

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 Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 Via Electronic Mail (SEE PERSONS ON ATTACHED SERVICE LIST)	Brad Halloran, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph, Suite 11-500 Chicago, Illinois 60601 Via Electronic Mail
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PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board IEPA'S MOTION FOR EXTENSION OF TIME, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: June 1, 2020
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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ILLINOIS EPA’S MOTION FOR EXTENSION OF TIME

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, and submits the following with respect to its Motion for an Extension of Time.

1. This proceeding involves approximately 49 Petitioners who are seeking a watershed time-limited water quality standard (TLWQS) for chlorides from the Illinois Pollution Control Board (Board). Initially, in 2015, sixteen Petitioners had individually sought a variance from the recently adopted chloride water quality standard. The Board consolidated these petitions, and they were converted to TLWQS petitions by operation of law in February 2017.

2. Shortly thereafter, the Board established the following classes of dischargers that may be covered by the TLWQS: publicly owned treatment works (POTWs), communities with combined sewer overflow (CSO) outfalls, industrial sources; municipal separate storm sewer

systems (MS4s); Illinois Department of Transportation (IDOT) and Illinois Tollway discharges, and salt storage facilities. Village of Homewood, PCB 16-14 (cons.) slip op. at 2 (April 12, 2017). The class of dischargers includes those that discharge into the Des Plaines River watershed from the Kankakee River to the Will County Line (except for the DuPage River watershed) and the Chicago Area Waterways System watershed (except the North Branch Chicago River watershed upstream of the North Shore Channel and those portions of the watershed located in Indiana). Homewood, PCB 16-14 (cons.) slip op. at 2 (June 8, 2017).

3. The Board determined that the previously filed petitions for a variance were not in substantial compliance with the requirements for TLWQS. Homewood, PCB 16-14 (cons.) slip op. at 3 (June 8, 2017). The Board granted those 16 Petitioners and any other member of the discharger classes until July 26, 2018, to file an amended petition. *Id.* Approximately thirty-three other Petitioners have joined in seeking a watershed TLWQS.

4. The amended petition in this TLWQS proceeding, filed on July 24, 2018, consists of two components: the Joint Submittal in Support of Petition for Chloride Time Limited Water Quality Standard for the Defined Chicago Area Water System/Des Plaines River Watershed (Joint Petition), and individual submittals for all 49 petitioners that include discharger specific information.

5. On December 20, 2018, the Board found the Joint Petition to be in substantial compliance. *See* PCB 16-14 at 5, December 20, 2018.

6. The Petitioners are seeking a watershed TLWQS from the Board's chloride water quality standard in 35 Ill. Adm. Code 302.407(g)(3) within the Lower Des Plaines River (LDPR) watershed and portions of the Chicago Area Waterway System (CAWS) watershed. The Board established the chlorides water quality standard at issue here pursuant Section 303 of the federal

Clean Water Act (CWA), 33 USC §1251(a)(2), which requires states to adopt water quality standards that include designated uses and the criteria to protect such uses. 40 CFR §131.2 (2018). The water quality criteria “represents the conditions (e.g. concentrations of particular chemicals, levels of certain parameters) sufficient to restore and maintain the chemical, physical, and biological integrity of the water bodies and protect applicable designated uses.” Water Quality Standards Handbook: Second Edition, Chapter 3: Water Quality Criteria, p.1 (EPA-823-B-17-001). The chlorides water quality standard at issue in this petition is 500 mg/l. J. Sub. at 1.3; *See* 35 Ill. Adm. Code 302.407(g)(3).

7. Post hearing comments were due in this matter on April 21, 2020 and replies to those comments are due on June 5, 2020.

8. All participants timely filed comments with the Board on April 21, 2020. Based on those comments, the participants are currently discussing issues raised from the April 21, 2020 filings.

9. The participants believe that these discussions may result in agreements and clarifications that will expedite and focus the Board’s consideration of the TLWQS .

10. Participants have agreed that because of these ongoing discussions reply briefs should now be due on July 8, 2020.

11. Participants have informed the Agency they do not object to extending the reply deadline to July 8, 2020. Therefore, there would be no prejudice is allowing this extension.

WHEREFORE, the Agency respectfully requests the Board to grant its Motion for an Extension of Time to file reply briefs until July 8, 2020.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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

Date: June 1, 2020

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 IEPA'S MOTION FOR AN EXTENSION OF TIME, 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 June 1, 2020.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

DATED: June 1, 2020

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

Service List

Dennis Walsh
E. Kenneth Friker
Klein, Thorpe and Jenkins
10510 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477

David J. Freeman
Robbins, Schwarts, Nicolas, Lifton and Taylor, LTD.
631 E. Boughton Road
Suite 200 Bolingbrook, IL 60440

Christopher J. Cummings
2014 Hickory Road
Suite 205
Homewood, IL 60430

Albert Ettinger
53 West Jackson
Suite 1664
Chicago, IL 60604

Peter Murphy
11800 S. 75th Avenue
Suite 101
Palos Heights, IL 60463

Michael P. Murphy
Heplerbroom, LLC
4340 Acer Grove Drive
Springfield, IL 62711

Matthew D. Dougherty
IDOT
2300 S. Dirksen Parkway
Springfield, IL 62764

Fredric P. Andes
Barnes and Thornburg
1 N. Wacker Drive
Suite 4400

Chicago, IL 60606

Peter D. Coblentz
Rosenthal, Murphey, Coblentz and Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602

David Stoneback, Director
Lindsey Ott
City of Evanston
555 Lincoln Street
Evanston, IL 60201

Melanie Pettway
Michael M. Lorge
James G. McCarthy
Village of Skokie
5127 Oakton Street
Skokie, IL 60077

John P. Antonopoulos
Antonopoulos and Virtel, PC
15419 127th Street
Suite 100
Lemont, IL 60439

Hart M. Passman
Holland and Knight LLC
131 S. Dearborn Street
30th Floor
Chicago, IL 60603

Richard Rinchich
Director of Public Works
City of Oak Forest
15440 S. Central Avenue
Oak Forest, IL 60452

Margaret T. Conway
MWRD
100 E. Erie Street
Chicago, IL 60611

Andrew N. Fiske
Steven M. Elrod
Holland and Knight LLC
131 S. Dearborn Street
30th Floor
Chicago, IL 60603

Carl R. Buck
Rathbun, Csevenyak &Kozol, LLC
3620 Executive Drive
Joliet, IL 60431

Peter D. Coblantz
Amber M. Samuelson
Rosenthal, Murphey, Colblantz
& Donahue
30 N. LasSalle Street
Suite 1624
Chicago, IL 60602

Teresa Hoffman Liston
Village of Morton Grove
6101 Capulina Avenue
Morton Grove, IL 60053

George F. Mahoney
822 Infantry Drive
Suite 100
Joliet, IL 60435

Mark E. Burkland
131 S. Dearbron Street
30th Floor
Chicago, IL 60603

Marron Mahoney
822 Infantry Drive
Suite 100
Joliet, IL 60435

Thomas J. Condon Jr.

200 W. Adams
Suite 2125
Chicago, IL 60606

John F. Donahue
30 N. LaSalle Street
Suite 1624
Chicago, IL 60602

Matthew Welch
11950 S. Harlem Avenue
Suite 102
Palos Heights, IL 60463

Benjamin L. Schuster
131 S. Dearborn Street
30th Floor
Chicago, IL 60603

Daniel Siegfried
4340 Acer Grove Drive
Springfield, IL 62711

Jeffrey M. Fronczak
Cook County Department of Transportation
69 W. Washington Street, 24th Floor
Chicago, IL 60602

D. Danielle Grecic
Village of Niles
1000 Civic Center Drive
Niles, IL 60714

Jared Policicchio
Chicago Department of Law
30 N. LaSalle Street
Suite 1400
Chicago, IL 60602

Edward J. Bailey
Village of Riverside
3860 Columbus Boulevard

David J. Silverman
822 Infantry Drive
Suite 100

Joliet, IL 60435

David Sosin
9501 W. 144th Place
Suite 205
Orland Park, IL 60462

Lindsay Britt
915 Hagger Road, Suite 330
Oak Brook, IL 60523

Erin Lavery
20 N. Wacker Drive
Suite 1600
Chicago, IL 60606

Scott Uhler
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606

E. Kenneth Friker
15010 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477

Mario Treto
Alexandria B. Ruggie
City of Evanston Law Department
2100 Ridge Road
Evanston, IL 60201

James McCarthy and Michael Lorge
Village of Skokie
5127 Oakton Street
Skokie, IL 60077

Steven Elrod
131 S. Dearborn Street
30th Floor
Chicago, IL 60603

Michael Marovich
10759 W. 159th

Street
Suite 201 Orland Park, 60601

Michael Stiff
1415 Black Road
Joliet, IL 60435

Alexandra Wyss
City of Joliet
150 W. Jefferson
Joliet, IL 60432

Brett Heinrich
222 N. LaSalle Street
Suite 2600
Chicago, IL 60601

Felicia Frazier
3318 W. 95th Street
Evergreen Park, IL 60642

Jeffrey Fort
233 S. Wacker Drive
Suite 7800
Chicago, IL 60606

Sonni Choi Williams, City Attorney
City of Lockport
222 East 9th Street
Lockport, IL 60441

Martin Shanahan
Corporation Counsel
City of Joliet
150 West Jefferson Street
Joliet, IL 60432

Erin Boyd
55 E. Monroe Street
Chicago, IL 60603

David Rieser
70 W. Madison
Suite 3100
Chicago, IL 60602

David Mehlman
222 N. LaSalle Street
Suite 2600
Chicago, IL 60601

Richard Porter
100 park Avenue, PO Box 1389
Rockford, IL 61105

Stacy Meyers
25 E. Washington Street
Suite 1650 Chicago, IL 60602

Hugh DuBose
2100 Ridge Ave.
Evanston, IL 60201

E. Lynn Grayson
Kristin Gale
10 S. LasSalle Street, Suite 3600
Chicago, IL 60603

Dave Pfeifer
USEPA Region V
77 W. Jackson Blvd.
Chicago, IL 60604

Peter Etienne
1135 Skokie Blvd.
Northbrook, IL 60062

