

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD, HOMEWOOD	)	
ILLINOIS, VILLAGE OF ORLAND PARK,	)	
ORLAND PARK ILLINOIS, VILLAGE OF	)	
MIDLOTHIAN, MIDLOTHIAN ILLINOIS,	)	
VILLAGE OF TINLEY PARK, TINLEY PARK	)	
ILLINOIS, EXXONMOBIL OIL	)	
CORPORATION, VILLAGE OF WILMETTE,	)	
WILMETTE ILLINOIS, CITY OF COUNTRY	)	
CLUB HILLS, COUNTRY CLUB HILLS	)	
ILLINOIS, NORAMCO-CHICAGO, INC.,	)	
FLINT HILLS RESOURCES JOLIET LLC,	)	
CITY OF EVANSTON, EVANSTON ILLINOIS,	)	PCB 16-14 (Homewood)
VILLAGE OF SKOKIE, SKOKIE ILLINOIS,	)	PCB 16-15 (Orland Park)
ILLINOIS DEPARTMENT OF	)	PCB 16-16 (Midlothian)
TRANSPORTATION, METROPOLITAN	)	PCB 16-17 (Tinley Park)
WATER RECLAMATION DISTRICT OF	)	PCB 16-18 (ExxonMobil)
GREATER CHICAGO, VILLAGE OF	)	PCB 16-20 (Wilmette)
RICHTON PARK, RICHTON PARK	)	PCB 16-21 (Country Club Hills)
ILLINOIS, VILLAGE OF LINCOLNWOOD,	)	PCB 16-22 (Noramco-Chicago)
LINCOLNWOOD ILLINOIS, CITY OF OAK	)	PCB 16-23 (Flint Hills Resources)
FOREST, OAK FOREST ILLINOIS, VILLAGE	)	PCB 16-25 (Evanston)
OF LYNWOOD, LYNWOOD ILLINOIS,	)	PCB 16-26 (Skokie)
CITGO HOLDINGS, INC., VILLAGE OF NEW	)	PCB 16-27 (IDOT)
LENOX, NEW LENOX, ILLINOIS, CITY OF	)	PCB 16-29 (MWRDGC)
LOCKPORT, LOCKPORT ILLINOIS,	)	PCB 16-30 (Richton Park)
CATERPILLAR, INC., CITY OF CREST HILL,	)	PCB 16-31 (Lincolnwood)
CREST HILL ILLINOIS, CITY OF JOLIET,	)	PCB 16-33 (Oak Forest)
JOLIET ILLINOIS, MORTON SALT, INC.,	)	PCB 19-7 (Village of Lynwood)
CITY OF PALOS HEIGHTS, PALOS	)	PCB 19-8 (Citgo Holdings)
HEIGHTS ILLINOIS, VILLAGE OF	)	PCB 19-9 (New Lenox)
ROMEOVILLE, ROMEOVILLE ILLINOIS,	)	PCB 19-10 (Lockport)
IMTT ILLINOIS LLC, STEPAN CO.,	)	PCB 19-11 (Caterpillar)
VILLAGE OF PARK FOREST, PARK FOREST	)	PCT 19-12 (Crest Hill)
ILLINOIS, OZINGA READY MIX	)	PCB 19-13 (Joliet)
CONCREATE, INC., OZINGA MATERIALS,	)	PCB 19-14 (Morton Salt)
INC., MIDWEST MARINE TERMINALS LLC.	)	PCB 19-15 (Palos Heights)
VILLAGE OF MOKENA, MOKENA	)	PCB 19-16 (Romeoville)
ILLINOIS, VILLAGE OF OAK LAWN, OAK	)	PCB 19-17 (IMTT Illinois)
LAWN ILLINOIS, VILLAGE OF DOLTON,	)	PCB 19-18 (Stepan)
DOLTON ILLINOIS, VILLAGE OF	)	PCB 19-19 (Park Forest)
GLENWOOD, GLENWOOD ILLINOIS,	)	PCB 19-20 (Ozinga Ready Mix)
VILLAGE OF MORTON GROVE, MORTON	)	PCB 19-21 (Ozinga Materials)
GROVE ILLINOIS, VILLAGE OF LANSING,	)	PCB 19-22 (Midwest Marine)
LANSING ILLINOIS, VILLAGE OF	)	PCB 19-23 (Mokena)
FRANKFORT, FRANKFORT ILLINOIS,	)	PCB 19-24 (Oak Lawn)
VILLAGE OF WINNETKA, WINNETKA	)	PCB 19-25 (Dolton)
ILLINOIS, VILLAGE OF LA GRANGE, LA	)	PCB 19-26 (Glenwood)

GRANGE ILLINOIS, INGREDION, INC.,	)	PCB 19-27 (Morton Grove)
VILLAGE OF CHANNAHON, CHANNAHON	)	PCB 19-28 (Lansing)
ILLINOIS, COOK COUNTY DEPARTMENT	)	PCB 19-29 (Frankfort)
OF TRANSPORTATION AND HIGHWAYS,	)	PCB 19-30 (Winnetka)
VILLAGE OF NILES, NILES ILLINOIS,	)	PCB 19-31 (La Grange)
SKYWAY CONCESSION COMPANY LLC,	)	PCB 19-32 (Ingredion)
VILLAGE OF ELWOOD, ELWOOD	)	PCB 19-33 (Channahon)
ILLINOIS, CITY OF CHICAGO, CHICAGO	)	PCB 19-34 (CCDTH)
ILLINOIS, VILLAGE OF CRESTWOOD,	)	PCB 19-35 (Niles)
CRESTWOOD ILLINOIS and VILLAGE OF	)	PCB 19-36 (Skyway)
RIVERSIDE, RIVERSIDE ILLINOIS	)	PCB 19-37 (Elwood)
	)	PCB 19-38 (Chicago)
Petitioners,	)	PCB 19-40 (Crestwood)
	)	PCB 19-48 (Riverside)
v.	)	
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	(Time-Limited Water Quality
AGENCY,	)	Standard)
	)	(Consolidated0
Respondent.	)	

**NOTICE OF FILING**

To: See Attached Service List

**PLEASE TAKE NOTICE** that on April 19, 2019, Morton Salt, Inc. electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **Petitioner's Response to Recommendation of Illinois Environmental Protection Agency**, a copy of which is hereby served upon you.

Dated: April 19, 2019

**MORTON SALT, INC.**

By: /s/ Eric E. Boyd  
One of Its Attorneys

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**CERTIFICATE OF E-MAIL SERVICE**

The undersigned attorney certifies:

that he caused a copy of the foregoing **Petitioner's Response to Recommendation of Illinois Environmental Protection Agency** to be served via e-mail to the attached Service List;

that his e-mail address is eboyd@thompsoncoburn.com;

that the number of pages in this e-mail transmission is 12;

that the e-mail transmission took place before 5:00 pm on April 19, 2019.

*/s/ Eric E. Boyd*

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One of the Attorneys for Morton Salt, Inc.

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<b>CRESTWOOD ILLINOIS and VILLAGE OF</b>	)	<b>PCB 19-36 (Skyway)</b>
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<b>Petitioners,</b>	)	<b>PCB 19-40 (Crestwood)</b>
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<b>v.</b>	)	
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<b>ILLINOIS ENVIRONMENTAL PROTECTION</b>	)	<b>(Time-Limited Water Quality</b>
<b>AGENCY,</b>	)	<b>Standard)</b>
	)	<b>(Consolidated)</b>
<b>Respondent.</b>	)	

**PETITIONER MORTON SALT’S RESPONSE TO RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

Petitioner Morton Salt, Inc. (hereinafter “Morton”), by and through its attorneys, and pursuant to 35 Ill. Adm. Code § 104.550(c) and the Orders of the Pollution Control Board and its Hearing Officer dated December 20, 2018, February 5, 2019, and March 6, 2019, provides the following response to the Recommendation of the Illinois Environmental Protection Agency (“IEPA”) regarding the Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Waterway System/Des Plaines River Watershed (“Recommendation”).

On July 25, 2018, Morton filed its Individual Submittal in Support of Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Waterway System/Des Plaines River Watershed. (PCB 19-14.) The Individual Submittal provided information on Morton’s Calumet Site located at 3443-3461 East 100<sup>th</sup> Street in Chicago, Illinois. The Calumet Site is a large salt storage facility serving the Chicago area. The Individual Submittal, among other things, discussed the Best Management Practices (BMPs) that Morton had implemented and was committed to supporting and implementing with respect to the Calumet Site.

The IEPA filed its Recommendation in this matter on April 5, 2019. Before filing its Recommendation, the IEPA circulated a list of Proposed BMPs to Morton and the other Petitioners. The IEPA’s Proposed BMPs for salt storage facilities were substantially different from

the BMPs that Morton had identified in its Individual Submittal. Morton therefore submitted comments to the IEPA along with the other Petitioners. Morton is the only Petitioner that owns or operates a salt storage facility.

The Recommendation included the IEPA's Proposed BMPs as Attachment 3. The IEPA's Proposed BMPs were similar to the recommendations that the IEPA circulated and for which comments were provided before the IEPA submitted its Recommendation. The Recommendation did not make changes to the Proposed BMPs for salt storage facilities based on comments provided by Morton and the other Petitioners. Why the IEPA did not incorporate the comments and suggestions provided by Morton and the other Petitioners on the Proposed BMPs before filing its Recommendation is unclear.

Morton's comments on the IEPA's Proposed BMPs for salt storage facilities are provided below. Morton does not have any comments with respect to the Recommendation except for the comments on the IEPA's Proposed BMPs for salt storage facilities.

Morton's comments on the IEPA's Proposed BMPs for salt storage facilities are as follows:

- Retention ponds are not feasible, practical, or effective in every situation.
- Outdoor salt piles cannot be covered "at all times except when in active use" because there is a period of time between when the salt is unloaded and when the pile is constructed and ready to be tarped.
- Berms should not be a prescriptive requirement since they can be counterproductive to the goal of reducing contact between salt and stormwater. Salt piles will occasionally be smaller than the total area of the salt storage facility, especially late in the winter season or when a new storage pile is being constructed. Berms can actually "trap" stormwater and prevent it from being directed away from a pile. Also, tarping around berms can provide a pathway for stormwater to seep under the pile.
- Tarping of all trucks is very difficult for a salt storage facility to enforce, since their customers include DOTs, municipalities, and private companies. The type of equipment used by these entities varies significantly – not all trucks are equipped with tarps.
- Requirements to remove surplus materials from the site when winter activity is finished and to complete inspections and repairs prior to the winter season do not make sense for salt storage facilities, like Morton's Calumet Site, that provide salt to customers year round or receive deliveries outside the winter months in preparation for the next winter season. The timing of repairs should not be prescribed. In some cases, it may be most feasible to complete repairs in the winter.
- Stormwater retention can be considered but should not be a prescriptive requirement at any site. Retention can be an effective solution for managing flooding and settling suspended solids, but it will not be effective for removing

chloride from stormwater. Retention within the berm will expose the salt pile to flooding when a storm event more significant than a 25-year/24-hour event occurs. Additionally, "impacted stormwater" will not have sufficient salt concentrations to be used as a pre-wetting brine without significant processing that includes adding salt to the water.

A clean document containing the BMPs that Morton is currently committed to supporting and implementing is included as Attachment A. A redline document comparing the IEPA's Proposed BMPs for salt storage facilities to the BMPs that Morton is committed to supporting and implementing is attached as Attachment B. Morton's Proposed BMPs for salt storage facilities meet the requirements for BMPs contained in the Board's regulations at 35 Ill. Adm. Code §§ 104.555, 104.560, and 104.565.

Morton appreciates the opportunity to provide these comments to the Board regarding the IEPA's Proposed BMPs for salt storage facilities.

Respectfully submitted,

**MORTON SALT, INC.**

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One of Its Attorneys

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ATTACHMENT A

**Salt Storage Facility BMPs Supported by Morton Salt**

- A. All salt will be stored on an impermeable pad constructed to ensure that minimal stormwater comes into contact with salt.
- B. Where practical, pads will be constructed to direct stormwater away from the salt pile. The permittee should consider directing any drainage that enters the pad to a collection point where feasible.
- C. Outdoor salt piles not stored under permanent cover must be covered by well-secured tarp as soon as practical. The permittee will stage tarp when starting final lift and tarp over the edge of the berm/pad where possible.
- D. Good housekeeping practices must be implemented at salt piles and during salt loading/unloading operations, including: cleanup of salt at the end of each day or conclusion of a storm event; maintaining the pad and equipment; good practices during loading and unloading; cleanup of loading and spreading equipment after each snow/ice event; a written inspection program for storage facility, structures and/or work area; annual inspection and repairs completed when practical; and proper disposal of wash water from trucks/spreaders.
- E. Annual training must be conducted for employees responsible for loading/unloading/handling at docks and trucks at the facility.
- F. An annual report must be completed, as required by Chapter 9.2. The report must be standardized in Excel, and must be submitted through the IEPA web site and to the watershed group.
- G. The permittee must participate in the watershed group.
- H. The permittee should consider using fixed and mobile berms where appropriate to redirect flow and taper over the edge of the pad where possible in order to minimize stormwater contact.
- I. The permittee should consider the retention of stormwater which contacts the salt from a 25-year/24-hour event where feasible.

ATTACHMENT B

**Salt Storage Facility BMPs Recommended Supported by IEPA Morton Salt**

- A. All salt will be stored on an impermeable pad that must be constructed to ensure that minimal stormwater is coming comes into contact with salt.
- B. Pads must Where practical, pads will be constructed to avoid drainage onto the pad. Any direct stormwater away from the salt pile. The permittee should consider directing any drainage that enters the pad should be directed to a stormwater retention pond to a collection point where feasible.
- C. Outdoor salt piles not stored under permanent cover must be covered by well-secured tarp at all times except when in active use. While working on the pile, fixed or mobile berms shall be incorporated around non-working face to minimize stormwater contact. as soon as practical. The permittee shall will stage tarp when starting final lift and tarp over the edge of the berm/pad where possible.
- D. Good housekeeping policies to prevent or reduce salt runoff practices must be implemented at salt piles and during salt loading/unloading operations, including: cleanup of salt at the end of each day or conclusion of a storm event, tarping of trucks; maintaining the pad and equipment; good practices during loading and unloading and loading; cleanup of loading and spreading equipment after each snow/ice event; a written inspection program for storage facility, structures and/or work area, removing surplus materials from the site when winter activity finished where applicable; annual inspection and repairs completed prior to winter season, when practical; and proper disposal of wash water from trucks/spreaders, etc., must be implemented at salt piles and during salt loading/unloading operations.
- E. Annual training must be conducted for employees responsible for loading/unloading/handling at docks and trucks at the facility.
- F. An annual report must be completed. Standardized in excel, as required by Chapter 9.2. The report must be standardized in Excel, and must be submitted through Agency website. the IEPA web site and to the watershed group.
- G. Participate in a Chlorides workgroup for the CAWS and LDPR. The permittee must participate in the watershed group.
- H. Working areas should be bermed and/or sloped to allow snow melt and stormwater to drain away from the area. In some cases, it may be necessary to channel water to a collection point such as a sump, holding tank or lined basin for collection.
- J. I. The Permittee shall make use of permittee should consider using fixed and mobile berms where appropriate to redirect flow and taper over the edge of the pad where possible in order to minimize stormwater contact.

J. The ~~Permittee~~permittee should consider the retention of stormwater which contacts the salt from a 25 ~~-~~year/24-hour storm event where feasible. Such retention could be either within the berm, in a separate basin or store the impacted stormwater and use it as pre-wetting brine.