, the majority of applications are industrial in nature as opposed to a municipal wastewater or potable water. This is evident in the high upfront costs associated with each of the explored alternative solutions.

Each of the treatment options have very complex issues regarding the disposal of the resulting waste. As such, operation and maintenance costs can not be accurately estimated at this time although they are expected to be significantly high. These costs combined with the upfront construction design, and legal costs make these options impractical without significant financial assistance.

The alternative water supply sources are a considerable distance from the City of Galva. The Galesburg to Galva option has numerous technical, as well as political issues that would have to be resolved, not to mention the expenses associated with such a large scale pipeline system. The Green River Valley option would require a significant expense to determine if it is even feasible, which would be in addition to the cost to develop a well, or wells, and construct a pipeline.

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Considering the information obtained from researching the issue, discussions with persons in the field, including personnel with the I.E.P.A., a site specific water quality standard seems the most feasible option at the current time. The adjusted site specific water standard is expected to yield no foreseeable negative impacts on the existing environment. I therefore respectfully recommend that the Illinois Pollution Control Board grant the City of Galva's request for a Site Specific Water Quality Standard in this matter.

Respectfully submitted:

CITY OF GALVA, Petitioner,

By: /s/ Claire A. Manning
One of Its Attorneys

Dated: March 16, 2008

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached PREFILED TESTIMONY OF DAVID L. DYER AND STEPHEN M. BRUNER, upon the following person:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

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One of Its Attorneys

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