

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC)
RULE FOR SANITARY DISTRICT) R14-24
OF DECATUR FROM 35 ILL. ADM.) (Site Specific Rule – Water)
CODE SECTION 302.208(e).)

NOTICE OF FILING

TO: Mr. John T. Therriault	Daniel Robertson, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA ELECTRONIC MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **STATUS REPORT**, a copy of which is herewith served upon you.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: May 2, 2016

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

Katherine D. Hodge
HeplerBroom, LLC
3150 Roland Avenue
Springfield, Illinois 62703
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached STATUS REPORT, upon:

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

Daniel Robertson, Esq.
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on May 2, 2016; and upon:

Sara Terranova, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois, on May 2, 2016.

/s/Katherine D. Hodge
Katherine D. Hodge

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STATUS REPORT

NOW COMES the SANITARY DISTRICT OF DECATUR (“District”), by and through its attorneys, HEPLERBROOM, LLC, and provides this status report to the Hearing Officer and the Illinois Pollution Control Board (“Board”) regarding recent activities in this matter. The District provides as follows:

On June 30, 2014, the Sanitary District of Decatur (“District”) filed a petition for a site-specific rulemaking pursuant to Sections 27 and 28 of the Environmental Protection Act (“Act”), 415 ILCS 5/27, 28, and Sections 101.202 and 102.210 of the Board’s Regulations, 35 Ill. Admin. Code §§ 101.202, 102.210. The District’s petition seeks to establish an alternative chronic water quality standard for nickel from the point of its discharge into the Sangamon River at its Main Plant to the point of the confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton.

On July 24, 2014, the Board accepted the petition for hearing and directed the assigned hearing officer to schedule and to proceed to hearing under the rulemaking provisions of the Act and the Board’s procedural rules. On July 29, 2014, the hearing officer accepted the District’s request to postpone the scheduling of a hearing date. The Hearing Officer ordered the District to file a status report by August 29, 2014, stating its readiness for hearing or requesting additional time. The District filed its status report on August 29, 2014, requesting an additional sixty days before scheduling a hearing in this rulemaking. The Hearing Officer granted the request and

directed the District to file a new status report by October 28, 2014. The District filed its status report on October 28, 2014, requesting an additional sixty days before scheduling a hearing in this rulemaking. On October 30, 2014, the Hearing Officer granted the request and directed the District to file a new status report by December 29, 2014. The District filed its status report on December 22, 2014, requesting an additional sixty days before scheduling a hearing in this rulemaking. On December 30, 2014, the Hearing Officer granted the request and directed the District to file a new status report by February 27, 2015. The District filed its status report on February 27, 2015, requesting an additional sixty days before scheduling a hearing in this rulemaking. On March 2, 2015, the Hearing Officer granted the request and directed the District to file a new status report by May 1, 2015. The District filed its status report on May 1, 2015, requesting an additional ninety days before scheduling a hearing in this rulemaking. On May 7, 2015, the Hearing Officer granted the request and directed the District to file a new status report by August 5, 2015. The District filed its status report on August 3, 2015, requesting an additional ninety days before scheduling a hearing in this rulemaking. On August 5, 2015, the Hearing Officer granted the request and directed the District to file a new status report by November 3, 2015. The District filed its status report on November 3, 2015, requesting an additional ninety days before scheduling a hearing in this rulemaking. On November 9, 2015, the Hearing Officer granted the request and directed the District to file a new status report on February 1, 2016. The District filed its status report on February 1, 2016, requesting an additional ninety days before scheduling a hearing in this rulemaking. On February 3, 2016, the Hearing Officer granted the request and directed the District to file a new status report on May 2, 2016.

The District now respectfully requests an additional ninety (90) days before scheduling a hearing date in this rulemaking proceeding. The District is continuing to engage in discussions with the United States Environmental Protection Agency (“USEPA”) and the Illinois Environmental Protection Agency (“Illinois EPA”) concerning technical studies at issue in this proceeding, as follows:

The District’s consultants completed additional evaluation of related literature and toxicity studies, as requested by USEPA, and submitted a draft written report to USEPA. USEPA provided additional comments on the draft report, and those were addressed in subsequent telephone conferences. Most recently, on April 12, 2016, the District forwarded to both USEPA and Illinois EPA a final draft of the report entitled, “A review of water quality factors that affect nickel bioavailability to aquatic organisms: Refinement of the Biotic Ligand Model for Nickel in acute and chronic exposures.”

In addition, the District continued its discussions with USEPA and Illinois EPA regarding approval of the District’s proposed testing protocol. Initial testing began in March 2015, and a plan for further testing was discussed on several occasions, including most recently in October 2015. After conceptual agreement was reached on the toxicity testing protocol, the testing was completed by the Oregon State University (“OSU”) testing laboratory in December 2015. OSU prepared a report entitled “Progress Report – Nickel WER Project, which was forwarded to both USEPA and Illinois EPA on April 12, 2016.

A conference call has been scheduled for May 19, 2016, with both USEPA and Illinois EPA to discuss both reports and for the District and its consultants to answer any remaining questions.

The District will commit to the filing of additional status report(s), as requested by the Hearing Officer.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: May 2, 2016

By: /s/Katherine D. Hodge
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