

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2017

SANITARY DISTRICT OF DECATUR,)
)
Petitioner,)
)
v.) PCB 14-111
) (Time-limited Water Quality Standard)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by K. Papadimitriou):

The Sanitary District of Decatur (District) filed two separate actions seeking relief from water quality standards for its sewage treatment plant at 501 Dipper Lane, Decatur, Macon County, which discharges to the Sangamon River. This action, docket PCB 14-111, concerns the District’s petition to extend a 2010 variance from the water quality standards for nickel; that variance petition was converted into a “time-limited water quality standard” petition under Section 38.5 of the Illinois Environmental Protection Act (Act). 415 ILCS 5/38.5 (2016). In the other action, docket R14-24, the District filed a site-specific rulemaking proposal, asking for permanent relief from the same standards.

In its April 12, 2017 order in this proceeding, the Board concluded that the District’s petition was not in substantial compliance as required by Section 38.5 of the Act, and ordered the District to file an amended petition by May 12, 2017. Upon the District’s motions, the Board extended the filing deadline until July 11, 2017 and then until October 9, 2017.

In its July 26, 2017 order in R14-24, the Board directed the District to file by the end of November 2017, all documentation necessary to support its site-specific rulemaking proposal. The Board also directed the District to provide its position on how the two related dockets should proceed. Specifically, the Board asked the District to specify its position as to any potential conflicts in continuing with both dockets and obtaining the sought relief in both proceedings. Proposed Site Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code Section 302.208(e), R14-24, slip op. at 1 (July 26, 2017).

On September 29, 2017, the District filed another motion in this docket for an extension of time to file an amended petition (Mot.). The District requests an extension until December 31, 2018. Mot. at 1. The District explains that it filed a request for variance extension in this docket to pursue the site-specific rule in R14-24. Mot. at 4. In addition, the District explains that it needs to maintain this proceeding as an “alternative form of relief” should the Board not adopt the site-specific rule in R14-24. *Id.* According to the District, it is currently finalizing its amended proposal in R14-24 and will be filing it by November 30, 2017. Mot. at 5. The District anticipates that the R14-24 rulemaking will conclude within 12 month after the amended

proposal is filed. *Id.* To “allow for the [site-specific rulemaking] to conclude,” the District asks for an extension of the deadline to file an amended petition in PCB 14-111 until December 31, 2018. *Id.*

Having considered the motion and new Section 38.5 of the Act, the Board treats the District’s motion as a request to stay PCB 14-111. The Board grants the District a stay of this proceeding until December 31, 2018, to allow the related site-specific rulemaking proceeding R12-24 reach a conclusion. The District must file an amended petition in this docket by that date.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 5, 2017, by a vote of 5-0.

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