

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
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JUN 29 2011

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE)
CHICAGO AREA WATERWAY SYSTEM)
AND THE LOWER DES PLAINES RIVER:)
PROPOSED AMENDMENTS TO 35 Ill.)
Adm. Code Parts 301, 302, 303 and 304)

R08-09
(Rulemaking – Water)
Sub-Docket C-D

NOTICE OF FILING

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

ORIGINAL

SEE ATTACHED SERVICE LIST

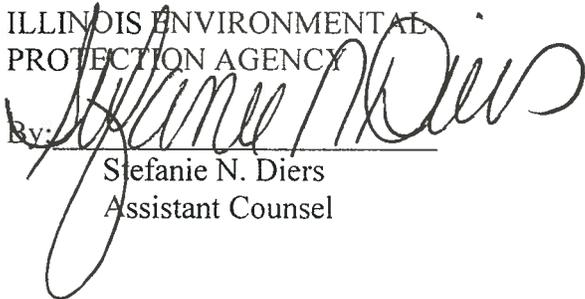
PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution

Control Board ILLINOIS EPA'S RESPONSE TO CORNPRODUCTS

INTERNATIONAL, INC.'S MOTION TO POSTPONE HEARINGS IN

SUBDOCKET D a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Stefanie N. Diers
Assistant Counsel

Dated: June 28, 2011
1021 North Grand Avenue East
P.O. Box 19276
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(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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Pollution Control Board

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

ORIGINAL

ILLINOIS EPA'S RESPONSE TO CORN PRODUCTS INTERNATIONAL, INC.'S
MOTION TO POSTPONE HEARINGS IN SUBDOCKET D

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits its response to Corn Products Internationals, Inc.'s Motion to Postpone Hearings in Subdocket D.

Illinois EPA states as follows:

1. On June 14, 2011, Corn Products International, Inc. ("Corn Products") filed its Motion to Postpone Hearing in Subdocket D with the Illinois Pollution Control Board ("Board").
2. Corn Products is asking the Board to postpone hearings in Subdocket D until the Board has adopted aquatic life uses designations in Subdocket C. At a minimum, Corn Products requests the Board to issue a Second Notice Opinion and Order in Subdocket C before proceeding to hearings in Subdocket D. (Motion, P. 3)
3. The Illinois EPA strongly disagrees with Corn Products' request. Waiting until an adoption of aquatic life uses in Subdocket C is unreasonable and would cause unnecessary delays in these proceedings. The better approach would be to wait until a First Notice Opinion and Order in Subdocket C has been issued before proceeding to hearings in Subdocket D. Waiting until a First Notice Opinion and Order is issued in Subdocket C would allow the parties to know what use designations are being proposed for aquatic life uses and would allow the parties to present testimony on water quality standards and criteria that are necessary to protect

those use designations in Subdocket D hearings. This approach would address the confusion that would be caused if the parties were to move forward before seeing the First Notice Opinion and Order in Subdocket C as well as timing and expense issues that may burden the parties by not knowing what aquatic life uses the Board intends to go forward with.

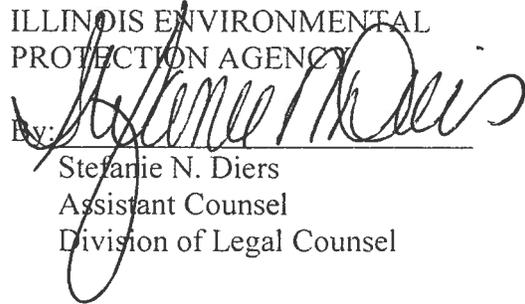
4. Corn Products further asserts that Subdocket C may eventually be in a similar situation as Subdocket A, since USEPA has made two comments on use designations and it does not appear those comments have been addressed. This could then prompt USEPA to make a determination on aquatic life uses designations. (Motion P. 6).

5. At this point in time, Corn Products is only able to speculate whether USEPA would issue a determination in Subdocket C. Illinois EPA is continuing to work on these issues internally and with USEPA to discuss the issues raised in the January 2010 letter. Illinois EPA is willing to provide the Board and participants a status report with respect to how these issues are progressing internally and with USEPA. Furthermore, Illinois EPA strongly opposes holding off hearings in Subdocket D while working on these issues because there would be a benefit in seeing the information that will be presented from the various parties during the hearing process. The information presented during the hearings could potentially help Illinois EPA resolve issues raised by USEPA in the January 2010 letter.

WHEREFORE, the Illinois EPA respectfully requests that Corn Products' Motion that Subdocket D hearings should not move forward until a Final Opinion is adopted or at a minimum until a Second Notice Opinion and Order is issued in Subdocket C be denied.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

DATED: June 28, 2011

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STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)
)

SS

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PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached ILLINOIS EPA'S RESPONSE TO CORNPRODCUTS INTERNATIONAL, INC.'S MOTION TO POSTPONE HEARINGS IN SUBDOCKET D upon the person to whom it is directed by placing it an **overnight** envelope addressed to:

John Therriault, Clerk
Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and mailing it First Class Mail from Springfield, Illinois on June __, 2011, with sufficient postage affixed to the addresses on the attached Service List.

Meredith Kelley

SUBSCRIBED AND SWORN TO BEFORE ME

This 28th day of June, 2011

Brenda Boelner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER