

ILLINOIS POLLUTION CONTROL BOARD
January 21, 2016

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 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 April 7, 2014, the Illinois Environmental Protection Agency (IEPA) filed its recommendation that the variance be denied. On April 21, 2014, the District filed a motion to stay the proceedings along with a waiver of the decision deadline. The Board granted the stay, but only until October 1, 2014, as the District provided a waiver of the decision deadline only until December 31, 2014. The Board directed the District and IEPA to file a status report with the Board indicating how the case should proceed and noted that, if a proper waiver is filed, an additional stay will be considered.

On October 1, 2014, the District filed a motion to extend the stay along with an open waiver of the decision deadline. The District has filed a site-specific rulemaking docketed as Proposed Site Specific rule for Sanitary District of Decatur From 35 Ill. Adm. Code Section 302.208(E), R14-24 and is continuing to “engage in discussions” with the United States Environmental Protection Agency (USEPA). On October 16, 2014, the Board granted an additional stay until April 1, 2015.

On April 1, 2015, the District filed a status report and a motion to continue the stay. The District is continuing to discuss the site-specific rule with both IEPA and USEPA. The District met with IEPA and USEPA on January 8, 2015 to discuss additional USEPA review and comment on the District’s written report to be submitted to USEPA. On April 9, 2015, the Board granted the motion to continue the stay until June 30, 2015. The Board directed the parties to submit a status report on June 30, 2015.

On June 30, 2015, the District submitted a status report noting continued discussions with USEPA and IEPA as well as additional testing by the District. The District asks for an additional stay until December 31, 2015. On July 23, 2015, the Board granted the motion to continue the stay until December 31, 2015. The Board directed the parties to submit a status report on December 31, 2015.

On December 30, 2015, the District submitted a status report (Report). The District continues to discuss the variance with USEPA and IEPA including discussions in October, 2015. The District reached a “conceptual agreement” with USEPA and IEPA on the toxicity testing protocol and is awaiting a report summarizing the results. Report at 5. The District asks that the stay be extended until June 30, 2016 and agrees to submit status reports as may be required by the hearing officer or the Board.

The Board grants the motion to continue the stay until June 30, 2016. The Board directs the parties to submit a status report on June 30, 2016.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion order on January 21, 2016, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board