

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:	)	
	)	
CALHOUN COUNTY	)	
RURAL WATER DISTRICT	)	
Petitioner,	)	
v.	)	PCB No. 2015-
	)	(Water Permit Appeal –
ILLINOIS ENVIRONMENTAL	)	Ninety Day Extension)
PROTECTION AGENCY,	)	
Respondent.	)	

NOTICE OF FILING

John Therriault, Assistant Clerk,  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

Chairman, Calhoun County RWD  
RR 1, Box 25  
Hardin, Illinois 62052

Ronald M. Paul, P.E.  
Heneghan and Associates, P.C.  
1004 State Highway 16  
Jerseyville, IL 62052

William R. Lamb  
American Structures, Inc.  
P.O. Box 409  
Menomonie, WI 54751

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Stephanie Flowers  
Stephanie Flowers  
Assistant Counsel  
Division of Legal Counsel

DATED: 9-23-14  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CALHOUN COUNTY	)	
RURAL WATER DISTRICT	)	
Petitioner,	)	
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	)	(Water Permit Appeal –
ILLINOIS ENVIRONMENTAL	)	Ninety Day Extension)
PROTECTION AGENCY,	)	
Respondent.	)	

**REQUEST FOR NINETY DAY EXTENSION  
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through one of its attorneys, Stephanie Flowers, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to December 29, 2014 or any other date not to exceed one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support hereof, the Illinois EPA respectfully states as follows:

1. On August 21, 2014 the Illinois EPA issued a final decision to Petitioner.  
(See Attachment #1)
  
2. On September 18, 2014 the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the

Petitioner received the final decision on or about August 24, 2014. (See Attachment #2)

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Stephanie Flowers  
Stephanie Flowers  
Assistant Counsel  
Division of Legal Counsel

DATED: 9-23-14  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544  
(217) 782-9143 (TDD)

**CERTIFICATE OF SERVICE**

I, STEPHANIE FLOWERS, an attorney, do certify that I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD and will cause the same to be served upon the following persons, by placing a true and correct copy in an envelope addressed to:

John Therriault, Assistant Clerk,  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
**(Electronic Filing)**

Chairman, Calhoun County RWD  
RR 1, Box 25  
Hardin, Illinois 62052  
**(First Class Mail)**

Ronald M. Paul, P.E.  
Heneghan and Associates, P.C.  
1004 State Highway 16  
Jerseyville, IL 62052  
**(First Class Mail)**

William R. Lamb  
American Structures, Inc.  
P.O. Box 409  
Menomonie, WI 54751  
**(First Class Mail)**

and mailing it by First Class Mail from Springfield, Illinois on September 23, 2014 with sufficient postage affixed.

DATED: 9-23-14  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

  
\_\_\_\_\_  
STEPHANIE FLOWERS



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829  
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

217/782-1724

Certified Mail

August 21, 2014

Chairman, Calhoun County Rural Water District  
RR1, Box 25  
Hardin, Illinois 62052

Re: CALHOUN COUNTY RWD (Calhoun County - - 0130010)  
Clearwell Replacement/Log No. 2015-0124  
Permit Denial

Dear Sir or Madam:

In connection with the Application for Construction Permit, with supporting documentation, submitted by your engineers, Heneghan and Associates, P.C., for the construction of a ground storage tank, this is to advise that under the Environmental Protection Act (Act) this Agency must issue or deny approval for projects within 90 days of their submission. Section 39a of the Act requires the Agency to issue permits or cite the reasons for denial within that time period.

The Agency shall not grant any construction permit required by this Part unless the applicant submits adequate proof that the proposed improvements conform to the design criteria promulgated by the Agency (35 Ill. Adm. Code Part 602.105(b)). In addition construction of the proposed improvements must be in accordance with Agency Rules for Public Water Supplies and the American Water Works Association Standards and the Standards (35 Ill. Adm. Code Part 652.111(a)(2)). Furthermore, the American Water Works Association (AWWA) has indicated that AWWA D103 does not apply to stainless steel tanks. Therefore, the Agency must deny this Application for Construction Permit.

If you have any question or require further assistance in this matter feel free to contact Christopher Kohrmann of my staff at 217/782-1724 or at [Christopher.Kohrmann@illinois.gov](mailto:Christopher.Kohrmann@illinois.gov).

Sincerely,

David C. Cook, P.E.  
Acting Manager, Permit Section  
Division of Public Water Supplies

DCC:CLK

CC: Ronald M. Paul, P.E., Heneghan and Associates, P.C.

**AMERICAN  
STRUCTURES, INC.**

P.O. Box 409  
Menomonie, WI 54751  
715-235-4225 Fax 715-235-6212

Engineered Stainless Steel Storage Tanks  
www.ameristruc.com

September 18, 2014

Mr. Christopher Kohrmann  
Division of Public Water Supplies  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276

Re: CALHOUN COUNTY RWD (Calhoun County—0130010)  
Clearwell Replacement Log No. 2015-0124  
Stipulation for Extension of Time to Appeal Permit Denial

Dear Mr. Kohrmann:

Please treat this letter as the Calhoun County Rural Water District's request to extend the time in which to appeal the permit denial by your agency dated August 21, 2014. This request is based upon Title 35, Subtitle A, Chapter I, Part 105, Section 105.208 of the Illinois Administrative Code and is also based upon our conversation of today's date in which you indicated your Division's agreement to extending the time in which to file the appeal herein.

As I indicated during our telephone call, we have been authorized by the Calhoun County RWD to assist them with this process. I write this letter pursuant to that authorization. I understand that a Request for Ninety Day Extension of Appeal Period is to be filed with the Illinois Pollution Control Board within the original thirty-five (35) day period for an appeal. As a convenience to your Agency, I have drafted the required Request and enclosed it with this letter.

Please have the responsible person for the Agency sign and file this document no later than September 24, 2014. If you are in need of anything further in this regard, please contact me immediately as time is of the essence. I can be reached via email at [wlamb@ameristruc.com](mailto:wlamb@ameristruc.com).

Sincerely,



William R. Lamb

cc: Calhoun County Rural Water District  
Ronald M. Paul, P. E., Heneghan and Associates, P. C.