

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF QUINCY, an Illinois municipal
corporation,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB No. 08-86
(NPDES Permit Appeal)

ORIGINAL

RECEIVED
CLERK'S OFFICE

AUG 18 2008

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Fred C. Prillaman
Joel Benoit
Mohan Alewelt, Prillaman, & Adami
1 N. Old State Capitol Plaza, Suite 325
Springfield, IL 62701

PLEASE TAKE NOTICE that on the 15th day of August, 2008, I have filed with the Office of the Clerk of the Pollution Control Board an original and four copies of the following documents, an **Entry of Appearance** and the **Agency Record**, a copy of which is herewith

served upon you.


Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN,
Attorney General of the
State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: August 15, 2008

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APPEARANCE

I, THOMAS DAVIS, Assistant Attorney General of the State of Illinois, hereby file my
appearance in this proceeding on behalf of the Respondent, ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN,
Attorney General of the
State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
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STATE OF ILLINOIS
Pollution Control Board

PCB 08-86
(NPDES Permit Appeal)

Respondent.

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB") as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of City of Quincy's ("Quincy") National Pollutant Discharge Elimination System ("NPDES") Permit No. IL0030503, as issued on March 27, 2008, which is attached and consists of the following documents:

1. Illinois PCB adopted rule/final order R85-29, June 30, 1988, (excerpted). (pp. 1-4)
2. Federal Register, Vol. 59, No. 75, p. 18692, April 19, 1994. (p. 5)
3. U.S. EPA: Combined Sewer Overflows Guidance for Long-Term Control Plan, August 1995, (excerpted). (pp. 6-8)
4. U.S. EPA: Combined Sewer Overflows Guidance for Permit Writers, September 1995, (excerpted) (pp. 9-13)
5. Memorandum dated May 28, 1996, from Bob Mosher, Division of Water Pollution Control ("DWPC"), DWPC Standards, to Pratap Mehra, DWPC, Permit Section, *concerning chlorine recommendations*. (p. 14)

6. U.S. EPA Guidance: Coordinating CSO Long-Term Planning with Water Quality Standards, July 31, 2001, (excerpted). (pp. 15-19)
7. U.S. EPA Guidance: Coordinating CSO Long-Term Planning with Water Quality Standards, July 31, 2001, highlighted page from. (p. 20)
8. Permit renewal application, received by DWPC/Permit Section on July 27, 2006. (pp. 21-148)
9. Memorandum dated August 15, 2006, from Ralph Hahn, DWPC, Permit Section, to Bob Mosher, requesting water quality standards evaluation. (p. 149)
10. Quincy effluent limits and measurements, August 21, 2006. (pp. 150-183)
11. Memorandum dated October 23, 2006, from Alyson Grady, DWPC, Water Quality Standards, to distribution list including Bob Mosher, Ralph Hahn, and Al Keller, DWPC, Permit Section, re biomonitoring test results, October 23, 2006. (pp. 184-186)
12. Letter dated November 2, 2006, from Ralph Hahn to Peter Swenson, U.S. EPA Region V, without attached permit renewal application. (p. 187)
13. Memorandum dated January 22, 2007, from Scott Twait, DWPC, Water Quality Standards, to Ralph Hahn, re water quality based effluent limits. (pp. 188-190)
14. E-mail dated March 6, 2007, from Scott Twait to Ralph Hahn, re 303(d) and biological stream characterization program. (p. 191)
15. Engineer review sheets, prepared by Ralph Hahn on March 5, 2007. (pp. 192-196)
16. Quincy parameter and monitoring descriptions, March 7, 2007. (pp. 197-198)
17. Quincy DMR effluent metals data summary, March 8, 2007. (pp. 199-200)
18. Photos of CSO Outfalls 002, 006 and 007 taken during March 28, 2007 Illinois EPA inspection. (pp. 201-216)
19. Cover memo and letters dated April 10, 2007, from Rick Pinneo, Manager, Southern Municipal Unit, Permit Section, DWPC, to U.S. Army Corps of Engineers, Rock Island District; City of Quincy; and U.S. EPA Region V; with attached draft NPDES permit and 15-day public notice/fact sheet. (pp. 217-240)
20. Letter dated June 7, 2007, from Tim Kluge, Manager, Field Operations Section, DWPC, to Michael Krabacher, Camp Dresser & McKee ("CDM"), engineering consultant for Quincy, re CSO assessment. (pp. 241-244)

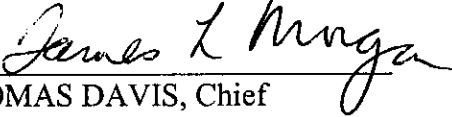
21. Cover letter dated July 31, 2007, from Rick Pinneo to City of Quincy, with attached draft NPDES permit and 30-day public notice/fact sheet. (pp. 245-267)
22. Letter dated August 8, 2007, from David Kent, Director of Utilities, Quincy, to Rick Pinneo, re designation of CSOs as sensitive areas. (pp. 268-269)
23. Public notice order form and invoice, August 24, 2007. (pp. 270-274)
24. Cover letters dated August 28, 2007, from Rick Pinneo to Municipal Clerk, Quincy; U.S. Fish & Wildlife Service, Rock Island Field Office; Missouri Department of Natural Resources; and City of Quincy; with attached draft NPDES permit and 30-day public notice/fact sheet. (pp. 275-298)
25. Public notice confirmation postcard, dated August 29, 2007. (p. 299)
26. Letter dated September 13, 2007, from David Kent to Toby Frevert, Manager, DWPC, re designation of CSOs as discharging to sensitive areas, with attached memorandum dated September 12, 2007, from Nicole Garrett and Dan Vicari, CDM, to Liz Fujikawa and Ron French, re planning level CSO costs, and with attached memorandum from Ronald French to David Kent dated September 11, 2007, re status of CSOs as to discharging to sensitive areas. (pp. 300-331)
27. Illinois Department of Natural Resources' ecological compliance assessment of Quincy CSOs, September 13, 2007. (p. 332)
28. Sign-in sheet for September 13, 2007 meeting. (p. 333)
29. Requested revisions to draft letter to City of Quincy, submitted by CDM. (p. 334)
30. Letter dated September 26, 2007, from Fred Prillaman, Mohan, Alewelt, Prillaman & Adami, legal representative for Quincy, to Toby Frevert, with attached memorandum dated September 21, 2007, from Ronald French and Donielle Jordan to David Kent re recreational use survey of Quincy Bay, and attached memorandum dated September 26, 2007, from Nicole Garrett and Dan Vicari to David Kent re planning level CSO cost estimates. (pp. 335-359)
31. Letter dated October 15, 2007, from John A. Spring, Mayor, City of Quincy, to Doug Scott, Director, Illinois EPA, re disagreement over sensitive areas. (pp. 360-361)
32. Letter dated October 22, 2007, from Nicole Scott (formerly Garrett), to Rick Pinneo, requesting public comments be sent to CDM. (p. 362)
33. Letter dated March 27, 2008, from Alan Keller to Mayor Spring, re public comments and sensitive areas designation. (pp. 363-364)

34. E-mail communications conducted February 26, 2008 through March 13, 2008, between Nicole Scott and Ralph Hahn. (pp. 365-368)
35. Cover letter dated March 27, 2008, from Alan Keller to City of Quincy, with attached NPDES Permit No. IL0030503, issued March 27, 2008 and effective April 1, 2008. (pp. 369-386)

Respectfully submitted,

LISA MADIGAN,
Attorney General of the
State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

for BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: August 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that I did on the 15th day of August, 2008, send by ^{UPS}~~First Class Mail~~ with postage thereon fully prepaid, by ~~depositing in a United States Post Office Box~~, the original and 4 true and correct copies of the foregoing instruments entitled Notice of Filing, Appearance, and Agency Record,

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

and a true and correct copy of the foregoing instruments were sent by First Class Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box, to

Fred C. Prillaman
Joel Benoit
Mohan Alewelt, Prillaman, & Adami
1 N. Old State Capitol Plaza, Suite 325
Springfield, IL 62701

and the same were filed with

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

BY: *Thomas L. Mungen*
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

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Springfield, Illinois 62706
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