

ILLINOIS POLLUTION CONTROL BOARD
March 20, 2014

SANITARY DISTRICT OF DECATUR)
)
 Petitioner,)
)
 v.) PCB 14-111
) (Variance - Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by D. Glosser):

On February 21, 2014, the Sanitary District of Decatur (District) filed a petition (Pet.) to extend a 2010 variance from water quality standards that establish water quality based effluent limits for nickel. *See* 35 Ill. Adm. Code 302.208(e) and 304.105. On March 6, 2014, the Board accepted the petition for hearing, as well as granted the District’s motion to incorporate the entire record regarding the 2010 variance. On March 11, 2014, the District filed a motion to supplement (Mot.) its petition for extension of variance. For the reasons below, the Board grants the District’s motion to supplement.

The District is seeking a one-year extension of the 2010 variance, for a period from July 1, 2014 to July 1, 2015. *Id.* at 2. The District seeks the extension in order to allow more time for investigation and implementation of solutions regarding its nickel discharges. *Id.* at 2. The District states that the only Board condition from the initial variance that will not be met by the initial compliance date is achieving compliance with the District’s National Pollutant Discharge Elimination System (NPDES) permit effluent limit for nickel. *Id.* The District argues that it needs more time in order to come into compliance. *Id.* The District makes it clear that the petition for extension of variance is only for its nickel discharges, not its zinc discharges since those are now in compliance. *Id.*

The District contends that in support of certain statements in its petition for extension, the District filed the December 29, 2010 and June 29, 2011 interim reports that were previously submitted to the Illinois Environmental Protection Agency (Agency). Mot. at 1, citing Pet. Exh. C, D. The District states that the December 29, 2010 interim report references an investigation report by Archer Daniels Midland (ADM). Mot. at 2. The District argues that this ADM report was inadvertently omitted from Exhibit C attached to the petition for review. *Id.*, citing Pet. Exh. C at 3. The District now requests that the record be supplemented with the full and complete December 29, 2010 interim report along with ADM’s investigation report, which is attached to the motion as Exhibit J. *Id.* In addition, the District contends that it submitted ADM’s June 2011 investigation report with the June 29, 2011 interim report to the Agency. *Id.* The District requests that the record be supplemented with the ADM’s June 2011 investigation report, which is attached to the motion as Exhibit K. *Id.*

Pursuant to Section 101.500(d) of the Board's procedural rules, a party has 14 days to file a response to a motion. 35 Ill. Adm. Code 101.500(d). "The Board nor the hearing officer will grant any motion before expiration of the 14 day response period except in deadline driven proceedings where no waiver has been filed." The District has not waived the decision deadline and the Agency's recommendation is due April 7, 2014, and the Board's decision deadline is June 19, 2014. Therefore, the Board grants the District's motion to supplement and admits the December 29, 2010 interim report, which now includes ADM's investigation report, as well as ADM's 2011 investigation report into the record.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 20, 2014 by a vote of 4-0.

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

John T. Therriault, Clerk
Illinois Pollution Control Board