

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

TO: Mr. John T. Therriault	Carol Webb, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS 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: December 22, 2014

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

Katherine D. Hodge
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached STATUS REPORT, upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on December 22, 2014; and upon:

Sara Terranova, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Division Chief of Environmental Enforcement
Office of the Attorney General
69 West Washington Street
Chicago, Illinois 60602

Office of Legal Services
IL Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois, on December 22, 2014.

/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, HODGE DWYER & DRIVER, 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:

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 (“Illinois EPA”) filed its recommendation, recommending 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 Illinois EPA 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 (“Site Specific Rulemaking”) and is continuing to “engage in discussions” with the United States Environmental Protection Agency (“USEPA”). The District stated that an additional stay until April 1, 2015, will allow for the parties to make meaningful progress in this proceeding. The Board granted the stay until April 1, 2015, and directed that the parties submit a status report on December 31, 2014 and another on April 1, 2015.

The District is continuing to engage in discussions with Illinois EPA and USEPA concerning technical studies at issue in the Site Specific Rulemaking proceeding. The District’s consultants have completed their review and evaluation, as requested by USEPA, and are in the process of preparing a written report to be submitted to USEPA on or before January 30, 2015. The District has scheduled a meeting with USEPA (and Illinois EPA) to be held in Chicago on January 8, 2015, to discuss the status of and schedule for additional USEPA review and comment of the District’s written report.

In addition, the District is continuing to engage in discussions with Illinois EPA and USEPA regarding approval of the District’s proposed testing protocol. The District received another set of comments from USEPA on December 2, 2014. The District’s consultants prepared responses to such comments, which were discussed in conference calls with Illinois EPA and USEPA on December 11, 2014, and on December 18, 2014.

Consistent with the Board's directive, the District will file an additional status report on April 1, 2015.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: December 22, 2014

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

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3150 Roland Avenue
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Springfield, Illinois 62705