

ILLINOIS POLLUTION CONTROL BOARD
December 14, 2009

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

HEARING OFFICER ORDER

The hearing officer directs the Sanitary District of Decatur (District) to address the issues set forth below. The District’s response must be filed by 4:30 p.m. on December 21, 2009. The Illinois Environmental Protection Agency (Agency) or any other person may file a comment on the District’s response no later than 4:30 p.m. on December 24, 2009. The “mailbox rule” (35 Ill. Adm. Code 101.300(b)(2)) does not apply to any of these filings—accordingly, the Clerk’s office must be in receipt of the filing by the time given. The above timeframes are established in light of the present statutory deadline of January 7, 2010, for the Board to decide this case. Any motion by the District for an extension of time to respond to the issues below must be accompanied by an appropriate waiver of the statutory decision deadline.

1. The District’s proposed condition #1 provides that the variance would apply to “the segment of the Sangamon River that receives discharge from the Main Plant (Assessment Unit 1D IL_E-09), and downstream segments potentially impacted by the District’s nickel and zinc discharges.” Petition (Pet.) at 37.
 - A. The Agency notes that the District “discharges to the most downstream portion of E-09.” Recommendation (Rec.) at 6. The District states that “[t]he Main Plant’s main discharge is via Outfall 001 to the Sangamon River at 39° 49’ 56” North Latitude, 89° 0’ 7” West Longitude.” Pet. at 6. Is there any reason that Outfall 001 should not be the in-stream starting point for the proposed variance? Please identify any other outfall(s) receiving discharges from zinc and nickel contributors.
 - B. Please describe the in-stream ending point for the proposed variance more precisely (*e.g.*, latitude/longitude, GPS coordinates, USGS gauging station numbers). Please justify the location selected.
2. The District lists the average incoming loadings for zinc and nickel. Pet. at 11. Please describe the loadings of zinc and nickel to the receiving waters.

3. The District summarizes monitoring data from March 2007 through March 2009. Pet. at 13. Please clarify whether the data are for the dissolved or total form of nickel and zinc.
4. The District provides tables with data from sampling of “River Upstream,” “Plant Effluent,” “Steven’s Creek,” and “River Downstream.” Pet., Exh. C. The District also states that it will continue “monitoring upstream and downstream of the discharge in the Sangamon River” and that “[d]ownstream monitoring has recently been modified to include four locations in the Sangamon River rather than the one location monitored since 2007.” Pet. at 37. Please provide a map identifying all of these sampling locations and the relevant outfall(s). What are the distances from the outfall(s) to the sampling locations?

IT IS SO ORDERED.



Carol Webb
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 14, 2009, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on December 14, 2009:

John T. Therriault
Illinois Pollution Control Board
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