ILLINOIS POLLUTION CONTROL BOARD
September 20, 2001

IN THE MATTER OF:)
)
PETITION OF THE CITY OF SYCAMORE   )   AS 01-5
FOR AN ADJUSTED STANDARD FROM 35)   (Adjusted Standard - Water)
ILL. ADM. CODE 304.121 AND 35 ILL.   )
ADM. CODE 306.305(b)   )

ORDER OF THE BOARD (by N.J. Melas):

On August 17, 2001, the City of Sycamore (Sycamore) filed an addendum to its amended petition for an adjusted standard (addendum). For the reasons below, the Board dismisses Sycamore's petition for an adjusted standard due to continued failure to meet information requests.

On September 25, 2000, Sycamore filed a petition for an adjusted standard requesting that the Board grant it relief from the regulatory requirements at 35 Ill. Adm. Code 304.121 and 306.305(b) regarding Sycamore's treatment of effluent from its excess flow treatment facility (EFTF) that is part of its wastewater treatment plant. The Board found several deficiencies and ordered Sycamore to file an amended petition.

In its May 17, 2001 order in this matter, the Board noted two deficiencies in Sycamore's amended petition. First, Sycamore did not address factors related to it that are substantially and significantly different from those factors that the Board relied on in adopting the general regulation at issue. *See* 415 ILCS 5/28.1(c)(1). Second, the Board ordered that Sycamore submit proof that the Kishwaukee River downstream from the Sycamore Wastewater Treatment Plant (WWTP) is exempt from the general use water quality standards for fecal coliform at 35 Ill. Adm. Code 302.209 and 35 Ill. Adm. Code 302.306. Section 304.121(b) of the Board's regulations provides that effluent must not cause downstream waters to exceed the limits at Section 302.209 and 302.306 (unless those waters are exempt).

In the addendum, Sycamore addressed factors that were substantially and significantly different than the factors that the Board relied on in adopting 35 Ill. Adm. Code 306.305(c). However, Sycamore did not address the factors that the Board relied on in adopting 35 Ill. Adm. Code 304.121.

In order to prove the exemption from the fecal coliform water quality standards at Sections 302.209 and 302.306, the Board allowed Sycamore to either file Illinois Environmental Protection Agency (Agency) documents or submit documentation about the Kishwaukee River related to its depth, public access, adjacent land use, and fecal coliform die-off modeling. Sycamore submitted an Agency letter dated February 15, 1989 (letter). The letter was a tentative approval of the Sycamore WWTP National Pollutant Discharge Elimination System (NPDES) permit. The letter states that the section of the Kishwaukee downstream of the Sycamore WWTP is not a "protected water" for purposes of 35 Ill. Adm. Code 302.209.
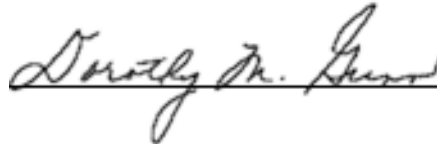
The Board does not accept the letter for the purpose of proving the exemption from the fecal coliform water quality standards at Sections 302.209 and 302.306. The letter does not address the exemption from Section 302.306. The letter is now over 12 years old. It is not clear if the tentative approval of the Sycamore WWTP NPDES permit in the Agency's 1989 letter still applies to the current NPDES permit issued in 1997. Furthermore, the letter predates the completion of the EFTF by six years and obviously does not mention the EFTF discharge at outfall 002.

Sycamore's petition in this matter was filed nearly a year ago. The Board has given Sycamore two opportunities to correct deficiencies in its original petition and provided an extra 60 days for Sycamore to submit the addendum. The Board will not provide Sycamore with another opportunity to amend or add to its petition for an adjusted standard.

The Board therefore dismisses Sycamore's petition for an adjusted standard. This order does not prohibit Sycamore from filing a subsequent petition for an adjusted standard.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above order was adopted on September 20, 2001, by a vote of 6-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board