

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC)
RULE FOR SANITARY DISTRICT) R14-24
OF DECATUR FROM 35 ILL. ADM.) (Site Specific Rule – Water)
CODE SECTION 302.208(e).)

NOTICE OF FILING

TO: Mr. Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

Daniel L. Robertson, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **STATUS REPORT**, copies of which are herewith served upon you.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: May 12, 2017

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Katherine D. Hodge
Joshua J. Houser
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Katherine.Hodge@heplerbroom.com
Joshua.Houser@heplerbroom.com
(217) 528-3674

CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following:

That I have served the attached STATUS REPORT via electronic mail upon:

Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Daniel L. Robertson, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
Daniel.Robertson@illinois.gov

Sara Terranova, Esq.
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Sara.Terranova@illinois.gov

That my email address is Katherine.Hodge@heplerbroom.com.

That the number of pages in the email transmission is 5.

That the email transmission took place before 5:00 p.m. on the date of May 12, 2017.

/s/ Katherine D. Hodge
Katherine D. Hodge

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STATUS REPORT

NOW COMES the SANITARY DISTRICT OF DECATUR (“District”), by and through its attorneys, HEPLERBROOM, LLC, and provides this status report to the Hearing Officer and the Illinois Pollution Control Board (“Board”) regarding recent activities in this matter. The District provides as follows:

I. BACKGROUND

On June 30, 2014, the District filed a petition for a site-specific rulemaking pursuant to Sections 27 and 28 of the Environmental Protection Act (“Act”), 415 ILCS 5/27, 28, and Sections 101.202 and 102.210 of the Board’s Regulations, 35 Ill. Admin. Code §§ 101.202, 102.210. The District’s petition seeks to establish an alternative chronic water quality standard for nickel from the point of its discharge into the Sangamon River at its Main Plant to the point of the confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton.

On July 24, 2014, the Board accepted the petition for hearing and directed the assigned hearing officer to schedule and to proceed to hearing under the rulemaking provisions of the Act and the Board’s procedural rules. On July 29, 2014, the hearing officer accepted the District’s request to postpone the scheduling of a hearing date and ordered the District to file a status report stating its readiness for hearing or requesting additional time.

Since then, the District has been filing periodic status reports in both this proceeding and the District's related time-limited water quality standard ("TLWQS") proceeding (PCB No. 14-111). As indicated in those reports, the District has been continuously engaged with Illinois EPA and the United States Environmental Protection Agency ("USEPA") concerning the ongoing technical studies at issue in this proceeding. *See* District's Status Reports filed in PCB Nos. R14-24 and 14-111 (providing additional information about the status of this proceeding and how it affects the TLWQS proceeding).

To allow the parties to continue making meaningful progress resolving these issues, particularly the District's ongoing work with Illinois EPA and USEPA in this proceeding, the District's status reports have requested, and the Board and Hearing Officer have granted, additional time before scheduling a hearing date in this proceeding. Most recently, the Board directed the District to file its next status reports in this proceeding and the related TLWQS proceeding by May 12, 2017. *See* Order of the Board, PCB 14-24 (Ill.Pol.Control.Bd. Apr. 12, 2017).

II. CURRENT STATUS

The District is close to completing its analysis and reporting on the most recent round of toxicity testing requested by USEPA. Specifically, in mid-2016, USEPA provided comments on the District's then-recently completed round of toxicity testing and subsequently requested that the District perform another round of toxicity testing to address USEPA's comments. Pursuant to this request, the District's testing consultants at Oregon State University's ("OSU") testing laboratory worked with USEPA to develop a testing protocol that addressed USEPA's comments and completed the additional round of toxicity testing in December 2016. In April 2017, OSU provided the toxicity test results and chemistry data to the District's modelling consultant,

Windward Environmental (“Windward”). Windward then completed the updated toxicity modelling using the most recent data and provided the modelling results back to OSU for use in preparing a draft toxicity test report based on the December 2016 data.

The District expects to receive and begin reviewing a draft report from OSU by the end of May 2017. Upon the District’s review and approval of the draft toxicity report, the District will be distributing the report to USEPA and Illinois EPA for review and scheduling a conference call to discuss any comments. The District sincerely hopes that this most recent round of toxicity testing and reporting will be the final round, and that the District may then proceed with its filings with the Board.

The District now respectfully requests an additional six months, i.e., until November 30, 2017, before scheduling a hearing date in this rulemaking proceeding. The District will commit to the filing of additional status report(s) as requested by the Board or Hearing Officer.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,
By One of Its Attorneys,

Dated: May 12, 2017

/s/ Katherine D. Hodge

Katherine D. Hodge

Katherine D. Hodge
Joshua J. Houser
HeplerBroom, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Katherine.Hodge@heplerbroom.com
Joshua.Houser@heplerbroom.com
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