

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SANITARY DISTRICT OF DECATUR,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	PCB No. 09-125
ILLINOIS ENVIRONMENTAL	)	(Variance - Water)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. John Therriault	Carol Webb, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	Post Office Box 19274
100 West Randolph Street, Suite 11-500	Springfield IL 62794-9274
Chicago IL 60601	<b>(VIA FIRST CLASS MAIL)</b>
<b>(VIA ELECTRONIC MAIL)</b>	

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S COMMENT ON PETITIONER'S RESPONSES TO THE ILLINOIS POLLUTION CONTROL BOARD'S QUESTIONS, a copy of which is herewith service upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY, Respondent,

Dated: December 24, 2009

By:   
Chad M. Kruse

Chad M. Kruse  
Illinois Environmental Protection Agency  
1021 N Grand Avenue E  
Post Office Box 19276  
Springfield IL 62794

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S COMMENT ON  
PETITIONER'S RESPONSES TO THE ILLINOIS POLLUTION CONTROL BOARD'S  
QUESTIONS**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") by one of its attorneys, Chad M Kruse, and comments on Petitioner, Sanitary District of Decatur's responses to the Illinois Pollution Control Board's ("Board") questions.

**I. COMMENT IN RESPONSE TO PETITIONER'S RESPONSE TO BOARD  
QUESTIONS 1(A) AND 1(B).**

The Board asked questions of Petitioner, in the Hearing Officer Order dated December 14, 2009, regarding the starting and ending point of the proposed variance. Petitioner's Outfall 001 is mentioned by the Board as a possible "in-stream starting point" for the requested variance. In its response to Board Question 1(A), Petitioner offered no "reason that Outfall 001 should not be the in-stream starting point for the requested variance." Petitioner states, in its response to Board Question 1(B), that "a suggested end point for the requested variance is the U.S Geological Survey stream gauging station 05576500 at Riverton."

The Illinois EPA estimates that the stream segment beginning at Petitioner's Outfall 001 and ending at U.S Geological Survey stream gauging station 05576500 at Riverton is in excess of 30 miles. If the Board assumes that the Sangamon River has an average width of 100 feet within

this stream segment, the applicable stream segment has an estimated surface area of approximately 428 acres.

Illinois EPA does not have information on the method Petitioner used to calculate Petitioner's suggested end point for the requested variance. It is the Illinois EPA's position that the suggested in-stream segment of the requested variance, beginning at Petitioner's Outfall 001 and ending at U.S Geological Survey stream gauging station 05576500 at Riverton, is larger than necessary. Extending the in-stream segment of the requested variance for a distance larger than necessary causes unnecessary degradation of the designated uses of the Sangamon River. Therefore, the Illinois EPA requests, consistent with the Board's regulations in Part 302 of the Illinois Administrative Code, that the requested variance be confined to as small an area in the Sangamon River as is practicable under the terms of the requested variance.

**II. COMMENT IN RESPONSE TO PETITIONER'S RESPONSES TO BOARD QUESTIONS 2, 3 AND 4.**

Illinois EPA does not offer a comment on Petitioner's responses to Board questions 2, 3, and 4.

Respectfully submitted,

Dated December 24, 2009  
1021 North Grand Avenue East  
PO Box 19276  
Springfield IL 62794-9276  
217-782-5544

By:   
Chad M. Kruse  
Assistant Counsel  
Illinois EPA

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served one electronic copy of the attached Illinois EPA Comment on Petitioner's Responses to the Illinois Pollution Control Board's Questions upon:

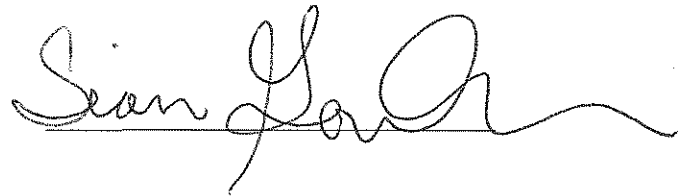
Mr. John Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago IL 60601

and one copy each to:

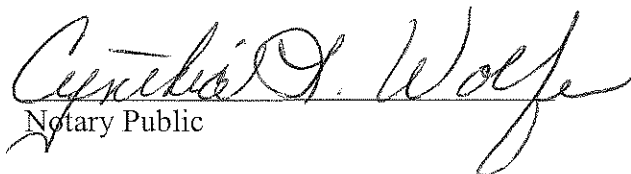
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via first class United States mail from Springfield, Illinois, on the 28th day of December 2009, with postage fully prepaid.



SUBSCRIBED AND SWORN TO BEFORE ME  
this 24th day of December, 2009



Notary Public

