

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:

CALHOUN COUNTY
RURAL WATER DISTRICT
Petitioner,
v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Respondent.

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PCB No. 2017
(Water Permit Appeal -
Ninety Day Extension)

APPEARANCE

I, Laird Lambert, hereby file my appearance in this proceeding on behalf of Petitioner,

Calhoun County Rural Water District.

Dated: April 24, 2017

Respectfully submitted,

Laird Lambert

By: *J. Laird Lambert*

J. Laird Lambert
Law Office
2425 Charles Street
Rockford, IL 61108
(815) 316-2167

Attorney for Petitioner

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NOTICE OF FILING

Don Brown, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601


Chairman, Calhoun County RWD
RR 1, Box 25
Hardin, IL 62052

Ronald M. Paul, P.E.
Heneghan and Associates, P.C.
1004 State Highway 16
Jerseyville, IL 62052

Joanne Olson
Illinois EPA, Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD, a copy of which is herewith served upon you.

CALHOUN COUNTY RURAL
WATER DISTRICT

By: 
J. Laird Lambert
Counsel for Calhoun County
Rural Water District

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In The Matter Of:)

CALHOUN COUNTY)
 RURAL WATER DISTRICT)
 Petitioner,)
 v.)

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
 Respondent.)

PCB No. 2017
 (Water Permit Appeal -
 Ninety Day Extension)

**JOINT REQUEST FOR NINETY DAY EXTENSION
 OF APPEAL PERIOD**

NOW COMES the Petitioner, Calhoun County Rural Water District ("Petitioner") and the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through one of its attorneys, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board ("Board") grant an extension of the thirty-five (35) day period for petitioning for a hearing to July 19, 2017 or any other date not to exceed one hundred twenty-five (125) days from the date of receipt of the Illinois EPA's final decision. In support hereof, the Petitioner and the Illinois EPA respectfully states as follows:

1. On March 17, 2017 the Illinois EPA issued a final decision to Petitioner.
 (See Attachment #1)
2. The parties are in agreement for an extension of time by which to file a petition for review and join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, the Petitioner received the final decision on or about March 20, 2017. (See Attachment #1)

- 3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

CALHOUN COUNTY RURAL WATER DISTRICT, Petitioner:

By: *J. Laird Lambert*
 J. Laird Lambert
 Law Office
 2425 Charles Street
 Rockford, IL 61108
 (815) 316-2167

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent:

By: /s/ Joanne Olson (with consent)
 Joanne Olson #6293500
 Assistant Counsel
 Division of Legal Counsel
 Illinois Environmental Protection Agency
 1021 N. Grand Avenue East
 Springfield, IL 62794-9276
 217-782-5544

DATED: 04/24/17

ATTACHMENT 1



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 * (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/782-1724



March 17, 2017

Chairman, Calhoun County Rural Water District
RR 1, Box 25
Hardin, Illinois 62047

Re: CALHOUN COUNTY RWD (Calhoun County - - 0130010)
Clearwell Replacement/Log No. 2017-0654
Permit Denial

Dear Sir or Madam:

In connection with the Application for Construction Permit, with supporting documentation, submitted by your engineers, Heneghan and Associates, P.C., for the construction of a ground storage tank, this is to advise that under the Environmental Protection Act (Act) this Agency must issue or deny approval for projects within 90 days of their submission. Section 39a of the Act requires the Agency to issue permits or cite the reasons for denial within that time period.

1. The Agency shall not grant any construction permit required by this Part unless the applicant submits adequate proof that the proposed improvements conform to the design criteria cited in 35 Ill. Adm. Code Part 602.105(a)(2). Construction of the proposed improvements must be in accordance with the American Water Works Association Standards. Furthermore, the American Water Works Association (AWWA) has indicated that AWWA D103 does not apply to stainless steel tanks. Therefore, the Agency must deny this Application for Construction Permit.
2. The applicant failed to demonstrate that the insect screen in the overflow is 24 mesh in accordance with Section 7.0.7(b) of the Recommended Standards for Water Works.

Therefore, the Agency must deny this Application for Construction Permit. If you have any question or require further assistance in this matter feel free to contact Christopher Kohrmann of my staff at 217/782-1724 or at Christopher.Kohrmann@illinois.gov.

Sincerely,

David C. Cook, P.E.
Acting Manager, Permit Section
Division of Public Water Supplies

DCC:CLK

CC: Heneghan and Associates, P.C.

CERTIFICATE OF SERVICE

J. Laird Lambert

I, Joanne Olson, an attorney, do certify that I filed electronically with the Office of the

Clerk of the Illinois Pollution Control Board the attached REQUEST FOR NINETY DAY

EXTENSION OF APPEAL PERIOD and will cause the same to be served upon the following

persons, by placing a true and correct copy in an envelope addressed to:

Don Brown, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(Electronic Filing)

Chairman, Calhoun County RWD
RR 1, Box 25
Hardin, IL 62052
(First Class Mail)

Ronald M. Paul, P.E.
Heneghan and Associates, P.C.
1004 State Highway 16
Jerseyville, IL 62052
(First Class Mail)

Laird Lambert
J. Laird Lambert Law Office
2425 Charles Street
Rockford, IL 61108
(First Class Mail)

And mailing it by First Class Mail from ^{ROCKFORD} Springfield, Illinois on APRIL 24, 2017

Sufficient postage affixed.

J. Laird Lambert

J. Laird Lambert

DATED:
2425 Charles Street
Rockford, IL 61108
815-316-2167