

JUL 23 2003

BEFORE THE ILLINOIS
POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board
COPY

In the matter of: : Petition No. AS 01-3
:
DEKALB SANITARY DISTRICT, : **Motion for Voluntary Dismissal**
303 Hollister Avenue :
P.O. Box 624 :
DeKalb, Illinois 60115 :
:
Petitioner. :
:

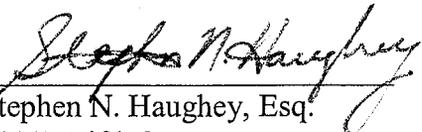
Pursuant to Title 35, Chapter 1, Part 101 of the Illinois Administrative Code, Sections 101.500 and 504, the Petitioner DeKalb Sanitary District (hereinafter "DeKalb") hereby moves the Pollution Control Board to dismiss the above-captioned petition. The basis for the petition has been mooted by the promulgation of revised rules in late 2003 that establish a regulatory procedure whereby IEPA can modify water quality criteria and associated water quality-based effluent limits for copper and other hardness-based metals in discharge permits based upon the use of site-specific dissolved metals translators.

Prior to that rulemaking, permit holders seeking to receive such modified criteria and associated modified permit limits were required to submit a site-specific petition for an adjusted water quality standard to the Board, relying upon recent U.S. EPA's guidance issued to all states recommending that they permit the use of such site-specific translators. The recent rulemaking dispenses with the need to file such petitions. Instead, DeKalb is working with IEPA's Division of Water Pollution Control using the newly revised rules and will submit a permit modification request to the Division in the very near future seeking the same relief that DeKalb was seeking via the filing of this petition.

For the foregoing reasons, DeKalb moves the Board to dismiss this petition. DeKalb appreciates the cooperation of the IEPA, its counsel, and the Hearing Officer in resolving the issues raised in this petition.

Respectfully submitted,

FROST BROWN TODD LLC


Stephen N. Haughey, Esq.
201 E. Fifth Street
2500 PNC Center
Cincinnati, Ohio 45202
(513) 651-6127
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Voluntary Dismissal was served on Deborah Williams, Assistant Counsel, IEPA Division of Legal Counsel, by regular U.S. mail this 2~~nd~~ day of July 2003.

