

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SANITARY DISTRICT OF)	
DECATUR,)	
)	
Petitioner,)	
)	
v.)	PCB 09-125
)	(Variance – Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John T. Therriault	Carol Webb, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS 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 PETITIONER’S RESPONSES TO THE ILLINOIS POLLUTION CONTROL BOARD’S QUESTIONS, a copy of which is herewith served upon you.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,
Petitioner,

Dated: December 21, 2009

By: /s/Katherine D. Hodge
Katherine D. Hodge

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

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**PETITIONER’S RESPONSES TO THE
ILLINOIS POLLUTION CONTROL BOARD’S QUESTIONS**

NOW COMES Petitioner, Sanitary District of Decatur (“Petitioner” or “District”), by and through its attorneys, HODGE DWYER & DRIVER, and hereby provides the following responses to the questions of the Illinois Pollution Control Board (“Board”), as detailed in the December 14, 2009 Hearing Officer Order:

I. BOARD QUESTIONS AND PETITIONER RESPONSES

Board Question 1(A):

The District’s proposed condition #1 provides that the variance would apply to “the segment of the Sangamon River that receives discharge from the Main Plant (Assessment Unit 1D IL_E-09), and downstream segments potentially impacted by the District’s nickel and zinc discharges.” Petition (Pet.) at 37.

A. *The Agency notes that the District “discharges to the most downstream portion of E-09.” Recommendation (Rec.) at 6. The District states that “[t]he Main Plant’s main discharge is via Outfall 001 to the Sangamon River at 39° 49’ 56” North Latitude, 89° 0’ 7” West Longitude.” Pet. at 6. Is there any reason that Outfall 001 should not be the in-stream starting point for the proposed variance? Please identify any other outfall(s) receiving discharges from zinc and nickel contributors.*

Petitioner Response to Board Question 1(A):

Petitioner is not aware of a reason that Outfall 001 should not be the in-stream starting point for the requested variance. Petitioner does have three permitted discharge points for combined sewer overflow treatment facilities upstream of the Main Plant discharge; however, the upstream outfalls are currently not significant contributors of nickel or zinc.

Board Question 1(B):

B. Please describe the in-stream ending point for the proposed variance more precisely (e.g., latitude/longitude, GPS coordinates, USGS gauging station numbers). Please justify the location selected.

Petitioner Response to Board Question 1(B):

Petitioner's river monitoring data indicate that its discharge does not result in exceedences of the water quality standards except during very low flow conditions in the Sangamon River. Petition for Review ("Petition") at 38. The Illinois State Water Survey has published a map for the Sangamon River basin showing stream flows during seven-day, ten-year low flow conditions. See <http://www.isws.illinois.edu/docs/maps/lowflow/images/maps/map5.gif>. This map indicates that during times of low flow, there is no significant additional flow available in the Sangamon River for mixing with Petitioner's discharge until the Sangamon River's confluence with the South Fork, approximately two miles south of Riverton. Based on this information, a suggested end point for the requested variance is the U.S. Geological Survey stream gauging station 05576500 at Riverton, 39° 50' 35" North Latitude, 89° 32' 50" West Longitude.

Board Question 2:

The District lists the average incoming loadings for zinc and nickel. Pet. at 11. Please describe the loadings of zinc and nickel to the receiving waters.

Petitioner Response to Board Question 2:

Sampling data from January through November 2009 show the following average discharge quantities to the Sangamon River:

Total Nickel: 6.34 pounds/day

Total Zinc: 9.54 pounds/day

Board Question 3:

The District summarizes monitoring data from March 2007 through March 2009. Pet. at 13. Please clarify whether the data are for the dissolved or total form of nickel and zinc.

Petitioner Response to Board Question 3:

The monitoring results on page 13 of the Petition are expressed as total nickel and total zinc.

Board Question 4:

The District provides tables with data from sampling of "River Upstream," "Plant Effluent," "Steven's Creek," and "River Downstream." Pet., Exh. C. The District also states that it will continue "monitoring upstream and downstream of the discharge in the Sangamon River" and that "[d]ownstream monitoring has recently been modified to include four locations in the Sangamon River rather than the one location monitored since 2007." Pet. at 37. Please provide a map identifying all of these sampling locations and the relevant outfall(s). What are the distances from the outfall(s) to the sampling locations?

Petitioner Response to Board Question 4:

A map identifying sampling locations is provided (which is attached hereto as Exhibit A). The map shows the southwest portion of the City of Decatur, including a portion of the Sangamon River beginning just downstream of Lake Decatur at the center right and flowing from east to west. Samples described as "upstream" in the Petition

were collected at the Illinois Route 48 Bridge crossing the Sangamon River, approximately two miles upstream of Petitioner's Outfall 001. Petitioner's Main Plant is located near the center of the map, on the north side of the Sangamon River. The downstream sampling point used for many years is the Wyckles Road (County Highway 41) Bridge, approximately three stream miles downstream of Petitioner's Outfall 001. Sampling points added within the past year are approximately 100 yards, 600 yards, and 1000 yards (Rock Springs Bicycle Trail Bridge) downstream of Petitioner's Outfall 001 as shown on the map.

II. CONCLUSION

WHEREFORE, Petitioner, SANITARY DISTRICT OF DECATUR, submits, for the Illinois Pollution Control Board's consideration, the above responses to the questions contained in the December 14, 2009 Hearing Officer Order.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,
Petitioner,

Dated: December 21, 2009

By: /s/Katherine D. Hodge
Katherine D. Hodge

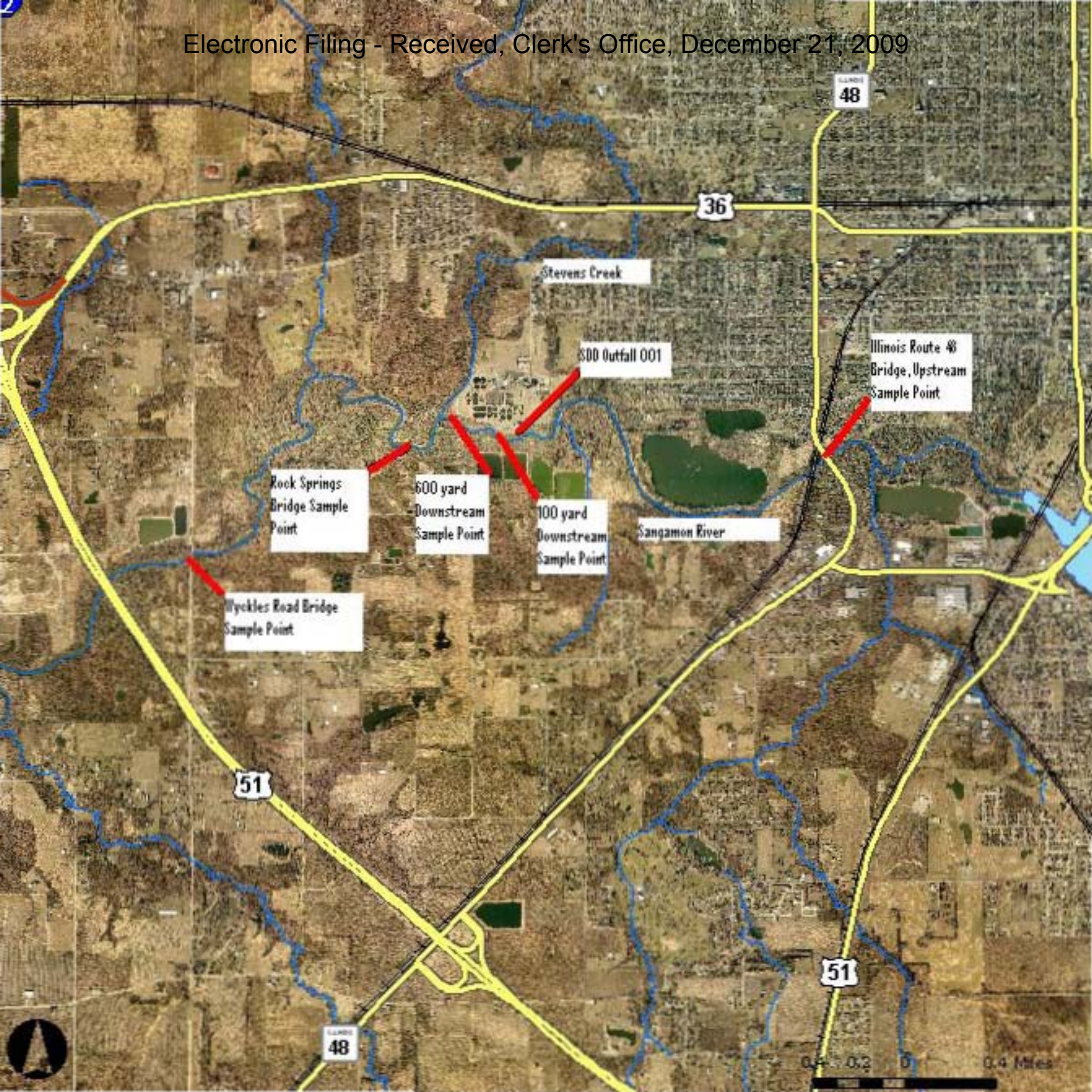
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SDOD:001/Filings/Response Board Questions

EXHIBIT

A

Map Identifying Sampling Locations



CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached PETITIONER'S RESPONSES TO THE ILLINOIS POLLUTION CONTROL

BOARD'S QUESTIONS upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on December 21, 2009; and upon:

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Chad M. Kruse, Esq.
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois, on December 21, 2009.

/s/Katherine D. Hodge
Katherine D. Hodge