

ILLINOIS POLLUTION CONTROL BOARD
December 21, 2017

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC RULE FOR) R 14-24
SANITARY DISTRICT OF DECATUR) (Site-Specific Rulemaking - Water)
FROM 35 ILL. ADM. CODE SECTION)
302.208(e).)

ORDER OF THE BOARD (by K. Papadimitriu):

On June 30, 2014, the Sanitary District of Decatur (District) filed a petition for a site-specific rulemaking. On November 30, 2017, the District filed an amended petition (Am. Pet.). The District proposes an alternative chronic water quality standard for nickel for its Main Sewage Treatment Plant (Main Plant) located at 501 Dipper Lane, Decatur, Macon County. On November 30, 2017, the District also filed a Motion to Waive Requirement to Submit 200 Signatures (Mot. Sign.) and a Motion for Leave to Supplement the amended petition. (Mot. Supl.)

In this order the Board accepts the amended petition for hearing and grants the motion for waiver but denies the motion to supplement.

AMENDED PETITION ACCEPTED FOR HEARING

In its July 26, 2017 order, the Board granted the District's request for additional extension before scheduling a hearing in this rulemaking. The Board directed the District to file at the end of the extension all documentation necessary to support the District's petition for a site-specific rule in this docket. On November 30, 2017, the District filed its amended petition "to update the pending petition with additional information acquired since the petition was originally filed with the Board." Am. Pet. at 1. The District proposes a new Section 303.410 of the Board's water pollution rules:

Section 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River

The general use chronic water quality standard for dissolved nickel contained in Section 302.208(e) shall not apply to the Sangamon River, which receives discharges from the Sanitary District of Decatur's Main STP, from that facility's Outfall 001 located at 39° 49' 56" North Latitude, 89° 0' 7" West Longitude, to the point of the confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton. Instead, nickel levels in such waters shall meet a chronic water quality standard for dissolved nickel as follows:

Chronic Dissolved Nickel Standard = $\exp[A+B\ln(H)] \times 0.997^* \times WER$,
where A = -2.286, B = 0.846, $\ln(H)$ = natural logarithm of Hardness,

* = conversion factor multiplier for dissolved metals, and WER = 2.33.
Am. Pet. at 2.

The District states that its current discharge exceeds the current general use chronic water quality standard for nickel “due to the influent contributions primarily from one industrial user.” Mot. Sign. at 2; *see also* Am. Pet. at 21-29. The District states that it is technically infeasible and economically unreasonable to meet that standard for the portion of the Sangamon River to which the Main Plant discharges. Am. Pet at 3, 52-58. The District suggests that its proposed site-specific rule is “equally protective of aquatic life and stream use.” *Id.* The District proposes no change to the general use acute water quality standard for nickel. *Id.* at 1.

The amended petition meets the content requirements and the Board accepts it for hearing. 35 Ill. Adm. Code 102.202, 102.210, 102.410.

MOTION FOR LEAVE TO SUPPLEMENT DENIED

The District states that it received comments and questions from the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency that required it to revise its draft amended petition. Mot. Supl. at 2. These comments and questions “precipitated additional communications with and revisions by the District’s consultant.” *Id.* The District adds that these communications were affected by family medical emergencies of its consultant, Mr. Robert Santore, whose “technical assistance is integral.” *Id.* The District requests leave to supplement its amended petition “with additional information, as may be necessary”. *Id.* The motion, however, does not include any supplemental information, nor does it indicate which information the District intends to submit to the Board. The Board, thus, denies the District’s motion. The Board notes, however, that the District may submit additional information and documents in this proceeding before, during and after the hearing. *See, e.g.*, 35 Ill. Adm. Code 102.108, 102.418, 102.424.

MOTION TO WAIVE THE SIGNATURE REQUIREMENT GRANTED

The District moved to waive the requirement of 35 Ill. Adm. Code 102.202(g) to submit 200 signatures in support of its petition. The District states that granting the motion is “in the public interest” because the Main Plant provides the District’s users - approximately 32,000 active billing accounts, that include 25 significant industrial users and 2,400 other industrial and commercial users - with a critical service. Mot. Sign. at 3. The District cites Board decisions waiving the signature requirement for site-specific rulemakings. *Id.* (citations omitted). The Board has not received any responses to the District’s motion. The Board waived this requirement when it accepted the original petition. The Board grants the District’s motion and waives the requirement to submit a petition signed by at least 200 persons.

CONCLUSION

The Board accepts the District’s proposal for a site-specific rule for hearing, denies the motion to supplement, and grants the motion to waive the signature requirement. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking

provisions of the Act and the Board's procedural rules. 415 ILCS 5/27, 28 (2016); 35 Ill. Adm. Code 102.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 21, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board