

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AQUA ILLINOIS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 2023-046
)	(Permit Appeal - Water)
ILLINOIS ENVIRONMENTAL)	(60-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

NOTICE OF FILING

To:	Division of Legal Counsel	Pollution Control Board, Attn: Clerk
	Illinois Environmental Protection Agency	100 West Randolph Street
	1021 North Grand Avenue East	James R. Thompson Center
	P.O. Box 19276	Suite 11-500
	Springfield, IL 62794-9276	Chicago, Illinois 60601-3218
	Epa.dlc@illinois.gov	PCB.Clerks@illinois.gov

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **JOINT REQUEST FOR EXTENSION OF THE TIME PERIOD TO APPEAL A PERMIT DECISION** and **CERTIFICATE OF SERVICE**, copies are which are herewith served upon you.

Dated: November 1, 2022

/s/ Sarah L. Lode
One of its Attorneys

Daniel J. Deeb
Alex Garel-Frantzen
Sarah L. Lode
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Attorneys for Aqua Illinois, Inc.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AQUA ILLINOIS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 23-46
)	(Permit Appeal – Water)
ILLINOIS ENVIRONMENTAL)	(60-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

**JOINT REQUEST FOR EXTENSION OF THE
TIME PERIOD TO APPEAL PERMIT DECISION**

Petitioner, Aqua Illinois, Inc. (“Aqua”), by and through its undersigned counsel, and Respondent, the Illinois Environmental Protection Agency (“IEPA”), and pursuant to Section 40(a)(1) of the Environmental Protection Act (the “Act”)—415 Ill. Comp. Stat. 5/40(a)(1)—and the rules of the Illinois Pollution Control Board (the “Board”)—35 Ill. Admin. Code §§ 105.206, 105.208, 602.600(c)—hereby respectfully request that the Board grant an additional 60-day extension of the period in which Aqua may petition the Board for an appeal of the Special Exception Permit, attached as Exhibit A (the “Permit”). In support of the Joint Request for Extension, Aqua states as follow:

1. The Permit was issued by the IEPA on August 30, 2022, regarding Aqua’s University Park public water system.
2. Aqua received the Permit from the IEPA via email on August 30, 2022.
3. Pursuant to Section 40(a)(1) and 35 Ill. Admin. Code §§ 105.106 and 105.206(a), 35 days from the date of permit issuance was October 4, 2022.
4. On September 30, 2022, the parties timely filed a joint notice to extend the 35-day period within which Aqua may appeal the Permit.

5. On October 6, 2022, the Board granted the parties' joint request for extension of time and extended the appeal period until November 3, 2022, as requested by the parties.

6. The parties have been working together in good faith to negotiate the possible resolution of disputed issues ahead of or perhaps in lieu of an appeal.

7. The parties request a 60-day extension of the appeal period until January 2, 2023, and agree that the requested 60-day extension will allow Aqua and the IEPA to continue to work toward the possible resolution of disputed issues.

8. Counsel for the IEPA has reviewed this 60-day extension request and represents that the IEPA supports the requested extension.

WHEREFORE, for the above reasons, Aqua and the IEPA respectfully request that the Board grant a 60-day extension of the current deadline to petition the Board for an appeal of the Permit up to and including January 2, 2023.

Dated: November 1, 2022

Respectfully submitted,

Aqua Illinois, Inc.

/s/ Daniel J. Deeb

One of its Attorneys

Daniel J. Deeb
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st day of November, 2022:

I have electronically served a true and correct copy of Joint Request for Extension of the Time Period to Appeal a Permit Decision, by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

To:	Division of Legal Counsel	Pollution Control Board, Attn: Clerk
	Illinois Environmental Protection Agency	100 West Randolph Street
	1021 North Grand Avenue East	James R. Thompson Center
	P.O. Box 19276	Suite 11-500
	Springfield, IL 62794-9276	Chicago, Illinois 60601-3218
	Epa.dlc@illinois.gov	PCB.Clerks@illinois.gov

My e-mail address is Sarah.Lode@afslaw.com.

The number of pages in the e-mail transmission is 8.

The e-mail transmission took place before 5:00 p.m.

/s/ Sarah L. Lode

Sarah L. Lode

Dated: November 1, 2022

Daniel J. Deeb
Alex Garel-Frantzen
Sarah L. Lode
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Attorneys for Aqua Illinois, Inc.

CH2:26488433.1

EXHIBIT A



Special Exception Permit (SEP)

(217) 782-1724

August 30, 2022

David Carter, President
Aqua Illinois Water Company
1000 S. Schuyler Avenue
Kankakee, IL 60901

Re: AQUA ILLINOIS – UNIVERSITY PARK (IL1975030) – Optimal Water Quality Parameters

Dear Mr. Carter:

Aqua Illinois – University Park has taken steps to reduce the lead and copper levels in their community water supply. The Optimal Corrosion Control Treatment (OCCT) was the addition of zinc orthophosphate approved by a Special Exception Permit dated August 8, 2022.

To ensure that the corrosion control treatment is correctly maintained, the Illinois Environmental Protection Agency (Agency) is required to set a minimum value or range for the water quality parameters and may require additional water quality monitoring (35 Ill. Adm. Code Sections 611.351(b) and 611.352(a and f). The optimal water quality parameter (OWQP) ranges and monitoring frequencies that are required to be met are listed below:

Optimal Water Quality Parameters and Associated Ranges/Minimum:

Table with 4 columns: Entry Point and Description, WQP that must be measured, Approved Ranges/Minimum, Monitoring Frequency. Row 1: CC01, connection to Kankakee, pH, Orthophosphate, Nitrate.

Table with 4 columns: Distribution System (Tap Samples), WQP that must be measured, Approved Ranges/Minimum, Monitoring Frequency. Row 1: At least 3 sample sites representing the entire distribution system, pH, Orthophosphate, Total chlorine residual, Zinc.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

IL1975030 Aqua Illinois University Park

OWQP ranges – August 30, 2022

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Optimal water quality parameter values at or above minimum levels or within ranges approved by the Agency are required to be maintained. The values outside of approved ranges from each sample collected are known as excursions. The total number of excursions must be reported for each six-month monitoring period to the Agency. (35 Ill. Adm. Code Section 611.352(g)(1)). Compliance will commence for these OWQP ranges beginning with the next six-month monitoring period that starts January 1, 2023. OWQP monitoring must continue until the issuance of a new Special Exception Permit. (35 Ill. Adm. Code 602.600 and 611.351(b))

The “Illinois Environmental Protection Agency Compliance with the Water Quality Parameter (WQP) Ranges Certification of Results” form must be completed and submitted to the Illinois Environmental Protection Agency, Bureau of Water, Drinking Water Compliance Unit, Mail Code #19, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276 **within 10 days** after the end of each six-month monitoring period. The form may be emailed to epa.pwscompliance@illinois.gov instead.

All test results except those performed by a certified laboratory must be included with the monthly operating reports submitted to the Agency’s Elgin Regional Office. Measure pH with a field instrument that is calibrated according to the manufacturer’s instructions.

The Agency is required to explain the basis for the decisions in this SEP according to 35 Ill. Adm. Code 611.352(f)(4). The orthophosphate and pH monitoring and the additional monitoring for nitrate, zinc, and chlorine residual are necessary to ensure that corrosion control treatment is maintained as required by 35 Ill. Adm. Code 611.351(b). The ranges for pH, orthophosphate, total chlorine residual, and zinc are based upon the results of follow-up monitoring that was done as a condition of construction permit #0071-FY2022. The lack of a range for nitrate is due to the uncertainty regarding at what value nitrate can cause an increase in lead results. The lead compliance sampling results and the spreadsheet of water quality results supplied by Melissa Kahoun on July 10, 2022 were reviewed for this SEP. The OWQP parameters are known or have been mentioned in technical presentations to the Agency on March 24, 2020, July 1, 2021, July 14, 2021, and October 29, 2021 to potentially affect lead release. The Agency will need the water quality parameter monitoring data in case of future high lead results. The frequency is based upon the requirements for community water supplies that must do water quality monitoring.

If you have any questions regarding the optimal water quality control parameters set in this SEP, please feel free to contact me at 217/782-1724.

Sincerely,



David C. Cook, P.E.
Manager, Permit Section
Division of Public Water Supplies

cc: Melissa Kahoun, Aqua Environmental Compliance Manager
DPWS/FOS – Springfield Regional Office