

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
WATER QUALITY STANDARDS AND)	
EFFLUENT LIMITATIONS FOR THE)	
CHICAGO AREA WATERWAY SYSTEM)	R08-9
AND THE LOWER DES PLAINES RIVER:)	(Rulemaking-
Adm. Code Parts 301, 302, 303 and 304)	Water)

NOTICE OF FILING

To: John Therriault, Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph Street - Suite 11-500
 Chicago, IL 60601

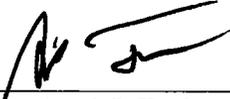
Marie Tipsord, Hearing Officer
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph, Suite 11-500
 Chicago, IL 60601-3218

Deborah J. Williams, Assistant Counsel
 Stefanie N. Diers, Assistant Counsel
 Illinois Environmental Protection Agency
 1021 N. Grand Ave. East
 P.O. Box 19276
 Springfield, IL 62794

Persons included on the attached
 SERVICE LIST

Please take notice that on March 8, 2010, we filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached Response to the Motion of Environmental Groups to Sever, Open Subdocket, and Proceed to Decision Concerning Recreational Use Issues, a copy of which is served upon you.

CITGO PETROLEUM CORPORATION, and
 PDV MIDWEST, LLC, Petitioners

By: 

 Ariel J. Teshler

Jeffrey C. Fort
 Ariel J. Teshler
 Sonnenschein Nath & Rosenthal LLP
 233 S. Wacker Drive
 Suite 7800
 Chicago, IL 60606-6404

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**RESPONSE TO MOTION OF ENVIRONMENTAL GROUPS TO
SEVER, OPEN SUBDOCKET, AND PROCEED TO
DECISION CONCERNING RECREATIONAL USE ISSUES**

CITGO PETROLEUM CORPORATION, and PDV MIDWEST, LLC, operate and own, respectively, a refinery in Lemont Illinois. (The “Lemont Refinery”) On January 7, 2010, the Lemont Refinery filed a motion asking the Board to hold hearings on the impact of ongoing litigation regarding Asian carp and their potential passage through the Chicago Sanitary and Ship Canal. On January 29, 2010, the Lemont Refinery filed a reply regarding the same matter. On February 3, 2010, certain environmental groups filed a motion asking the Board to sever the current proceeding and to open a subdocket for the proposed Chicago Area Waterway System recreational use designations, separate from the aquatic life issues impacted by the Asian carp. In accordance with the aforementioned, the Lemont Refinery submits the following Response to the aforementioned motion of the environmental groups.

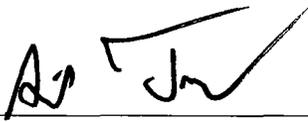
1. The Lemont Refinery agrees with the Illinois Environmental Protection Agency’s designation of the Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with the Des Plaines River as non-recreational.
2. The Lemont Refinery stands by its previous motion and reply as regards all other matters currently before this board.

WHEREFORE, the Lemont Refinery respectfully requests that, if the Board grants the aforementioned motion of the environmental groups, then the Board also defer all other rulemaking that concerns the waters of the Chicago Sanitary and Ship Canal which all parties have agreed should be deemed "non-recreational."

Dated: March 8, 2010

Respectfully submitted,

CITGO PETROLEUM CORPORATION, and
PDV MIDWEST, LLC, Petitioners

By: 
Ariel J. Teshler

Jeffrey C. Fort
Ariel J. Teshler
Sonnenschein Nath & Rosenthal LLP
233 S. Wacker Drive
Suite 7800
Chicago, IL 60606-6404

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 8th day of March, 2010, I have served electronically the attached Reply to Other Participants' Response Briefs Regarding the Impact of the Litigation before the United States Supreme Court Relating to the Migration of Asian Carp Through the Chicago Sanitary and Ship Canal and Notice of Filing upon the following person:

John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street - Suite 11-500
Chicago, IL 60601

and by U.S. Mail, first class postage prepaid, to the following persons:

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Deborah J. Williams, Assistant Counsel
Stefanie N. Diers, Assistant Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The participants listed on the attached
SERVICE LIST



Ariel J. Teshler

SERVICE LIST

Frederick M. Feldman/Louis Kollias
Ronald M. Hill/Margaret T. Conway
Metropolitan Water Reclamation
District of Greater Chicago
100 E. Erie St.
Chicago, IL 60611

Andrew Armstrong/Matthew Dunn
Susan Hedman
Environmental Bureau
Office of the Attorney General
69 W. Washington, Suite 1800
Chicago, IL 60602

Lyman C. Welch
Alliance for the Great Lakes
17 N. State St., Suite 1390
Chicago, IL 60602

Ann Alexander
Natural Resources Defense Counsel
2 North Riverside Plaza, 23rd Floor
Chicago, IL 60606

Keith Harley
Elizabeth Schenkier
Chicago Legal Clinic, Inc.
205 W. Monroe St., 4th Floor
Chicago, IL 60606

Thomas V. Skinner/Thomas W. Dimond
Kevin Desharnais/Jennifer A. Simon
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606-4637

Alec Davis/Katherine D. Hodge
Matthew Read/Monica T. Rios
N. LaDonna Driver
Hodge Dwyer Zeman
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776

Albert Ettinger
Jessica Dexter
Environmental Law & Policy Center
35 E. Wacker Dr.
Suite 1300
Chicago, IL 60601

James Eggen
Director of Public Works & Utilities
City of Joliet
921 E. Washington St.
Joliet, IL 60431

Roy Harsch
DrinkerBiddle
191 N. Wacker Dr., Suite 3700
Chicago, IL 60606-1698

Claire Manning
Brown Hay & Stephens LLP
700 First Mercantile Bank Blvd.
205 S. Fifth St.
Springfield, IL 62705-2459

Charles Wesselhoft
James Harrington
Ross & Hardies
150 N. Michigan Ave.
Chicago, IL 60601-7567

Mark Schultz
Navy Facilities and Engineering Command
201 Decatur Avenue, Bldg. 1A
Great Lakes, IL 60088-2801

Kay Anderson
American Bottoms
One American Bottoms Road
Sauget, IL 62201

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W.C. Blanton
Blackwell Sanders LLP
4801 Main St., Suite 1000
Kansas City, MO 64112

Robert VanGyseghem
City of Geneva
1800 South St.
Geneva, IL 60134-2203

Jerry Paulsen
Cindy Skukrud
McHenry County Defenders
132 Cass Street
Woodstock, IL 60098

Bernard Sawyer
Thomas Grant
Metropolitan Water Reclamation District
6001 W. Pershing Rd.
Cicero, IL 60650-4112

Lisa Frede
Chemical Industry Council of Illinois
1400 E. Touhy Ave.
Suite 110
Des Plaines, IL 60018

Fredric Andes
Erika Powers
Bames & Thornburg
1 N. Wacker Dr., Suite 4400
Chicago, IL 60606

Jack Darin
Sierra Club
70 E. Lake St., Suite 1500
Chicago, IL 60601-7447

Bob Carter
Bloomington Normal Water Reclamation
P.O. Box 3307
Bloomington, IL 61711

Tom Muth
Fox Metro Water Reclamation District
682 State Route 31
Oswego, IL 60543

Kenneth W. Liss
Andrews Environmental Engineering
3300 Ginger Creek Drive
Springfield, IL 62711

Vicky McKinley
Evanston Environmental Board
223 Grey Avenue
Evanston, IL 60202

Marc Miller
Jamie S. Caston
Office of Lt. Governor Pat Quinn
Room 414 State House
Springfield, IL 62706

James L. Daugherty
Thorn Creek Basin Sanitary District
700 West End Avenue
Chicago Heights, IL 60411

Frederick Keady
Vermillion Coal Company
1979 Jolms Drive
Glenview, IL 60025

Tracy Elzemeyer
American Water Company
727 Craig Road
St. Louis, MO 63141

Irwin Polls
Ecological Monitoring and Assessment
3206 Maple Leaf Drive
Glenview, IL 60025

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James Huff
Huff & Huff, Inc.
915 Harger Road
Suite 330
Oak Brook, IL 60523

Stacy Meyers-Glen
Openlands
25 E. Washington, Suite 1650
Chicago, IL 60602

Kristy A. N. Bulleit
Hunton & Williams, LLP
1900 K Street, NW
Washington, DC 20006

Cathy Hudzik
City of Chicago
Mayor's Office of Intergovernmental Affairs
121 N. LaSalle St., Room 406
Chicago, IL 60602

Dr. Thomas J. Murphy
2325 N. Clifton St.
Chicago, IL 60614

Beth Steinhorn
2021 Timberbrook
Springfield, IL 62702

Traci Barkley
Prairie Rivers Networks
1902 Fox Drive, Suite 6
Champaign, IL 61920