

ILLINOIS POLLUTION CONTROL BOARD
August 11, 2016

SANITARY DISTRICT OF DECATUR,)	
)	
Petitioner,)	
)	
v.)	PCB 14-111
)	(Variance – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.A. Burke):

On February 21, 2014, the Sanitary District of Decatur (District) filed a petition to extend a 2010 variance from water quality standards that establish water quality based effluent limits for nickel. *See* 35 Ill. Adm. Code 302.208(e) and 304.105. On April 7, 2014, the Illinois Environmental Protection Agency (IEPA) filed its recommendation that the variance be denied. On April 21, 2014, the District filed a motion to stay the proceedings along with a waiver of the decision deadline. The Board granted that stay and directed the District and IEPA to file a status report with the Board indicating how the case should proceed. Since the initial stay and status report, the Board has granted additional stays based on requests by the District, which included status reports showing progress on the case. The most recent stay expired on June 30, 2016, and on June 29, 2016, the District requested an additional stay until December 31, 2016.

The District continues to “engage in discussions” with IEPA and the United States Environmental Protection Agency (USEPA) on both this variance and a site-specific rulemaking docketed as Proposed Site Specific rule for Sanitary District of Decatur From 35 Ill. Adm. Code Section 302.208(E), R14-24. The District’s consultants have completed an evaluation of literature and toxicity studies requested by USEPA and provided IEPA and USEPA with a final draft report. USEPA provided comments on that draft report, which the District is working to address.

On July 19, 2016 the IEPA filed a request for additional time to respond, which the Board grants. On July 26, 2016, the IEPA filed its response indicating the IEPA does not object to the stay.

The Board grants the motion to continue the stay until December 31, 2016. The Board directs the parties to submit a status report on January 3, 2017. If the District seeks to extend the stay, the District must provide sufficient information detailing why an additional stay is needed such as what steps will be taken during the requested stay to resolve this matter. *See* 35 Ill. Adm. Code 101.514.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion order on August 11, 2016, by a vote of 4-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board