

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD,)	
HOMEWOOD ILLINOIS, VILLAGE OF)	
ORLAND PARK, ORLAND PARK	)	PCB 16-14 (Homewood)
ILLINOIS, VILLAGE OF MIDLOTHIAN,	)	PCB 16-15 (Orland Park)
MIDLOTHIAN ILLINOIS, VILLAGE OF	)	PCB 16-16 (Midlothian)
TINLEY PARK, TINLEY PARK ILLINOIS,	)	PCB 16-17 (Tinley Park)
EXXONMOBIL OIL CORPORATION,	)	PCB 16-18 (ExxonMobil)
VILLAGE OF WILMETTE, WILMETTE	)	PCB 16-20 (Wilmette)
ILLINOIS, CITY OF COUNTRY CLUB	)	PCB 16-21 (Country Club Hills)
HILLS, COUNTRY CLUB HILLS ILLINOIS,	)	PCB 16-22 (Noramco-Chicago)
NORAMCO-CHICAGO, INC.,	)	PCB 16-23 (INEOS)
INEOS JOLIET, LLC, CITY OF EVANSTON,	)	PCB 16-25 (Evanston)
EVANSTON ILLINOIS, VILLAGE OF	)	PCB 16-26 (Skokie)
SKOKIE, SKOKIE ILLINOIS, ILLINOIS	)	PCB 16-27 (IDOT)
DEPARTMENT OF TRANSPORTATION,	)	PCB 16-29 (MWRDGC)
METROPOLITAN	)	PCB 16-30 (Richton Park)
WATER RECLAMATION DISTRICT OF	)	PCB 16-31 (Lincolnwood)
GREATER CHICAGO, VILLAGE OF	)	PCB 16-33 (Oak Forest)
RICHTON PARK, RICHTON PARK	)	PCB 19-7 (Village of Lynwood)
ILLINOIS, VILLAGE OF LINCOLNWOOD,	)	PCB 19-8 (Citgo Holdings)
LINCOLNWOOD ILLINOIS, CITY OF OAK	)	PCB 19-9 (New Lenox)
FOREST, OAK FOREST ILLINOIS,	)	PCB 19-10 (Lockport)
VILLAGE OF LYNWOOD, LYNWOOD	)	PCB 19-12 (Crest Hill)
ILLINOIS, CITGO HOLDINGS, INC.,	)	PCB 19-13 (Joliet)
VILLAGE OF NEW LENOX, NEW LENOX	)	PCB 19-14 (Morton Salt)
ILLINOIS, CITY OF LOCKPORT,	)	PCB 19-15 (Palos Heights)
LOCKPORT ILLINOIS,	)	PCB 19-16 (Romeoville)
CITY OF CREST HILL, CREST HILL	)	PCB 19-17 (IMTT Illinois)
ILLINOIS, CITY OF JOLIET, JOLIET	)	PCB 19-18 (Stepan)
ILLINOIS, MORTON SALT, INC., CITY OF	)	PCB 19-19 (Park Forest)
PALOS HEIGHTS, PALOS HEIGHTS	)	PCB 19-20 (Ozinga Ready Mix)
ILLINOIS, VILLAGE OF ROMEOVILLE,	)	PCB 19-21 (Ozinga Materials)
ROMEOVILLE ILLINOIS, IMTT ILLINOIS	)	PCB 19-22 (Midwest Marine)
LLC, STEPAN CO., VILLAGE OF PARK	)	PCB 19-23 (Mokena)
FOREST, PARK FOREST ILLINOIS,	)	PCB 19-24 (Oak Lawn)
OZINGA READY MIX CONCRETE, INC.,	)	PCB 19-25 (Doton)
OZINGA MATERIALS, INC., MIDWEST	)	PCB 19-26 (Glenwood)
MARINE TERMINALS LLC, VILLAGE OF	)	PCB 19-27 (Morton Grove)
MOKENA, MOKENA ILLINOIS, VILLAGE	)	PCB 19-28 (Lansing)
OF OAK LAWN, OAK LAWN ILLINOIS,	)	PCB 19-29 (Frankfort)
)	

VILLAGE OF DOTON, DOTON	)	PCB 19-30 (Winnetka)
ILLINOIS, VILLAGE OF GLENWOOD,	)	PCB 19-31 (La Grange)
GLENWOOD ILLINOIS, VILLAGE OF	)	PCB 19-32 (Ingredion)
MORTON GROVE, MORTON GROVE	)	PCB 19-33 (Channahon)
ILLINOIS, VILLAGE OF LANSING,	)	PCB 19-34 (CCDTH)
LANSING ILLINOIS, VILLAGE OF	)	PCB 19-35 (Niles)
FRANKFORT, FRANKFORT ILLINOIS,	)	PCB 19-36 (Skyway)
VILLAGE OF WINNETKA, WINNETKA	)	PCB 19-37 (Elwood)
ILLINOIS, VILLAGE OF LA GRANGE,	)	PCB 19-38 (Chicago)
LA GRANGE ILLINOIS, INGREDION,	)	PCB 19-40 (Crestwood)
INC., VILLAGE OF CHANNAHON,	)	PCB 19-48 (Riverside)
CHANNAHON ILLINOIS, COOK)	
COUNTY DEPARTMENT OF	)	(Time-Limited Water Quality
TRANSPORTATION AND HIGHWAYS,	)	Standard)
VILLAGE OF NILES, NILES ILLINOIS,)	
SKYWAY CONCESSION COMPANY	)	(Consolidated)
LLC, VILLAGE OF ELWOOD, ELWOOD)	
ILLINOIS, CITY OF CHICAGO, CHICAGO)	
ILLINOIS, VILLAGE OF CRESTWOOD,)	
CRESTWOOD ILLINOIS and VILLAGE)	
OF RIVERSIDE, RIVERSIDE ILLINOIS,)	
)	
Petitioners,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Don Brown	Brad Halloran
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500	100 W. Randolph Street, 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 filed with the Office of the Clerk of the Illinois Pollution Control Board a **PUBLIC COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP** a copy of which is herewith served upon you.

Respectfully submitted,

Dated: March 17, 2020

By: /s/ Melissa S. Brown
One of Its Attorneys

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Melissa.Brown@heplerbroom.com
(217) 528-3674

CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following:

That I have served the attached **PUBLIC COMMENT OF THE ILLINOIS**

ENVIRONMENTAL REGULATORY GROUP via electronic mail upon:

Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

PCB 2016-014@
Sara Terranova
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
sara.terranova@illinois.gov

PCB 2016-014@
Christopher J. Cummings
Christopher J. Cummings, P.C.
2024 Hickory Road
Suite 205
Homewood, IL 60430
chris@CJCummingsLaw.com

PCB 2016-014@
Stefanie N. Diers
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Stefanie.diers@illinois.gov

PCB 2016-014@
Albert Ettinger
Law Firm of Albert Ettinger
53 W. Jackson
Suite 1664
Chicago, IL 60604
ettinger.albert@gmail.com

PCB 2016-015@
Dennis Walsh
Klein, Thorpe & Jenkins
15010 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477
dgwalth@ktjlaw.com

PCB 2016-015@
E. Kenneth Friker
Klein, Thorpe & Jenkins
15010 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477
ekfriker@ktjlaw.com

PCB 2016-016@
David J. Freeman
Robbins, Schwartz, Nicholas,
Lifton & Taylor, Ltd
631 E. Boughton Road
Suite 200
Bolingbrook, IL 60440
dfreeman@robbins-schwartz.com

PCB 2016-016, -017@
Dennis Walsh
Klein, Thorpe & Jenkins
15010 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477
dgwalsh@ktjlaw.com

PCB 2016-021@
Amber M. Samuelson
Rosenthal, Murphey, Coblentz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
ASamuelson@rmcj.com

PCB 2016-022@
John P. Antonopoulos
Antonopoulos & Virtel, PC
15419 127th Street
Suite 100
Lemont, IL 60439
john@avlawoffice.net

PCB 2016-025@
David Stoneback, Director
City of Evanston
555 Lincoln St.
Evanston, IL 60201
dstoneback@cityofevanston.org

PCB 2016-016@
Peter Murphy
11800 S. 75th Avenue
Suite 101
Palos Heights, IL 60463
pmmlawyer@aol.com

PCB 2016-018@
Michael P. Murphy
Heplerbroom, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Michel.Murphy@heplerbroom.com

PCB 2016-021@
Peter D. Coblentz
Rosenthal, Murphey, Coblentz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
pcoblentz@rmcj.com

PCB 2016-023@
Michael P. Murphy
HeplerBroom LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Michael.Murphy@heplerbroom.com

PCB 2016-025@
Mario Treto
Corporation Counsel
City of Evanston Law Department
2100 Ridge Road
Evanston, IL 60201
mtreto@cityofevanston.org

PCB 2016-025@
Lindsey Ott
City of Evanston
555 Lincoln St.
Evanston, IL 60201
Lott@cityofevanston.org

PCB 2016-026@
Melanie Pettway
Village of Skokie
5127 Oakton Street
Skokie, IL 60077
melanie.pettway@skokie.org

PCB 2016-027@
Matthew D. Dougherty
Special Assistant Attorney General
Illinois Dept. of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764
Matthew.Dougherty@illinois.gov

PCB 2016-029@
Fredric P. Andes
Paul M. Drucker
Barnes & Thornburg
1 N. Wacker Drive
Suite 4400
Chicago, IL 60602
fandes@btlaw.com
pdrucker@btlaw.com

PCB 2016-030@
Peter D. Coblentz
Rosenthal, Murphey Coblentz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
pcoblentz@rmcj.com

PCB 2016-026@
James G. McCarthy
Village of Skokie
5127 Oakton Street
Skokie, IL 60077
james.mccarthy@skokie.org

PCB 2016-026@
Michael M. Lorge
Village of Skokie
5127 Oakton Street
Skokie, IL 60077
michael.lorge@skokie.org

PCB 2016-029@
Margaret T. Conway
Metropolitan Water Reclamation
District
100 E. Erie Street
Chicago, IL 60611
Margaret.conway@mwr.org

PCB 2016-030@
Amber M. Samuelson
Rosenthal, Murphey, Coblentz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60606
ASamuelson@rmcj.com

PCB 2016-031@
Andrew N. Fiske
Elrod Friedman LLP
325 N. LaSalle Street
Suite 450
Chicago, IL 60654
andrew.fiske@elrodfriedman.com

PCB 2016-031@
Hart M. Passman
Elrod Friedman LLP
325 N. LaSalle Street
Chicago, IL 60654
hart.passman@elrodfriedman.com

PCB 2016-031@
Steven M. Elrod
Elrod Friedman LLP
325 N. LaSalle Street
Chicago, IL 60654
steven.elrod@elrodfriedman.com

PCB 2016-033@
Richard Rinchich
Director of Public Works
City of Oak Forest
15440 S. Central Avenue
Oak Forest, IL 60452
rinchich@oak-forest.org

PCB 2016-033@
Dennis G. Walsh
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606
dgwalth@ktjlaw.com

PCB 2016-033@
Erin K. Lavery
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606
eklavery@ktjlaw.com

PCB 2016-033@
Scott F. Uhler
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606
suhler@ktjlaw.com

PCB 2019-007 @
Michael J. Marovich
Hiskes Dllner O Donnell Marovich Lapp Ltd.
10759 W. 159th St.
Suite 201
Orland Park, IL 60601
MAROVICH@HDOML.COM

PCB 2019-008@
Jeffrey C. Fort
Dentons US LLP
233 S. Wacker Drive
Suite 7800
Chicago, IL 60606-6404
Jeffrey.fort@dentons.com

PCB 2019-009 & PCB 2019-012@
Michael R. Stiff
Spesia and Taylor
1415 Black road
Joliet, IL 60435
mstiff@spesia-taylor.com

PCB 2019-010@
Sonni Choi Williams, City Attorney
City of Lockport
222 East 9th Street
Lockport, IL 60441
swilliams@lockport.org

PCB 2019-013@
Martin J. Shanahan, Jr.
Corporation Counsel
City of Joliet
150 West Jefferson Street
Joliet, IL 60432-4156
mshanahan@jolietcity.org

PCB 2019-013@
Alexandra Wyss
Administrative Assistant
City of Joliet
150 W. Jefferson Street
awyss@jolietycity.org

PCB 2019-015 & PCB 2019-016
Dennis G. Walsh
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606
dgwalth@ktjlaw.com

PCB 2019-018 & PCB 2019-036@
Brett D. Heinrich
Vedder Price
222 N. LaSalle Street
Suite 2600
Chicago, IL 60601
Bheinrich@vedderprice.com

PCB 2019-019@
Felicia L. Frazier
Odelson & Sterk, Ltd.
3318 W. 95th Street
Evergreen Park, IL 60642
ffrazier@odelsonsterk.com

PCB 2019-023@
Carl R. Buck
Rathbun, Cservenyak & Kozol, LLC
3620 Executive Drive
Joliet, IL 60431
cbuck@rcklawfirm.com

PCB 2019-025@
Amber M. Samuelson
Rosenthal, Murphey, Colblentz
& Donahue
30 N. LaSalle Street
Suite 1624
Chicago, IL 60602
asamuelson@rmcj.com

PCB 2019-014@
Eric E. Boyd
Thompson Coburn LLP
55 E. Monroe Street
Chicago, IL 60603 Joliet, IL 60432
eboyd@thompsoncoburn.com

PCB 2019-017@
David Rieser
K & L Gates, LLP
70 W. Madison Street
Suite 3100
Chicago, IL 60602
david.rieser@klgates.com

PCB 2019-018 & PCB 2019-036@
Dana B. Mehlman
Vedder Price
222 N. LaSalle Street
Suite 2600
Chicago, IL 60601
dmehlman@vedderprice.com

PCB 2019-020 & PCB 2019-021@
Richard S. Porter
Hinshaw & Culbertson
100 Park Avenue, P.O. Box 1389
Rockford, IL 61105-1389
rporter@hinshawlaw.com

PCB 2019-024
Thomas J. Condon, Jr.
Peterson Johnson & Murray Chicago LLC
200 W. Adams
Suite 2125
Chicago, IL 60606
tcondon@pjmchicago.com

PCB 2019-026@
John F. Donahue
Rosenthal, Murphey, Colblentz
& Donahue
30 N. LaSalle Street
Suite 1624
Chicago, IL 60602
jdonahue@rmcj.com

PCB 2019-027@
Teresa Hoffman Liston
Corporation Counsel
Village of Morton Grove
6101 Capulina Avenue
Morton Grove, IL 60053
tliston@mortongroveil.org

PCB 2019-029@
George F. Mahoney
Mahoney, Silverman & Cross, Ltd.
822 Infantry Drive
Suite 100
Joliet, IL 60435
gmahoney@msclawfirm.com

PCB 2019-031@
Mark E. Burkland
Elrod Friedman LLP
325 N. LaSalle Street
Suite 450
Chicago, IL 60654
Mark.burkand@elrodfriedman.com

PCB 2019-033@
Marron Mahoney
Mahoney, Silverman & Cross, Ltd.
822 Infantry Drive
Suite 100
Joliet, IL 60435
mmahoney@msclawfirm.com

PCB 2019-035@
D. Danielle Grecic
Village of Niles
1000 Civic Center Drive
Niles, IL 60714
Joliet, L 60435
DG@vniles.com

PCB 2019-028@
Matthew M. Welch
Montana and Welch LLC
11950 S. Harlem Avenue
Suite 102
Palos Heights, IL 60463
mwelch@montanawelch.com

PCB 2019-030@
Benjamin L. Schuster
Elrod Friedman LLP
325 N. LaSalle Street
Suite 450
Chicago, IL 60654
ben.schuster@elrodfriedman.com

PCB 2019-032@
Daniel L. Siegfried
Heplerboom, LLC
4340 Acer Grove Drive
Springfield, IL 62711
daniel.siegfried@heplerboom.com

PCB 2019-034@
Jeffrey M. Fronczak
Cook County Dept. of Transportation
& Highways
69 W. Washington Street, 24th Floor
Chicago, IL 60602
jeff.fronczak@cookcountyil.gov

PCB 2019-037
David J. Silverman
Mahoney, Silverman & Cross, Ltd.
822 Infantry Drive
Suite 100
dsilverman@msclawfirm.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD,	)	PCB 16-14 (Homewood)
HOMEWOOD ILLINOIS, VILLAGE OF	)	PCB 16-15 (Orland Park)
ORLAND PARK, ORLAND PARK	)	PCB 16-16 (Midlothian)
ILLINOIS, VILLAGE OF MIDLOTHIAN,	)	PCB 16-17 (Tinley Park)
MIDLOTHIAN ILLINOIS, VILLAGE OF	)	PCB 16-18 (ExxonMobil)
TINLEY PARK, TINLEY PARK ILLINOIS,	)	PCB 16-20 (Wilmette)
EXXONMOBIL OIL CORPORATION,	)	PCB 16-21 (Country Club Hills)
VILLAGE OF WILMETTE, WILMETTE	)	PCB 16-22 (Noramco-Chicago)
ILLINOIS, CITY OF COUNTRY CLUB	)	PCB 16-23 (INEOS Joliet)
HILLS, COUNTRY CLUB HILLS ILLINOIS,	)	PCB 16-25 (Evanston)
NORAMCO-CHICAGO, INC.,	)	PCB 16-26 (Skokie)
INEOS JOLIET, LLC, CITY OF EVANSTON,	)	PCB 16-27 (IDOT)
EVANSTON ILLINOIS, VILLAGE OF	)	PCB 16-29 (MWRDGC)
SKOKIE, SKOKIE ILLINOIS, ILLINOIS	)	PCB 16-30 (Richton Park)
DEPARTMENT OF TRANSPORTATION,	)	PCB 16-31 (Lincolnwood)
METROPOLITAN	)	PCB 16-33 (Oak Forest)
WATER RECLAMATION DISTRICT OF	)	PCB 19-7 (Village of Lynwood)
GREATER CHICAGO, VILLAGE OF	)	PCB 19-8 (Citgo Holdings)
RICHTON PARK, RICHTON PARK	)	PCB 19-9 (New Lenox)
ILLINOIS, VILLAGE OF LINCOLNWOOD,	)	PCB 19-10 (Lockport)
LINCOLNWOOD ILLINOIS, CITY OF OAK	)	PCB 19-12 (Crest Hill)
FOREST, OAK FOREST ILLINOIS,	)	PCB 19-13 (Joliet)
VILLAGE OF LYNWOOD, LYNWOOD	)	PCB 19-14 (Morton Salt)
ILLINOIS, CITGO HOLDINGS, INC.,	)	PCB 19-15 (Palos Heights)
VILLAGE OF NEW LENOX, NEW LENOX	)	PCB 19-16 (Romeoville)
ILLINOIS, CITY OF LOCKPORT,	)	PCB 19-17 (IMTT Illinois)
LOCKPORT ILLINOIS,	)	PCB 19-18 (Stepan)
CITY OF CREST HILL, CREST HILL	)	PCB 19-19 (Park Forest)
ILLINOIS, CITY OF JOLIET, JOLIET	)	PCB 19-20 (Ozinga Ready Mix)
ILLINOIS, MORTON SALT, INC., CITY OF	)	PCB 19-21 (Ozinga Materials)
PALOS HEIGHTS, PALOS HEIGHTS	)	PCB 19-22 (Midwest Marine)
ILLINOIS, VILLAGE OF ROMEOVILLE,	)	PCB 19-23 (Mokena)
ROMEOVILLE ILLINOIS, IMTT ILLINOIS	)	PCB 19-24 (Oak Lawn)
LLC, STEPAN CO., VILLAGE OF PARK	)	PCB 19-25 (Doton)
FOREST, PARK FOREST ILLINOIS,	)	PCB 19-26 (Glenwood)
OZINGA READY MIX CONCRETE, INC.,	)	PCB 19-27 (Morton Grove)
OZINGA MATERIALS, INC., MIDWEST	)	PCB 19-28 (Lansing)
MARINE TERMINALS LLC, VILLAGE OF	)	PCB 19-29 (Frankfort)
MOKENA, MOKENA ILLINOIS, VILLAGE)	
OF OAK LAWN, OAK LAWN ILLINOIS,)	

VILLAGE OF DOTON, DOTON	)	PCB 19-30 (Winnetka)
ILLINOIS, VILLAGE OF GLENWOOD,	)	PCB 19-31 (La Grange)
GLENWOOD ILLINOIS, VILLAGE OF	)	PCB 19-32 (Ingredion)
MORTON GROVE, MORTON GROVE	)	PCB 19-33 (Channahon)
ILLINOIS, VILLAGE OF LANSING,	)	PCB 19-34 (CCDTH)
LANSING ILLINOIS, VILLAGE OF	)	PCB 19-35 (Niles)
FRANKFORT, FRANKFORT ILLINOIS,	)	PCB 19-36 (Skyway)
VILLAGE OF WINNETKA, WINNETKA	)	PCB 19-37 (Elwood)
ILLINOIS, VILLAGE OF LA GRANGE,	)	PCB 19-38 (Chicago)
LA GRANGE ILLINOIS, INGREDION,	)	PCB 19-40 (Crestwood)
INC., VILLAGE OF CHANNAHON,	)	PCB 19-48 (Riverside)
CHANNAHON ILLINOIS, COOK)	
COUNTY DEPARTMENT OF	)	(Time-Limited Water Quality
TRANSPORTATION AND HIGHWAYS,	)	Standard)
VILLAGE OF NILES, NILES ILLINOIS,)	
SKYWAY CONCESSION COMPANY	)	(Consolidated)
LLC, VILLAGE OF ELWOOD, ELWOOD)	
ILLINOIS, CITY OF CHICAGO, CHICAGO)	
ILLINOIS, VILLAGE OF CRESTWOOD,)	
CRESTWOOD ILLINOIS and VILLAGE)	
OF RIVERSIDE, RIVERSIDE ILLINOIS,)	
)	
Petitioners,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**PUBLIC COMMENT OF THE
ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

NOW COMES the Illinois Environmental Regulatory Group (“IERG”), by and through its attorneys, HEPLERBROOM, LLC, and pursuant to the Illinois Pollution Control Board’s (“Board”) Hearing Officer Order of February 27, 2020, submits the following Public Comment for the Board’s consideration in the above-referenced consolidated proceeding.

IERG is an Illinois non-profit corporation affiliated with the Illinois Chamber of Commerce and is comprised of forty-six (46) member companies that are regulated by

governmental agencies that promulgate, enforce, or administer environmental laws, rules, regulations, or other policies. Several IERG member companies are petitioners in this time-limited water quality standard (“TLWQS”) proceeding and will therefore be impacted by any decision made by the Board in this matter. Additionally, IERG was an active participant in the rulemaking proceeding in which the Board adopted the TLWQS regulations and, as such, has an interest in seeing how such regulations are implemented in the first watershed TLWQS proceeding. As a general matter, IERG supports petitioners’ request for a TLWQS, and encourages the Board to proceed expeditiously with granting the TLWQS.

IERG has, however, identified issues that it seeks clarification on. As the Board is aware, participation in a workgroup as a proposed condition in a regulatory relief proceeding is a novel concept. At the Board’s February 18, 2020 public hearing in this matter, IERG focused much of its questioning of the Illinois Environmental Protection Agency’s (“Illinois EPA”) witness on the origin and authority for the proposed workgroup requirements. Several of the petitioners in this proceeding have also questioned the Board’s authority for imposing a workgroup requirement as part of the TLWQS, as well as Illinois EPA’s authority for incorporating a workgroup requirement into individual NPDES permits.

Initially, petitioners proposed that the requirements for data gathering, submittal of annual reports, and reevaluation be a group effort. *See* July 24, 2018 Joint Submittal at 9.2, FN 41 and 10.2, FN 42. However, in its Recommendation, Illinois EPA expanded the scope of the proposed workgroup requirement. In addition to data collection and submittal of reports, Illinois EPA proposed that the workgroup: (i) convene semi-annually; (ii) conduct education, outreach, and other activities to local residents, applicators, elected officials, and businesses, including training of citizens or private companies that remove snow and apply salt; (iii) work with MS4

communities to inform them of general permit obligations; (iv) continue to educate the industries and CSO communities of their need to participate in the TLWQS if they are contributing to violations of the chloride water quality standard through presentations, communication with organizations, and permit renewals; and (v) identify the different nonpoint sources categories and prioritize educational efforts based on salt spreading practices and proximity to surface waters. *See* April 5, 2019 Illinois EPA Recommendation at 14-16.

When asked about the authority for such requirements at hearing, Illinois EPA was unable to point to any source of authority relating to the proposed workgroup requirements. *See* February 18, 2020 Hearing Transcript, at 141:15-17 (“We couldn’t find anything that prohibits it, and we couldn’t find anything that specifically mentions it.”) and 146:23-24 and 147:1 (“The Agency doesn’t believe that there is any prohibition in requiring participation in the workgroup.”). Indeed, IERG is not aware of any authority for the Board to impose on Illinois EPA to incorporate into permits the workgroup requirements proposed here. Instead, per Section 4(b) of the Illinois Environmental Protection Act, it is traditionally Illinois EPA’s role to collect and disseminate information and acquire technical data:

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

415 ILCS 5/4(b).

IERG recognizes that a workgroup can be useful for satisfying the unique aspects of a watershed TLWQS, which is one of collaboration, accountability and continuous improvement. As initially envisioned by petitioners, a workgroup can be useful in aiding in data collection and submittal of reports to Illinois EPA. However, the other tasks envisioned for the proposed

workgroup(s), including education and outreach functions, are seemingly ones that Illinois EPA could and should perform, but instead it has decided to delegate its statutory duties to petitioners. IERG has significant concerns regarding the delegation of regulatory responsibilities, and thus regulatory authority, to entities other than the State. This concern is bolstered by Illinois EPA's and USEPA's position that participation in a workgroup is a mandatory condition of this TLWQS, and that the workgroup would have authority over its participants with no apparent relief for a participant that does not agree with decisions of the workgroup (other than filing for an individual TLWQS).

While petitioners voluntarily proposed the creation of a workgroup for completion of specific tasks, Illinois EPA and the Board should not see this as an opportunity to shift responsibilities that are traditionally Illinois EPA's to the petitioners. Additionally, as noted by several petitioners, because the majority of petitioners have no authority over other sources of chlorides, IERG feels even more strongly that certain functions aimed at accomplishing the collective action goals here should be left to the State. IERG urges the Board to take these points into consideration, as well as to not be overly prescriptive with respect to the workgroup requirements. Instead, the Board should leave the details regarding participation in, self-organization, and requirements of the workgroup up to the workgroup itself.

Furthermore, IERG has some concerns over the proposed offset requirement for new sources of chlorides. It remains unclear based on the discussions at hearing how this offset requirement would be implemented. IERG reserves any comments on this issue until it sees more detail from Illinois EPA on implementation of offsets in this context.

Lastly, at hearing, IERG questioned Illinois EPA on how a revised chloride standard would affect this TLWQS if adopted. *See* February 18, 2020 Hearing Transcript at 168:8-24.

Illinois EPA stated that it would follow-up on this question in post-hearing comments. *See id.* at 169:1-6. IERG looks forward to Illinois EPA's response to this question in its initial brief submitted to the Board.

IERG appreciates the opportunity to submit public comments and we thank you for your consideration of these comments.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: March 17, 2020

By: /s/ Melissa S. Brown
One of Its Attorneys

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Melissa.Brown@heplerbroom.com
(217) 528-3674