

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).)

MOTION FOR LEAVE TO SUPPLEMENT

The SANITARY DISTRICT OF DECATUR (“District”), by and through its attorneys, HEPLERBROOM, LLC, hereby files its Motion for Leave to Supplement (“Motion”) pursuant to 35 Ill. Adm. Code § 101.500, requesting that the Illinois Pollution Control Board (“Board”) grant the District leave to supplement its Amended Petition for Site Specific Rule (“Amended Petition”) as may be necessary. In support of this Motion, the District states as follows:

1. On July 26, 2017, the Board granted the District’s Motion for Extension of Time, postponing action in the above-captioned rulemaking until November 30, 2017.¹ The Board directed the District to file at the end of the extension all documentation necessary to support the District’s petition for a site-specific rule.²
2. Simultaneous with this Motion, the District is filing its Amended Petition.
3. The District has been engaged in continuing discussions with both the United States Environmental Protection Agency (“USEPA”) and the Illinois Environmental Protection

¹ The Board’s Order dated July 26, 2017 postponed action in this rulemaking until “November 31, 2017.” See Order, *In the Matter of: Proposed Site Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code Section 302.208(e)*, PCB R 14-24 (Ill.Pol.Control.Bd. July 26, 2017). However, the District believes the November 31, 2017 date was an inadvertent error and that the Board intended to postpone action in this rulemaking until November 30, 2017.

² The Board’s Order dated July 26, 2017 also directed the District to address the Board’s April 12, 2017 questions, and to explain its position on how the two related dockets should proceed, by November 30, 2017. The District addressed the Board’s questions in its Motion for Extension of Time filed on September 29, 2017 in the R 14-111 proceeding. See Petitioner’s Motion for Extension of Time, *Sanitary District of Decatur v. IEPA*, PCB 14-111 (Ill.Pol.Control.Bd. Sept. 29, 2017).

Agency (“Illinois EPA”) regarding technical issues in this matter, including providing a recent draft of its Amended Petition to both agencies. The District received a number of comments and questions from both USEPA and Illinois EPA, which required the District to revise its draft Amended Petition and precipitated additional communications with and revisions by the District’s consultant.

4. Additionally, the District was recently informed of family medical emergencies concerning the District’s consultant, Mr. Robert Santore, which has affected the pace of the additional communications and revisions to the Amended Petition.

5. The District anticipates continuing discussions with USEPA and Illinois EPA on several technical issues regarding the Amended Petition filed by the District simultaneously with this Motion. Mr. Santore’s technical assistance is integral to the District’s efforts to support the site specific relief requested in this matter.

6. Therefore, the District requests leave from the Board to supplement its Amended Petition with additional information, as may be necessary, to support the District’s petition for a site-specific rule.

7. This Motion is supported by the accompanying affidavit of Stephen F. Nightingale, P.E., attesting to the facts alleged herein not in the record.

8. The granting of this Motion will not result in prejudice to any party.

WHEREFORE, for the above and foregoing reasons, the SANITARY DISTRICT OF DECATUR requests that the Illinois Pollution Control Board enter an Order granting this Motion for Leave to Supplement and granting such other and further relief in the SANITARY

DISTRICT OF DECATUR's favor as the Illinois Pollution Control Board deems just and proper.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: November 30, 2017

By: /s/ Joshua H. Houser
One of Its Attorneys

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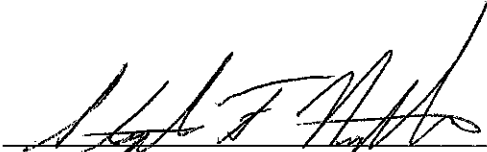
AFFIDAVIT OF STEPHEN F. NIGHTINGALE, P.E.

I, Stephen F. Nightingale, being first duly sworn on oath, depose and state as follows:

1. I am currently employed as the Director of Compliance for the Sanitary District of Decatur (“District”) in Decatur, Illinois, a position which I have held since December 1, 2015.
2. I have been directly involved in the ongoing discussions among the District, the United States Environmental Protection Agency (“USEPA”), and the Illinois Environmental Protection Agency (“Illinois EPA”) regarding technical issues that are the subject of the instant proceeding.
3. The District has been assisted in its efforts to support the site specific relief requested in this matter by its technical consultant, Mr. Robert Santore.
4. Mr. Santore’s technical assistance is integral to the drafting of the District’s Amended Petition, including responding to recent comments and questions from both USEPA and Illinois EPA, which have required the District to revise its draft Amended Petition.
5. I have read the District’s Motion for Leave to Supplement and, based upon my personal knowledge and belief and upon appropriate inquiry, the facts stated therein are true and correct.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are

true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Stephen F. Nightingale, Director of
Compliance, Sanitary District of Decatur

Date: November 30, 2017