

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

ILLINOIS, VILLAGE OF LA GRANGE, LA	)	PCB 19-24 (Oak Lawn)
GRANGE ILLINOIS, VILLAGE OF	)	PCB 19-25 (Dolton)
CHANNAHON, CHANNAHON ILLINOIS,	)	PCB 19-26 (Glenwood)
COOK COUNTY DEPARTMENT OF	)	PCB 19-27 (Morton Grove)
TRANSPORTATION AND HIGHWAYS,	)	PCB 19-28 (Lansing)
VILLAGE OF NILES, NILES ILLINOIS,	)	PCB 19-29 (Frankfort)
SKYWAY CONCESSION COMPANY LLC,	)	PCB 19-30 (Winnetka)
VILLAGE OF ELWOOD, ELWOOD ILLINOIS,	)	PCB 19-31 (La Grange)
CITY OF CHICAGO, CHICAGO ILLINOIS,	)	PCB 19-33 (Channahon)
VILLAGE OF CRESTWOOD, CRESTWOOD	)	PCB 19-34 (CCDTH)
ILLINOIS and VILLAGE OF RIVERSIDE,	)	PCB 19-35 (Niles)
RIVERSIDE ILLINOIS	)	PCB 19-36 (Skyway)
	)	PCB 19-37 (Elwood)
Petitioners,	)	PCB 19-38 (Chicago)
	)	PCB 19-40 (Crestwood)
v.	)	PCB 19-48 (Riverside)
)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	(Time-Limited Water Quality
AGENCY,	)	Standard)
	)	(Consolidated)
Respondent.)	
)	

NOTICE OF FILING

To:	Don Brown, Clerk of the Board	Brad Halloran, Hearing Officer
	Illinois Pollution Control Board	Illinois Pollution Control Board
	James R. Thompson Center	James R. Thompson Center
	100 West Randolph, Suite 11-500	100 West Randolph, Suite 11-500
	Chicago, Illinois 60601	Chicago, Illinois 60601
	Via Electronic Mail	Via Electronic Mail
	(SEE PERSONS ON ATTACHED SERVICE LIST)	

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board RESPONSE TO THE HEARING OFFICER'S ORDER OF NOVEMBER 14, 2019, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: December 5, 2019
1021 North Grand Avenue East
PO Box 19276
Springfield, Illinois 62794

By: /s/ Stefanie N. Diers
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

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Respondent.)	
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**ILLINOIS EPA’S RESPONSE TO THE HEARING OFFICER’S ORDER OF
NOVEMBER 14, 2019**

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, and submits the following responses with respect to the November 14, 2019, Order.

1. On November 14th, 2019, the hearing officer issued an Order directing the parties to file a statement addressing how to proceed under Section 104.555 of the Board’s Time Limited Water Quality Standard Rules. The parties were asked to file this statement by December 6, 2019. (See, November 14, 2019 Order, P. 2).

2. Section 104.555 states that a hearing must be held when a time-limited water quality standard has been filed with the Illinois Pollution Control Board. Specifically, Section 104.555(d), states that “Except as otherwise provided in this Section, the hearings will be conducted under 35

Ill. Adm. Code 101.5 Supart F.” See 35 Ill. Adm. Code Section 104.555(d).

3. Subpart F of Title 35 outlines the duties and authority of the hearing officer when conducting a hearing. Specifically, Section 101.610(p), requires all participants in a rulemaking or TLWQS proceeding to state their positions regarding the proposal or petition, as applicable.

4. Under federal law, Illinois is required to hold one or more public hearings before revising its water quality standards. 40 CFR 131.20(b). Section 131.20 provides that the public hearing must be in accordance with USEPA’s public participation regulation in 40 CFR 25. *Id.*

5. Section 25.5 sets forth requirements for non-adjudicatory public hearings, and provides that the “agency holding the hearing shall inform the audience of the issues involved in the decision to be made, the considerations the agency will take into account, the agency’s tentative determinations (if any), and the information which is particularly solicited from the public. The agency should consider allowing a question and answer period. Procedures shall not unduly inhibit free expression of views (for example, by onerous written statement requirements or qualification of witness beyond minimum identification.” 40 CFR 25.5(e).

6. The Agency’s proposed rules for time limited water quality standards were modeled after the federal rules, including the public participation requirement in 40 CFR 25.5.

7. In this case, the upcoming hearing should first allow the public to speak to any issues or concerns they may have about the time-limited water quality standard filed by the Petitioners and all information that has been submitted thus far with the Illinois Pollution Control Board. The Board should consider allowing a question and answer period and allow for the free expression of views. See 40 CFR 25.5.

8. The Petitioners should present any additional information they believe necessary to support their requested relief and answer any questions or concerns the Board, other participants

or the public may have with respect to their Petition and other information they have submitted in the record. The Petitioners may respond to the Agency's Recommendation at this stage in the public hearing.

9. After the Petitioners have presented their information, the Agency should be provided an opportunity to present any additional information to support its recommendation and to answer any additional questions the Petitioners, the Board or the public may have with respect to the Agency's recommendation.

Illinois EPA's Witness List

- 1) Scott Twait from IEPA's Standards Unit

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: /s/Stefanie N. Diers
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

Date: December 5, 2019

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

CERTIFICATE OF SERVICE

I, STEFANIE N. DIERS, Assistant Counsel for the Illinois EPA, certify that I have served a copy of the foregoing NOTICE OF FILING and the RESPONSE TO THE HEARING OFFICER'S ORDER OF NOVEMBER 14, 2019, upon persons listed on the Service List, by sending an email from my email account (Stefanie.diers@illinois.gov) to the email addresses designated below with the following attached as a PDF document in an e-mail transmission on or before 5:00 pm on December 5, 2019.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
Stefanie Diers
Assistant Counsel
Division of Legal Counsel

DATED: December 5, 2019

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