

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

TO: Don Brown	Carol Webb
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500	1021 North Grand Avenue East
Chicago, Illinois 60601	Post Office Box 19274
(VIA ELECTRONIC MAIL)	Springfield, Illinois 62794-9274
	(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **MOTION FOR VOLUNTARY DISMISSAL**, a copy of which is herewith served upon you.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR

Date: October 29, 2021

By: /s/ Melissa S. Brown
 One of Its Attorneys

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MOTION FOR VOLUNTARY DISMISSAL

Petitioner, SANITARY DISTRICT OF DECATUR (“District” or “Petitioner”), by and through its attorneys, HEPLERBROOM, LLC, hereby moves the Illinois Pollution Control Board (“Board”) to dismiss the above-captioned proceeding. In support of this motion, the District states as follows:

1. The Board established a deadline of May 12, 2017 for the District to file an amended time-limited water quality standard (“TLWQS”) petition complying with Section 38.5 of the Illinois Environmental Protection Act (“Act”) and 40 C.F.R. § 131.14. Board Order, PCB 14-111, at 1-2 (Ill.Pol.Control.Bd. Apr. 12, 2017).
2. Due to the District’s work with the Illinois Environmental Protection Agency (“Illinois EPA”) and the United States Environmental Protection Agency (“USEPA”) in the related site-specific rulemaking (“SSR”) proceeding (PCB R 14-24), the District required additional time to prepare a substantially compliant TLWQS petition. The District filed motions for extension of time, as well as status reports detailing the current status of the amended TLWQS petition and related SSR proceeding.
3. The Board adopted the District’s SSR on November 15, 2018. Board Order, PCB R 14-24, at 1-2 (Ill.Pol.Control.Bd. Nov. 15, 2018).

4. On April 8, 2019, USEPA approved the adopted SSR. Status Report, PCB 14-111 (Ill.Pol.Control.Bd. Apr. 25, 2019). The District notified the Board of USEPA's approval in its Status Report dated April 25, 2019. *Id.*

5. USEPA's Approval Letter stated that USEPA's required consultation with the United States Fish and Wildlife Service ("USFWS") had been initiated, but not concluded. *Id.* As of June 3, 2019, USFWS's consultation process had concluded. Letter from K. McPeck, Field Supervisor, USFWS, to D. Pfeifer, Acting Chief, Watersheds and Wetlands Branch, USEPA (June 3, 2019).

6. On September 16, 2021, Illinois EPA issued the District's renewal National Pollutant Discharge Elimination System ("NPDES") permit, NPDES Permit No. IL0028321, which includes the nickel limit derived from the SSR. The 35-day permit appeal period has expired and no appeals of the renewed NPDES permit have been filed.

7. As stated in prior filings in this matter, the District maintained this TLWQS proceeding as an alternative form of relief if the Board did not adopt the SSR or if USEPA did not approve the SSR. Petitioner's Motion for Extension of Time, PCB 14-111 (Ill.Pol.Control.Bd. Sep. 29, 2017); Petitioner's Motion for Stay of Proceeding, PCB 14-111 (Ill.Pol.Control.Bd. Dec. 5, 2018).

8. Because the Board has adopted the SSR, USEPA has approved the SSR, and Illinois EPA has issued the NPDES permit with the updated nickel limit, the District no longer needs to maintain this TLWQS proceeding as an alternative form of relief.

9. The District requests that the Board dismiss this proceeding and close the docket.

10. Counsel for Respondent does not object to the granting of this Motion.

WHEREFORE, Petitioner, SANITARY DISTRICT OF DECATUR, respectfully requests that the Illinois Pollution Control Board dismiss this proceeding and close the docket.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,
Petitioner,

Dated: October 29, 2021

/s/ Melissa S. Brown

One of Its Attorneys

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