

ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

To:	Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 (VIA Electronic Mail)	Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East Post Office Box 19274 Springfield, IL 62794 (VIA Electronic Mail)
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PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the **Illinois EPA's Response to the Variance Petition** for the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
Stefanie Diers
Assistant Counsel
Division of Legal Counsel

DATED: March 16, 2017

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544
Stefanie.diers@illinois.gov

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ILLINOIS EPA’S RESPONSE TO THE VARIANCE PETITION

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Response to the Variance Petition pursuant to 415 ILCS 5/38.5(e)(1-4). In support thereof, the Illinois EPA states as follows:

1. On February 211, 2014, the Petitioner filed its variance extension for the discharge of nickel. A variance for this discharge was granted by the Illinois Pollution Control Board (“Board”) on January 7, 2010.
2. Since the filing of the Petition legislative changes have been made with respect to water quality standard variances. On February 24, 2017, P.A. 99-937 was signed into law. This legislation creates a new Section 5/38 of the Illinois Environmental Protection Act, which gives the Board the authority to adopt time-limited water quality standards.
3. Under Section 38.5(e), the Agency is required to submit a response to the Petition that identifies the discharger or classes of dischargers, identifies the watershed, water bodies, or waterbody segments affected, identifies the appropriate type of time-limited water quality, and recommends prompt deadlines. 415 ILCS 5/38.5

4. The Agency identifies the discharger or classes of dischargers affected by the water quality standard from which relief is being sought as:

This petition is for the Sanitary District of Decatur.

5. The Agency identifies the watershed, water bodies, or waterbody segments affected by the water quality standard from which relief is sought as:

The Sanitary District of Decatur discharges to the Sangamon River downstream of Lake Decatur.

6. The Agency identifies the appropriate type of time-limited water quality standard, based on factors, such as the nature of the pollutant, the conditions of the affected water body, and the number of and type of dischargers as:

This petition was filed as an individual variance and should be converted to an individual time-limited WQS.

7. The Agency recommends, for purposes of 415 ILCS 5/38.5(h), prompt deadlines for the classes of dischargers to file a substantially compliant petition:

Because this variance was not filed pursuant to 415 ILCS 38(b), the Agency is not required to suggest prompt deadlines pursuant to 415 ILCS 5/38.5(h). However, it should be noted that on January 19, 2017, the Board entered an Order postponing action in this matter and now requires Sanitary District of Decatur to file a status report with Board by June 30, 2017. This report is to include progress on testing, as well as a list of next steps in the proceeding.

WHEREFORE, the Agency respectfully submits its Response.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

By: s/ Stefanie N. Diers
Stefanie N. Diers
Assistance Counsel
Division of Legal Counsel

DATED: March 16, 2017

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached the NOTICE OF FILING and RESPONSE TO THE VARIANCE PETITION for the Illinois Environmental Protection Agency upon the person to whom it is directed, BY electronic filing to with the Illinois Pollution Control Board to the following persons:

Don Brown, Board Clerk
Carol Webb, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Katherine D. Hodge
Joshua J. Houser
HeplerBroom,LLC
4340 Acer Grove Drive
Springfield, IL 62711

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
Stefanie Diers
Assistant Counsel
Division of Legal Counsel

DATED: March 16, 2017

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