

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SANITARY DISTRICT OF	)	
DECATUR,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 09-125
	)	(Variance – Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. John T. Therriault	Carol Webb, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE** and **NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE**, copies of which are herewith served upon you.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,  
Petitioner,

Dated: August 17, 2009

By: /s/Katherine D. Hodge  
Katherine D. Hodge

Katherine D. Hodge  
Lauren C. Lurkins  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE and NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE upon:

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

via electronic mail on August 17, 2009; and upon:

Carol Webb, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

Chad M. Kruse, Esq.  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois, on August 17, 2009.

/s/Katherine D. Hodge  
Katherine D. Hodge

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SANITARY DISTRICT OF	)	
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	)	(Variance – Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE**

NOW COMES Petitioner, SANITARY DISTRICT OF DECATUR (“Petitioner”), by and through its attorneys, HODGE DWYER & DRIVER, and for its Motion for Extension of Time to File a Response, states as follows:

1. On June 15, 2009, Petitioner filed its Petition for Variance (“Petition”) requesting a variance authorizing continued discharges of nickel and zinc, from its wastewater treatment plant located in Decatur, Macon County, Illinois, into the Sangamon River, pursuant to the terms and conditions outlined in the Petition.

2. On June 18, 2008, the Board accepted the Petition and stated that the Illinois Environmental Protection Agency (“Agency”) “or any person may file an objection to the grant of a variance and request in writing within 21 days of the filing date of the petition, by July 6, 2009 (which is the first business day following the 21st day after the filing date), that the Board conduct a hearing on the petition.” The Board received no such filings.

Electronic Filing - Received, Clerk's Office, August 17, 2009

3. On July 30, 2009, the Agency filed its Recommendation and recommended the Board grant the variance requested by Petitioner, contingent upon the Board including four conditions in the variance.

4. Counsel for Petitioner has consulted with counsel for the Agency regarding the Agency's Recommendation, and the parties have agreed to meet on September 9, 2009, to discuss the status of the matter and obtain clarification of the conditions the Agency recommended in its Recommendation.

5. Counsel for the Agency has no objection to the filing of this Motion.

6. For the reasons stated above, Petitioner respectfully moves the Board to grant Petitioner an additional thirty (30) days from the August 17, 2009 deadline, or until September 16, 2009, to file a Response to the Agency's Recommendation.

WHEREFORE, Petitioner, SANITARY DISTRICT OF DECATUR, respectfully moves the Illinois Pollution Control Board to grant it an extension of time as set forth above, and to award it all other relief just and proper in the premises.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: August 17, 2009

By: /s/Katherine D. Hodge  
Katherine D. Hodge

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Lauren C. Lurkins  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
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SDOD:001/Fil/Motion for Extension of Time

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v.	)	PCB 09-125
	)	(Variance – Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF WAIVER OF 120-DAY DECISION DEADLINE**

NOW COMES Petitioner, SANITARY DISTRICT OF DECATUR (“Petitioner”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 101.308(c)(2), and hereby agrees to waive the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board (“Board”) in this proceeding until December 17, 2009. In support of this Notice, Petitioner states as follows:

1. On June 15, 2009, Petitioner filed its Petition for Variance (“Petition”) requesting a variance authorizing continued discharges of nickel and zinc, from its wastewater treatment plant located in Decatur, Macon County, Illinois, into the Sangamon River, pursuant to the terms and conditions outlined in the Petition.

2. On June 18, 2008, the Board accepted the Petition and stated that the Illinois Environmental Protection Agency (“Agency”) “or any person may file an objection to the grant of a variance and request in writing within 21 days of the filing date of the petition, by July 6, 2009 (which is the first business day following the 21st day after the filing date), that the Board conduct a hearing on the petition.” The Board received no such filings.

Electronic Filing - Received, Clerk's Office, August 17, 2009

3. On July 30, 2009, the Agency filed its Recommendation and recommended the Board grant the variance requested by Petitioner, contingent upon the Board including four conditions in the variance.

4. Petitioner and the Agency have scheduled a meeting for September 9, 2009, to discuss the status of the matter and obtain clarification of the conditions the Agency recommended in its Recommendation.

5. The current statutory decision deadline for this matter is October 13, 2009.

6. Petitioner hereby voluntarily agrees to waive the statutory 120-day decision deadline until December 17, 2009, in order to meet with the Agency to discuss the status of the matter and obtain clarification of the conditions the Agency recommended in its Recommendation.

WHEREFORE, Petitioner, SANITARY DISTRICT OF DECATUR, prays that the Illinois Pollution Control Board accept this waiver of the statutory 120-day decision deadline for final action on Petitioner's Petition for Variance.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,  
Petitioner,

Dated: August 17, 2009

By: /s/Katherine D. Hodge  
Katherine D. Hodge

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SDOD:001/Fil/Notice of Waiver