

FEB-08-2007 17:01

DLC LEGAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)

PROPOSED EXTENSION OF ADJUSTED STANDARD)
APPLICABLE TO ILLINOIS-AMERICAN)
WATER COMPANY'S ALTON PUBLIC WATER)
SUPPLY FACILITY DISCHARGE)
TO THE MISSISSIPPI RIVER)

AS 2007-2
(Adjusted Standard)

NOTICE OF FILING

PLEASE TAKE NOTICE that on February 9, 2007, the JOINT MOTION FOR EXTENSION OF TIME FOR ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO FILE RESPONSE was filed with the Clerk of the Pollution Control Board. A copy of the Joint Motion is herewith served upon you.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

By: Bradley S. Hiles / AMW

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JOINT MOTION FOR EXTENSION OF TIME FOR ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY TO FILE RESPONSE

Petitioner, Illinois-American Water Company ("Illinois-American"), by one of its attorneys Bradley S. Hiles, and the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys Thomas M. Andryk, hereby move for an extension of time for Illinois EPA to file its response to Illinois-American's Petition for Adjusted Standard. In support of its request, Illinois-American and Illinois EPA state as follows:

1. On October 31, 2006, Illinois-American filed its Petition for Extension of Adjusted Standard (the "Petition for Extension") with the Board in the above-captioned case. The Petition for Extension requested an extension of Adjusted Standard 99-6 ("AS 99-6"), the adjusted standard now applicable to Illinois-American's public water supply treatment facility in Alton, Illinois (the "Alton facility"). AS 99-6, which is scheduled to expire on October 16, 2007, provides that the effluent standards for offensive discharges, TSS, and iron shall not apply to discharges from the Alton facility, and that the general use water quality standard for offensive discharges shall not apply to a one-mile stretch of the Mississippi River which receives effluent from the Alton facility and is immediately downstream from the Alton facility's discharge.

2. On November, 29, 2006, Illinois-American filed its Certificate of Publication certifying timely publication in the Alton Telegraph of Illinois-American's notice of the Petition. By its order dated December 7, 2006, the Board found that Illinois-American had satisfied the applicable notice requirements.
3. Pursuant to 35 Ill. Adm. Code 104.416, Illinois EPA's deadline to file its recommendation regarding the Petition for Extension was December 15, 2006.
4. On December 15, 2006, Illinois EPA filed a Motion for Extension of Time to File Recommendation to request an extension from December 15, 2006 to February 14, 2007. In its Motion, Illinois EPA stated that Illinois EPA and Illinois-American would like more time to work towards an agreement on the additional issues identified by Illinois EPA following filing of the Petition for Extension. Illinois EPA also stated that further discussions with US EPA would be necessary if Illinois-American intended to pursue its request for extension of AS 99-6's relief from the general use water quality standard for offensive discharges.
5. On December 18, 2006, the Hearing Officer granted Illinois EPA's Motion for Extension of Time to File Recommendation and extended Illinois EPA's deadline to respond to the Petition for Extension to February 14, 2007.
6. Illinois-American and Illinois EPA have been engaged in regular and continuous discussions regarding the contents of the Petition for Extension and the possible resolution of the additional issues identified by Illinois EPA. Illinois-American and Illinois EPA have reached a resolution on some issues, but other issues remain outstanding. Further discussions are planned regarding these outstanding issues for immediately after the February 14, 2007 deadline. Illinois-American

and Illinois EPA are hopeful that these discussions will allow the parties to reach a resolution on some (if not all) of the outstanding issues, and that any response submitted by Illinois EPA prior to such discussions would be premature.

- 7. Illinois EPA requests, and Illinois-American consents to, an additional forty-five (45) days for Illinois EPA to respond to the Petition for Extension, which will extend Illinois EPA's deadline to respond to April 2, 2007.
- 8. Illinois-American anticipates that it will file an Amended Petition for Extension prior to Illinois EPA's extended deadline of April 2, 2007. In fact, Illinois-American expects to file an Amended Petition on or before March 8, 2007. This Amended Petition for Extension, which will supersede the initial Petition for Extension, will address those issues on which Illinois-American and Illinois EPA have reached a resolution and (if agreement on currently unresolved issues cannot be reached) will address unresolved issues as well. Illinois-American and Illinois EPA acknowledge that pursuant to 35 Ill. Adm. Code 104.416, Illinois EPA (along with any other interested parties) will have forty-five (45) days from the date of filing of any such Amended Petition to file a recommendation, and the extended deadline of April 2, 2007 requested herein will be rendered moot.

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WHEREFORE, Illinois-American and Illinois EPA respectfully request that the Hearing Officer grant Illinois EPA an additional forty-five (45) days to respond to Illinois-American's Petition for Extension and extend Illinois EPA's deadline to respond to April 2, 2007, subject to any later deadline triggered by the filing of an Amended Petition for Extension by Illinois-American.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

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**ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY**

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2007, the attached JOINT MOTION FOR EXTENSION OF TIME FOR ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO FILE RESPONSE was filed by electronic transmission with the Office of the Clerk of the Illinois Pollution Control Board.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

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