

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
PROPOSED SITE SPECIFIC	)	
RULE FOR SANITARY DISTRICT	)	R14-24
OF DECATUR FROM 35 ILL. ADM.	)	(Site Specific Rule – Water)
CODE SECTION 302.208(e).	)	

**NOTICE OF FILING**

TO: Mr. John T. Therriault	Daniel Robertson, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the **STATUS REPORT**, a copy of which is herewith served upon you.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: May 1, 2015

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

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

**CERTIFICATE OF SERVICE**

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached STATUS REPORT, upon:

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

via electronic mail on May 1, 2015; and upon:

Daniel Robertson, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Sara Terranova, Esq.  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois, on May 1, 2015.

/s/Katherine D. Hodge  
Katherine D. Hodge

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**STATUS REPORT**

NOW COMES the SANITARY DISTRICT OF DECATUR (“District”), by and through its attorneys, HODGE DWYER & DRIVER, and provides this status report to the Hearing Officer and the Illinois Pollution Control Board (“Board”) regarding recent activities in this matter. The District provides as follows:

On June 30, 2014, the Sanitary District of Decatur (“District”) filed a petition for a site-specific rulemaking pursuant to Sections 27 and 28 of the Environmental Protection Act (“Act”), 415 ILCS 5/27, 28, and Sections 101.202 and 102.210 of the Board’s Regulations, 35 Ill. Admin. Code §§ 101.202, 102.210. The District’s petition seeks to establish an alternative chronic water quality standard for nickel from the point of its discharge into the Sangamon River at its Main Plant to the point of the confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton.

On July 24, 2014, the Board accepted the petition for hearing and directed the assigned hearing officer to schedule and to proceed to hearing under the rulemaking provisions of the Act and the Board’s procedural rules. On July 29, 2014, the hearing officer accepted the District’s request to postpone the scheduling of a hearing date. The Hearing Officer ordered the District to file a status report by August 29, 2014, stating its readiness for hearing or requesting additional time. The District filed its status report on August 29, 2014, requesting an additional sixty days before scheduling a hearing in this

rulemaking. The Hearing Officer granted the request and directed the District to file a new status report by October 28, 2014. The District filed its status report on October 28, 2014, requesting an additional sixty days before scheduling a hearing in this rulemaking. On October 30, 2014, the Hearing Officer granted the request and directed the District to file a new status report by December 29, 2014. The District filed its status report on December 22, 2014, requesting an additional sixty days before scheduling a hearing in this rulemaking. On December 30, 2014, the Hearing Officer granted the request and directed the District to file a new status report by February 27, 2015. The District filed its status report on February 27, 2015, requesting an additional sixty days before scheduling a hearing in this rulemaking. On March 2, 2015, the Hearing Officer granted the request and directed the District to file a new status report by May 1, 2015.

The District now respectfully requests an additional ninety (90) days before scheduling a hearing date in this rulemaking proceeding. The District is continuing to engage in discussions with Illinois EPA and USEPA concerning technical studies at issue in this proceeding. The District's consultants have completed their review and evaluation, as requested by USEPA, and are in the process of preparing a written report to be submitted to USEPA. Completion of the report has been delayed by the need to respond to additional comments from USEPA. The District met with USEPA (and Illinois EPA) in Chicago on January 8, 2015, to discuss the status of and schedule for additional USEPA review and comment of the District's written report. The District's consultants are continuing their work, including adding more datasets, as well as participating in a number of telephone conference with USEPA. In that regard, USEPA has set up an independent experimental program with USGS for the purpose of

discussing what is and isn't known about Ni bioavailability. USEPA asked the District's consultant to participate in an initial workshop held earlier this week. It appears that USEPA may be interested in developing a national criterion for Nickel.

In addition, the District is continuing to engage in discussions with Illinois EPA and USEPA regarding approval of the District's proposed testing protocol. The District received another set of comments from USEPA on December 2, 2014. The District's consultants prepared responses to such comments, which were discussed in conference calls with Illinois EPA and USEPA on December 11, 2014, and on December 18, 2014. The District received further USEPA comments regarding the proposed testing protocol on February 2, 2015, and has reviewed the comments with its consultant and with personnel from the university laboratory that will be performing the testing. Initial testing began during the week of March 16, 2015, with further testing to follow based on the initial results and further discussion with USEPA.

The District will commit to the filing of additional status report(s), as requested by the Hearing Officer.

Respectfully submitted,

SANITARY DISTRICT OF DECATUR,

Dated: May 1, 2015

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

Katherine D. Hodge  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
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