

**STATE OF ILLINOIS
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF WATER RESOURCES**

FILED

AUG 10 2023

DEPT. OF NATURAL RESOURCES
OFFICE OF LEGAL COUNSEL

IN THE MATTER OF)
)
APPLICATION FOR)
LAKE MICHIGAN) **No. LMO-22-03**
WATER ALLOCATION)
BY THE)
VILLAGE OF OSWEGO)

**FINAL ADMINISTRATIVE DECISION AN APPLICATION
FOR A LAKE MICHIGAN WATER ALLOCATION
BY THE VILLAGE OF OSWEGO**

By the Illinois Department of Natural Resources:

I. Legal Authority

This matter comes before the Illinois Department of Natural Resources (“Department”) pursuant to its statutory authority under the Level of Lake Michigan Act, 615 ILCS 50, and its regulatory requirements set forth in its administrative rule for the Allocation of Water from Lake Michigan, 17 Ill. Admin. Code 3730 (“Lake Michigan Water Allocation Administrative Rule”).

II. Procedural Background

The Village of Oswego (“Applicant”) has filed an Application for a Lake Michigan Water Allocation Permit with the Department. Public notice was effectuated for this proceeding pursuant to Section 3730.206 of the Department’s Lake Michigan Water Allocation Administrative Rule. Department Staff mailed notice of this proceeding to the Department’s service list in the form of a Notice of Commencement of Hearing on or about May 24, 2022. The Department published notice for this proceeding in the Chicago Tribune on June 1, 2022, and June 8, 2022.

A Pre-hearing conference was held on June 16, 2022. The Department’s Hearing Officer ruled on parties’ requests to intervene, granting intervention to the Illinois Attorney General, the United City of Yorkville, the Village of Montgomery, and the DuPage County Water Commission.

The Metropolitan Water Reclamation District of Greater Chicago requested to participate as an observer to this proceeding. Subsequent Pre-hearing conferences were held October 3, 2022, and December 7, 2022. The parties agreed to the schedule for written testimony and for a Public Hearing for cross examination of witnesses. A Public Hearing was held via electronic communications commencing at 10:00 a.m. on March 27, 2023.

Appearing at the Public Hearing on behalf of the Department Staff were Stanley Stasiulis and Robert Mool, Legal Counsel, and Stephen Altman, James Casey, and James Kessen of the Department's Office of Water Resources. Appearing on behalf of the Applicant was Irene Caminer, Legal Counsel, Jennifer Hughes, Applicant's Director of Public Works and Village Engineer, Carolyn Grieves of Baxter and Woodman, Applicant's engineering consultant, Daniel Abrams of the Illinois State Water Survey, Applicant's water consultant, Zachary Jardine, Applicant's Operations Supervisor, and Kerry Behr, Applicant's Project Engineer. In addition to the Department Staff and Applicant, several other parties intervened in this proceeding and attended proceedings as observers. Appearing on behalf of intervenor the Illinois Attorney General was Ann Marie Hanohano. Persons requesting to participate at the Public Hearing only as observers are not listed in this Order.

The documentary evidence presented by the Applicant in support of its application and by the Department Staff, as well as the oral testimony presented at the March 27, 2023 Public Hearing, make up the evidentiary record of this proceeding. No other parties provided evidence in this proceeding. Applicant filed its Lake Michigan Water Allocation Application for 1B Permit as Exhibit 1, a Report in Support as Exhibit 2 with subparts 2A through 2G, an Addendum to the Study as Exhibit 3 with subparts 3A and 3B, the Testimony of Jennifer Hughes as Exhibit 4 with subparts 4A through 4G, the Testimony of Daniel Abrams as Exhibit 5 with subparts 5A through 5F and the Testimony of Carolyn Grieves with subpart 5A. The Department Staff filed the written Direct Testimony of Steve Altman as Department Exhibit A, the Affidavit of Ronda Brown showing Department Staff mailed notice of this proceeding to the Department's service list on or about May 24, 2022, and published the Pre-Hearing Conference Notice in the Chicago Tribune on June 1, 2022, and June 8, 2022, and a Memorandum titled Legal Authority of Respondent IDNR. A court reporter's transcript was prepared memorializing the testimony at the March 27, 2023 Public Hearing.

After receipt of the court reporter's transcript, on April 24, 2023, Applicant filed a Motion to

Correct the Record requesting several corrections to the transcript. Department Staff filed a response to Applicant's motion and a hearing was held. Per the Hearing Officer's Order of May 17, 2023, Applicant's Motion to Correct the Record was granted, and the transcript is modified to reflect this ruling.

The above-identified documents and transcript make up the evidentiary record upon which the Department bases its Final Administrative Decision findings and conclusions, and that upon which the attached Order is entered.

III. Issues Presented

The first issue presented is whether Illinois' current total Lake Michigan water diversion amounts allow for sufficient potential additional water diversion to grant Applicant's requested allocation amount.

The second issue presented is whether the Applicant qualifies for a Lake Michigan Water Allocation.

The third issue presented is whether the Applicant's requested amount of Lake Michigan water is the appropriate amount for which the Applicant should be issued a Lake Michigan Water Allocation.

The fourth issue presented is whether Applicant is in compliance with the Department's regulatory water conservation / efficiency requirements and, if not, whether an acceptable compliance plan is provided.

IV. Evidentiary Record

Applicant has applied for a Lake Michigan Water Allocation Permit for purposes of providing water for the Applicant's municipal water system, which currently (as of 2021) provides water to approximately 35,380 residents, commercial users, and industrial users. (Applicant Ex. 1, Sect. III-B.) Maps were provided of Applicant's current and planned future municipal water system. (Applicant Ex. 2G.) Applicant's proposed start date for a Lake Michigan Water Allocation is 2027 and extends to the 2050 permitting horizon. (Applicant Ex. 1, Sect. II.) Applicant's requested Lake Michigan water allocation amount in 2027 is 2.785 million gallons per day ("mgd") increasing to 3.770 mgd in 2050. (Applicant Ex. 1, Sect. II.)

Department Staff provided information on whether Illinois' current total Lake Michigan water diversion amounts allow for sufficient potential additional water diversion to grant Applicant's requested diversion amount. According to Department witness Stephen Altman, there is sufficient Lake Michigan water available to meet Applicant's requested amounts and still comply with the limitations of the United States Supreme Court Consent Decree in Wisconsin v. Illinois, which are memorialized in Section 3 of the Level of Lake Michigan Act, 615 ILCS 50/3. (Department Ex. A, p. 2; Tr. 47.)

Applicant provided information on its requested classification for Lake Michigan Water Use to qualify for a Lake Michigan Water Allocation per the terms of the Department's Lake Michigan Water Allocation Administrative Rule, 17 Ill. Admin. Code 3730.303. Applicant is requesting classification as a Category IB Applicant on the basis that its primary water needs are residential, commercial, or industrial and its use of Lake Michigan water would reduce use of the Cambrian-Ordovician deep aquifer ("Deep Aquifer"). (Applicant Ex. 1, Sect III) Department Staff acknowledged Applicant's request under Category IB. (Tr. 48.)

Applicant's water system uses 8 Deep Aquifer wells (Applicant Ex. 1, Sect. VII.A.) Applicant provided information from its consultant, Daniel Abrams of the Illinois State Water Survey, that Applicant's current withdrawals from its Deep Aquifer water source are unsustainable. (Applicant Ex. 5; Tr. 14-23.)

Per Applicant's reported Deep Aquifer well use, its transfer to Lake Michigan water from its current ground water sources will result in reduced Deep Aquifer use of almost 3 million gallons per day ("mgd"). (Applicant Ex 1, Sect. IV.A.) Applicant will discontinue supplying water via Deep Aquifer wells upon changing to Lake Michigan water. (Applicant Ex 1, Sect. IV.A.)

Through water supply consultants, Applicant conducted a study of alternative sources of water supply. (Applicant Exs. 2A and 3.)

The Applicant provided information on its projected annual total water demand through 2050. Applicant calculated its projected annual total water demand based on its population. Applicant forecasts its 2027 population to be 39,782 persons increasing to 53,853 persons in 2050. (Applicant Ex. 1, Sect. IV.B.) Applicant calculated its projected annual population figures using approximately a 1.4 percent annual rate of population increase, which came from the Chicago

Metropolitan Agency for Planning (“CMAP”) forecast for population growth rate applicable to Applicant for the subject years. (Applicant Ex. 3, pp. 27-28.) Applicant used a value of 70 gallons per capita per day, based on Applicant’s historic data, to project total water demands to 2050. (Applicant Ex. 3, p. 28.) The result of Applicant’s projected annual total water demand through 2050 begins at 2.785 mgd in 2027 and escalates to 3.770 mgd in 2050. (Applicant Ex 1, Sect. II.) The Applicant then apportioned the calculated total water demand to the four required water use categories: Residential, Commercial, Manufacturing/Industrial/Institutional and Government. (See, Applicant Ex. 1, Sect. IV.B.)

The Department notes, however, that Applicant’s Exhibit 1, Section IV.B table was in error. The numbers in the first column (Residential) are the total demand numbers, which are not supposed to be in this table. This causes the numbers in the table columns to be offset one column to the right. The record of this proceeding was held open for the Applicant to provide a corrected Section IV.B. table. Such corrected table was provided by the Applicant on June 9th, 2023 to the Hearing Officer and all parties. There was no objection expressed by any party to the inclusion of this corrected table. The record shall reflect that the corrected table was submitted and accepted as the error was clearly a scrivener’s error. The hearing officer has therefore incorporated the corrected table in coming to a final determination in this order.

The Applicant provided information on its compliance with the Department’s regulatory water efficiency / conservation requirements. (Applicant Ex. 2, pp. 31-32.) According to the information provided, the Applicant’s water distribution system had a 2021 non-revenue water percentage of 7.9%, which complies with the Department’s 10% regulatory threshold. (Applicant Ex 1, Sect. V; Tr. 34.) Applicant also provided its current water conservation ordinances which cover leakage monitoring, water meters for new construction, water meters for major remodeling, WaterSense labeled efficient plumbing fixtures, closed system air conditioners, public facility plumbing fixtures, car wash facilities, fire hydrants and outside sprinkler systems. (Applicant Ex 2B; Tr. 29.) The Applicant also provided information on programs, which included creation of a Village water conservation web page, a community rain barrel program and conservation promotion through a Village newsletter and social media. (Applicant Ex. 2, p. 31.) Finally, Applicant provided information that it is currently studying and considering water rate structures that encourage conservation and water efficiency. (Applicant Ex. 2, p. 32.)

In addition to the foregoing information provided into the record by Applicant, Department Staff testified that staff conducted a technical review of Applicant's application and supporting information and determined that said application complies with the Level of Lake Michigan Act and the Department's Lake Michigan Water Allocation Administrative Rule. (Department Ex. A, p. 2; Tr. 48.)

V. Findings and Conclusions

Based on the Department Staff's mailing of the Notice of Prehearing of this proceeding to the Department's service list and the Department's publication of the Notice of Prehearing of this proceeding twice, no longer than one week apart and within 10 days of the first pre-hearing conference, the Department concludes that proper public notice was provided for this proceeding pursuant to the requirements of Section 3730.206 of the Department's Administrative Rules for Allocation of Water from Lake Michigan.

The first issue presented is whether Illinois' current total Lake Michigan water diversion amounts allow for sufficient potential additional water diversion to grant Applicant's requested allocation amount. According to the testimony of Department Staff, there is sufficient Lake Michigan water available to meet the request of the Applicant consistent with Section 3 of the Level of Lake Michigan Act, 615 ILCS 50/3. No party questioned or objected to Department Staff's testimony on this issue. The Department finds that Department Staff's testimony on the amount of water available for additional allocations is accurate. Therefore, the Department concludes that Illinois' total current Lake Michigan water diversion amounts allow for sufficient potential additional water to grant Applicant's requested allocation amount.

The second issue presented is whether the Applicant qualifies for a Lake Michigan Water Allocation. The Department allocates Lake Michigan water pursuant to categories identified in Section 3730.303 of the Department's Lake Michigan Water Allocation Rule. Category IB is given the second highest priority. Under current circumstances where Illinois' total current Lake Michigan water diversion amounts allow for sufficient water to grant new allocation requests, Category IB applicants are granted Lake Michigan water allocations. To qualify for inclusion in Category IB, an applicant must demonstrate that its primary water needs are residential, commercial, or industrial and that its use of Lake Michigan water would reduce use of the Cambrian-Ordovician deep aquifer.

With respect to this issue, first, Applicant's Lake Michigan Water Allocation Application is based on its future projections for four use components: residential use, commercial use, manufacturing use and governmental use. Therefore, the Department finds that Applicant's primary water uses are for residential, commercial, and industrial / manufacturing. Second, Applicant's service territory is currently serviced by water from 8 Deep Aquifer wells operated by Applicant. Applicant projects that its transfer to Lake Michigan water from its current ground water sources will result in reduced Deep Aquifer use of almost 3MGD in 2027 and going forward. Finally, upon use of a Lake Michigan Water Allocation, Applicant will discontinue production from its Deep Aquifer wells. Therefore, the Department finds that Applicant's use of Lake Michigan water would reduce use of the Cambrian-Ordovician deep aquifer.

The Department next considers whether Applicant complied with Subsection 3730.303(b)(1) and (2). Subsection 3730.303(b)(1) states: "(b) in determining the need for Category IA and IB allocations, the Department will consider the following items: (1) Adequacy of supply from sources other than Lake Michigan." The Applicant, through its water supply consultants, completed a study of alternative sources of water supply which included Lake Michigan sources and sources other than Lake Michigan. The details of this study are provided in Applicant's testimony and appear reasonable and thorough. Subsection 3730.303(b)(2) states: "(b) in determining the need for Category IA and IB allocations, the Department will consider the following items: (2) Economics of alternative supplies." Initially, the Department notes that not all 4 items of Subsection 3730.303(b) necessarily apply with the same weight to both Category IA and IB water user allocation requests. The factor set forth in Subsection 3730.303(b)(2), economics of alternative supplies, is literally a part of the definition of Category IA water users set forth in Subsection 3730.303(a)(1) – "Applicants whose primary water needs are residential, commercial or industrial and whose future or continued use of Lake Michigan water is the most economical source of supply." Therefore, the issue of economics of the water supply source is significantly more relevant to consideration of requests for Category IA Lake Michigan water applications than to Category IB Lake Michigan water applications such as Applicant's. Further, this interpretation of Subsection 3730.303(b) is supported by reference to the fourth factor of this subsection which states "(4) For new applicants, allocations of Lake Michigan water will be made with the goal of reducing withdrawals from the Cambrian-Ordovician Aquifer (deep aquifer)." Similarly, to the second factor connecting to

Category IA water users, this fourth factor directly connects to Category IB water users. The definition of Category IB water users set forth in Subsection 3730.303(a)(2) states: “Applicants whose primary water needs are residential, commercial or industrial and whose use of Lake Michigan water would reduce the regional use of the deep aquifer.” This fourth factor of Subsection 3730.303(b) obviously does not apply to all Lake Michigan water applications, as not all applicants use deep aquifer wells for their water supplies. Therefore, it is consistent that the second factor of Subsection 3730.303(b) may not apply to all applicants as well. Also, it is clear that Applicant’s request for Lake Michigan water as a current deep aquifer water user specifically fulfills the Subsection 3730.303(b)(4) factor. Based on the foregoing, the Department concludes that Applicant is in compliance with Subsection 3730.303(b)(1) and (2).

Based on the foregoing, the Department concludes that the Applicant meets the regulatory requirements for a Category IB applicant and, therefore, qualifies for a Lake Michigan Water Allocation. Applicant meets the definition for Category IB water users set forth in Subsection 3730.303(a)(2) and complies with the factors to be considered for Category IA and IB water users in Subsection 3730.303(b).

The third issue presented is whether the Applicant’s requested amount of Lake Michigan water is the appropriate amount for which the Applicant should be issued a Lake Michigan Water Allocation. The Applicant calculated its projected annual total water demand based on its population. Applicant forecasts its 2027 population to be 39,782 persons increasing to 53,853 persons in 2050. Applicant calculated its projected annual population figures using approximately a 1.4 percent annual rate of population increase, which came from the Chicago Metropolitan Agency for Planning (“CMAP”) forecast for population growth rate applicable to Applicant for the subject years. The Department finds Applicant’s population projection based on CMAP information acceptable. Applicant used a value of 70 gallons per capita per day, based on Applicant’s historic data, to project total water demands to 2050. Based on its past experience, the Department finds Applicant’s use of 70 gallons per capita per day to calculate water use acceptable. The result of Applicant’s projected annual total water demand begins at 2.785 mgd in 2027 and escalates to 3.770 mgd in 2050. The Applicant then apportioned the calculated total water demand to the four required water use categories: Residential, Commercial, Manufacturing/Industrial/Institutional and Government. Given the totality of the circumstances presented by Applicant, the Department finds

that this is an acceptable methodology for determining future water demand.

Based on the foregoing, the Department concludes that Applicant's future water demand projection is based upon an acceptable methodology for calculating Applicant's projected total water demand and that the demand amounts determined are also acceptable. The Department also concludes that Applicant's future water demand projection appropriately considers the population of the area to be served, projected population growth, current and projected per capita consumption with the area, the nature and extent of industrial uses, municipal and hydrant uses, implementation of conservation practices (See, Subsection 3730.304(a)) and the reduction of non-revenue water to meet regulatory limits as required by Section 3730.304 of the Department's Allocation of Water from Lake Michigan administrative rule. As per Department policy, if, in the future, Applicant's water demand projections are determined to be inaccurate, the Department will adjust Applicant's water allocation amount to reflect circumstances as accurately as possible.

The fourth issue presented is whether Applicant is in compliance with applicable regulatory water conservation / efficiency requirements set forth in Section 3730.307 of the Department's Allocation of Water from Lake Michigan administrative rule and, if not, whether an acceptable compliance plan is provided. The water conservation / efficiency requirements applicable to Applicant include a 10% non-revenue water threshold (Subsection 3730.307(b)), a list of 9 required conservation practices (Subsection 3730.307(c)(1)-(9)), a program to end deep aquifer pumpage (Subsection 3730.307(d)) and a 1% unmetered hydrant use threshold (Subsection 3730.307(e)). Subsection 3730.307(f) also includes a recommendation regarding water rate structures.

With respect to Subsection 3730.307(b), Applicant's current (2021) non-revenue water loss as a percent of water supply is 7.9%, which complies with the Department's non-revenue water loss standard of 10% or less. Therefore, the Department concludes that Applicant is in compliance with Subsection 3730.307(b).

With respect to Subsection 3730.307(c)(1)-(9), Applicant provided its current water conservation ordinances which cover leakage monitoring, water meters for new construction, water meters for major remodeling, WaterSense labeled efficient plumbing fixtures, closed system air conditioners, public facility plumbing fixtures, car wash facilities, and outside sprinkler systems. Applicant's ordinances specifically address the first 8 of the 9 conservation practices required by Subsection 3730.307(c)(1)-(8). Subsection 3730.307(c)(9) requires the development and

implementation of public programs to encourage efficient water use. Applicant provided information on such program which included creation of a Village water conservation web page, a community rain barrel program and conservation promotion through a Village newsletter and social media. Therefore, the Department concludes that Applicant is in compliance with the Department's regulatory water conservation / efficiency requirements set forth in Subsection 3730.307(c)(1)-(9).

With respect to Subsection 3730.307(d), Applicant's application indicates that it will cease use of water from deep aquifer pumpage upon changing to Lake Michigan water. Subsection 3730.307(d) requires: "Within 90 days after receipt of an allocation permit, each permittee that uses any water from deep aquifer pumpage shall submit and implement a phased program designed to end this practice, other than for emergency or standby use, within five years after the receipt of Lake Michigan water." To comply with Subsection 3730.307(d), within 90 days after receipt of its allocation permit, Applicant shall submit and implement a phased program designed to end its deep aquifer pumpage. This requirement will be set forth as a specific permit condition. Therefore, based on the inclusion of the foregoing permit condition, the Department concludes that Applicant is in compliance with the Department's requirement to cease deep aquifer pumpage set forth in Subsection 3730.307(d).

With respect to Subsection 3730.307(e), Applicant's newly passed conservation ordinance limits fire hydrant use. However, Subsection 3730.307(e) provides a regulatory limitation of unmetered hydrant use to 1% or less of net annual water system pumpage. The Department notes that Applicant has not requested a waiver to the Department's 1% unmetered hydrant use and no such waiver is provided by this Decision. Therefore, the Department concludes that Applicant is required to comply with the Department's limitation on unmetered hydrant use set forth in Subsection 3730.307(e).

With respect to Subsection 3730.307(f), Applicant informed that it is currently studying and considering water rate structures that encourage conservation and water efficiency. Subsection 3730.307(f) provides: "The Department recommends that all permittees adopt water rate structures based on metered water use and that water rate structures be developed that will discourage excessive water uses. The Department also recommends that water rates reflect the full cost of water, including the long-term cost to properly maintain and operate the water supply distribution system in such a manner as to keep system losses to a minimum." Based upon Applicant's testimony, the

Department concludes that Applicant is in compliance with the Department's recommendation on water rates set forth in Subsection 3730.307(f).

Based on the foregoing, the Department concludes that Applicant is in compliance with the Department's regulatory water conservation / efficiency requirements set forth in Section 3730.307 of the Department's Administrative Rules for Allocation of Water from Lake Michigan. Nevertheless, as a deep aquifer water user, within 90 days after receipt of its allocation permit, Applicant shall submit and implement a phased program designed to end its deep aquifer pumpage, other than for emergency or standby use, within five years after the receipt of Lake Michigan water. This requirement will be set forth as a specific permit condition.

In summary, this Decision holds as follows: First, Illinois' current total Lake Michigan water diversion amounts allow for sufficient potential additional water diversion to grant Applicant's requested allocation amount. Second, Applicant qualifies for a Lake Michigan Water Allocation as a Category IB water user. Third, The Applicant's requested amount of Lake Michigan water is the appropriate amount for which the Applicant should be issued a Lake Michigan Water Allocation. Finally, Applicant is in compliance with the Department's regulatory water conservation / efficiency requirements. Based upon the entirety of the foregoing, the Department concludes that a Lake Michigan Water Allocation Permit should be issued to the Applicant in the amounts and under the conditions of the following Order.

ORDER

The Village of Oswego is hereby issued a Lake Michigan Water Allocation Permit in the amounts and for the years as set forth below. All allocation quantities are shown in million gallons per day. As a condition of this Lake Michigan Water Allocation Permit, the Village of Oswego is required to comply with the Department’s Administrative Rules for the Allocation of Water from Lake Michigan including, but not limited to, water conservation practices mandated by Section 3730.307, reporting requirements mandated by Section 3730.309 and the following 3 specific conditions:

1. The Village of Oswego shall, within 90 days after receipt of this Lake Michigan Water Allocation Permit, submit to the Department and implement a program designed to end use of the Cambrian-Ordovician deep aquifer upon its use of Lake Michigan water , other than for emergency or standby use, within five years after the receipt of Lake Michigan water, pursuant to Section 3730.307(d).

2. The Village of Oswego shall begin complying with the reporting requirements mandated by Section 3730.309 for water year 2023.

<u>YEAR</u>	<u>ALLOCATION</u>	<u>YEAR</u>	<u>ALLOCATION</u>
2027	2.785	2039	3.111
2028	2.808	2040	3.143
2029	2.832	2041	3.192
2030	2.855	2042	3.242
2031	2.881	2043	3.291
2032	2.906	2044	3.341
2033	2.932	2045	3.390
2034	2.957	2046	3.466
2035	2.982	2047	3.542
2036	3.015	2048	3.618
2037	3.047	2049	3.694
2038	3.079	2050	3.770

This Decision on an Application by the Village of Oswego for a Lake Michigan Water Allocation constitutes the Illinois Department of Natural Resources’ Final Administrative Decision in this proceeding within the meaning of the Administrative Review Law (735 ILCS 5/3-101 et seq.), is appealable to the Circuit Court pursuant to the Administrative Review Law and shall be effective as of the date set forth below.

RECOMMENDED:



John Fischer
Hearing Officer

APPROVED:



Natalie Phelps Finnie
Director
Illinois Department of Natural Resources

Dated this 2nd day of August 2023.

PROOF OF SERVICE

I hereby certify that the foregoing FINAL ADMINISTRATIVE DECISION was served by mail to the following by depositing said envelope in the U.S. Post Office in Springfield IL on the 10th Day of August 2023:

Irene Schild Caminer
Attorney for Petitioner
Caminer Law, LLC
2612 West Sunnyside Avenue
Chicago, Illinois

I hereby certify that the foregoing FINAL ADMINISTRATIVE DECISION was served by hand delivery to the following on the 10th Day of August 2023:

Brian Navarrete
Office of Legal Counsel
One Natural Resources Way
Springfield, Illinois

I hereby certify that the foregoing FINAL ADMINISTRATIVE DECISION was served by electronic mail to the following on this, the 10th Day of August 2023:

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