

ILLINOIS POLLUTION CONTROL BOARD
March 16, 2006

CITY OF SPRINGFIELD, ILLINOIS, a)
municipal corporation,)
)
Petitioner,)
) PCB 06-137
v.) (Variance – Water)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by N.J. Melas):

On February 9, 2006, the City of Springfield (Springfield), located in Sangamon County, filed a petition for a variance. Springfield seeks relief from the Board's dissolved oxygen general use water quality standard, set forth at 35 Ill. Adm. Code 302.206. The granting of the requested relief will allow Springfield to seek certification from the Environmental Protection Agency (Agency) and a permit from the United States Army Corp of Engineers to build temporary dams in the Sangamon River Basin to supplement the City's water supply capacity during periods of severe drought.

On February 17, 2006, Springfield filed a motion to incorporate the records of prior Board proceedings into this proceeding. Springfield states that it has previously requested an identical variance and that the Board has granted such a variance to Springfield in three previous proceedings. The proceedings before the Board were docketed as City of Springfield v. IEPA, PCB 88-113 (Nov. 29, 1988), City of Springfield v. IEPA, PCB 93-135 (Dec. 16, 1993), and City of Springfield v. IEPA, PCB 00-179 (June 8, 2000). Springfield contends that the records are directly relevant to this proceeding.

The Board grants the motion and incorporates the records of PCB 88-113, PCB 93-135, and PCB 00-179 into this proceeding. Based on the February 9, 2006 filing date of this petition, the current decision deadline is June 9, 2006, which only Springfield may extend by waiver (*see* 415 ILCS 5/38(a); 35 Ill. Adm. Code 104.232(a)(1)). The Board meeting immediately before that date is scheduled for June 1, 2006. Springfield has waived hearing contingent on a positive recommendation by the Agency.

Because Springfield has waived hearing, the Board asks Springfield to provide more information as specified below. Pursuant to Section 104.226 of the Board's procedural rules, any substantive amendment to the petition recommences the 120-day decision period. 35 Ill. Adm. Code 104.226. The Agency must file its recommendation within 45 days after the filing of the amended petition. 35 Ill. Adm. Code 104.226(b). The recommendation must comply with

the content requirements of 35 Ill. Adm. Code 104.216(b). The Board requests Springfield to provide the following information:

1. Please provide a map of the locations of the proposed dams and pools that would be created from those dams. Please provide a general indication of the expected perimeter of pool formations on the map. 35 Ill. Adm. Code 104.204(b)(1).
2. Please provide the proposed locations of dissolved oxygen monitoring stations that Condition 6 of PCB 00-179 requires both above and below the proposed dams. If there is not yet a proposed location, please provide the kind of evaluation that would be used to determine the location of dissolved oxygen monitoring. 35 Ill. Adm. Code 104.204(b)(1).
3. Springfield mentions that a cascade aerator was proposed on the downstream side of at least one of the temporary dams in the dissolved oxygen analysis submitted as Exhibit 6 to the 1998 petition. Is a cascade aerator considered in the design and cost estimates of this petition for variance? If not, will Springfield install one if the temporary dams are constructed? If so, should the installation of the cascade aerator be a variance condition? 35 Ill. Adm. Code 104.204(b)(7).
4. The petition states that “Hanson Engineers was retained on July 5, 2005 to provide requested updated summary information regarding project alternatives and additional environmental impacts related to the proposed village sewer projects.” Pet. at 34-35. Please provide the Board with the updated information. 35 Ill. Adm. Code 104.204(c).
5. The petition states that technical evaluations of Springfield’s long-term water supply needs were completed in 1957, 1965, 1972, 1980, 1981, and 1986.” Pet. at 4. Has Springfield conducted any technical evaluation of the long-term water supply needs in the past 20 years? If so, what are the results? If not, why? 35 Ill. Adm. Code 104.204(c).
6. Please clarify the time frames for completing the temporary lake for the Sangamon River diversion project and Hunter Lake. *See* Pet. at 4, 9-10, and 39. Please include the phases of the projects from initiation of design to project completion. 35 Ill. Adm. Code 104.204(f)(2).
7. Springfield indicates that it has submitted a new permit application to the Army Corps of Engineers to construct a dam on the Sangamon River that is required by Springfield’s emergency water supply plan. Pet. at 11. Please provide a copy of the part of the permit application to which this variance would apply. 35 Ill. Adm. Code 104.204(i).
8. Springfield requests the same variance language as is contained in PCB 00-179. The variance in PCB 00-179 applies to dissolved oxygen in the Sangamon River. Please clarify whether Springfield would like the variance also to apply to the

South Fork of the Sangamon River and Sugar Creek as well. Also, please indicate whether a distance along each river should be specified, rather than applying the variance to the entire water body. 35 Ill. Adm. Code 104.204(j).

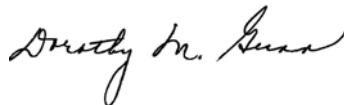
9. In condition 2 of the PCB 00-179 variance, please indicate whether Springfield interprets "normal" to mean "average" as used in Pet. Exh. 2. 35 Ill. Adm. Code 104.204(j).

CONCLUSION

The Board grants the City of Springfield's motion and incorporates the records of dockets PCB 88-113, PCB 93-135, and PCB 00-179 into this proceeding. The Board also directs Springfield to provide the Board with more information in an amended petition, as specified in this order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 16, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board