

ILLINOIS POLLUTION CONTROL BOARD  
December 7, 2006

IN THE MATTER OF: )  
)  
PROPOSED EXTENSION OF ADJUSTED )  
STANDARD APPLICABLE TO ILLINOIS- )  
AMERICAN WATER COMPANY'S ALTON ) AS 07-2  
PUBLIC WATER SUPPLY FACILITY ) (Adjusted Standard - Land)  
DISCHARGE TO THE MISSISSIPPI RIVER )  
UNDER 35 ILL. ADM. CODE 304.124, )  
304.106, AND 302.203 )

ORDER OF THE BOARD (by N.J. Melas):

Illinois-American Water Company (Illinois-American) seeks an extension of an existing adjusted standard applicable to Illinois-American's public water supply treatment facility in Alton, Illinois (Alton facility). In re Petition of Illinois-American Water Company's Alton Public Water Supply Replacement Facility Discharge to the Mississippi River for Adjusted Standard From 35 Ill. Adm. Code 304.124, 304.106, and 302.203, AS 99-6 (Oct. 19, 2000). Petition of Illinois-American, AS 99-6, scheduled to expire on October 16, 2007, provides that the effluent standards for offensive discharges, total suspended solids (TSS), and total iron do not apply to the discharges from the Alton facility. See 35 Ill. Adm. Code 304.106, 304.124. Also pursuant to Petition of Illinois-American, AS 99-6, the general use water quality standard for offensive discharges shall not apply to a one-mile stretch of the Mississippi River that receives effluent from the Alton facility and is immediately downstream from the Alton facility's discharge. See 35 Ill. Adm. Code 304.203.

Illinois-American petitioned the Board for AS 99-6 so that it could implement a sediment reduction project in the Piasa Creek watershed (Piasa Creek Watershed Project). Illinois-American states the project was expected to reduce soil loading into the Mississippi River by two tons for every ton of solids in the Alton facility's effluent. In granting the petition, the Board required Illinois-American to assess the effectiveness of the project at the five-year mark (October, 2005), and imposed a seven-year sunset provision in case the project failed to meet expectations. Illinois-American states that the project has already achieved its goal, saving 6,600 tons of soil, four years ahead of schedule. In fact, states Illinois-American, the project has won awards and exceeded its goals in reducing total iron loading from the Piasa Creek watershed. For these reasons, in this petition Illinois-American asks the Board to extend the current adjusted standard indefinitely.

Along with the petition for an adjusted standard, Illinois-American also filed a motion to incorporate by reference both the petition for adjusted standard and a site-specific impact study filed in Petition of Illinois-American, AS 99-6. For the reasons set forth below, the Board grants Illinois-American's motion to incorporate.

Illinois-American states that this petition for an extension of Petition of Illinois-American, AS 99-6 relies on much of the same information contained in the Petition of Illinois-American, AS 99-6 petition. The Petition of Illinois-American, AS 99-6 petition will likely be useful to the Board, therefore, to provide supplemental information regarding the issues discussed in the petition for an extension. According to Illinois-American, the site-specific impact study contains information regarding the environmental impact, technical feasibility, and economic reasonableness of the potential alternatives to treat discharges from the Alton facility. The impact study also discussed whether the petition satisfies state and federal requirements and addressed Agency concerns about the facility. Illinois-American contends that the impact study is relevant to this proceeding as evidenced by several affidavits submitted along with this petition that state conditions of the Mississippi River near the Alton facility have not changed significantly since the impact study was prepared in 1999.

The Board grants Illinois-American's motion and incorporates by reference the petition for adjusted standard and site-specific impact study filed in Petition of Illinois-American, AS 99-6 into this petition. 35 Ill. Adm. Code 101.306(a). Illinois-American has filed both documents electronically.

Section 28.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/28.1 (2004)) and Section 104.408(a) of the Board's procedural rules (35 Ill. Adm. Code 104.408(a)) require the petitioner to publish notice of the petition for an adjusted standard by advertisement in a newspaper of general circulation in the area likely to be affected by the proposed adjusted standard. Under those provisions, publication must take place within 14 days after the petition is filed, or the Board is without jurisdiction to hear the petition. *See, e.g., In re Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c)*, AS 05-1 (Jan. 6, 2005). Within 30 days after filing the petition, petitioner must file a certificate of publication with the Board. *See* 35 Ill. Adm. Code 104.410.

Illinois-American filed a certificate of publication on November 29, 2006, documenting that the required notice of the petition was provided in *The Telegraph*, published in Alton, Madison County, from November 4, 2006 through November 7, 2006. The Board finds that Illinois-American has met the notice requirements of the Act and the Board's procedural rules.

Illinois-American waives its opportunity to have a hearing on this petition. The Board will review the petition to identify whether it contains all of the necessary information. Whether the Board will nevertheless order a hearing depends on several factors, including whether the Board identifies informational deficiencies and, if so, Illinois-American's response to any deficiencies the Board may identify. Also, if a member of the public timely files a hearing request, the Board will hold a hearing. *See* 415 ILCS 5/28.1(d)(2) (2004); 35 Ill. Adm. Code 104.420(a).

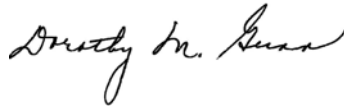
## **CONCLUSION**

The Board finds that Illinois-American Water Company (Illinois-American) has satisfied the jurisdictional requirement of providing newspaper notice of its petition for an adjusted standard. The Board also grants Illinois-American's motion and will incorporate by reference

both the petition for adjusted standard and site-specific impact study filed in Petition of Illinois-American, AS 99-6.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 7, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board