

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 2012

IN THE MATTER OF: )  
)  
SITE SPECIFIC RULE FOR CITY OF ) R07-21  
JOLIET WASTEWATER TREATMENT ) (Rulemaking - Water)  
PLANT FLUORIDE AND COPPER )  
DISCHARGES: 35 ILL. ADM. CODE )  
303.432 )

ORDER OF THE BOARD (by C. K. Zalewski):

On May 30, 2007, the Board received a site-specific rulemaking proposal from the City of Joliet (City). The City sought site-specific relief from the Board's general use water quality standards for copper and fluoride (35 Ill. Adm. Code 302.208(e) and (g)) and provisions for determining water quality based effluent limitations (35 Ill. Adm. Code 304.105). The relief requested was for discharges from Joliet's Eastside Waste Water Treatment Plant to Hickory Creek through outfall 001. Joliet filed the rulemaking petition in accordance with a March 30, 2007 Consent Order in the Circuit Court for the Twelfth Judicial Circuit in Will County, Illinois for case No. 05 CH 593. Joliet entered into the consent agreement with the Illinois Attorney General and the Illinois Environmental Protection Agency ("IEPA") because Joliet could not comply with its NPDES permit limits for fluoride and copper.

The Board accepted the proposal for hearing on June 21, 2007. At the petitioner's request, no hearings were scheduled by the Board's hearing officer while petitioner's investigation into system improvements and funding issues continued.

On December 31, 2009 Joliet filed an amended petition. But, Joliet again postponed proceeding to hearing with its proposal pending receipt of additional funding information. On April 20, 2011, in response to inquiry by the hearing officer, Joliet filed a status report. Joliet stated that, while loans had not been finally approved, that it expected to commence construction of a new outfall in July 2011, and to complete construction in April 2, 2012.

On January 24, 2012, Joliet filed a motion to dismiss this proceeding (Mot.). Joliet now reports that:

On Monday, January 9, 2012, the effluent discharged from the Eastside Waste Water Treatment Plant was diverted to the newly constructed Des Plaines River Outfall and accordingly became subject to the effluent limitations set forth for outfall 002 in the Renewed NPDES Permit. Outfall 001 was then decommissioned and taken out of service. Flow cannot be returned to the old Hickory Creek outfall 001.

Because Joliet is in compliance with the Renewed NPDES Permit limitations [effective June 1, 2008] applicable to outfall 002 and the limitations for outfall 001 are no longer applicable, there is no longer any reason to continue this matter. Mot. at 4.

The Board accordingly grants petitioner's motion. This docket is now closed.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 2, 2012, by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board