

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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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	)	R08-09
CHICAGO AREA WATERWAY SYSTEM	)	(Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER:	)	Sub-Docket C-D
PROPOSED AMENDMENTS TO 35 Ill.	)	
Adm. Code Parts 301, 302, 303 and 304	)	

NOTICE OF FILING

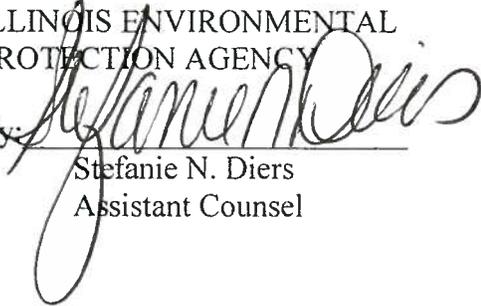
ORIGINAL

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

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board ILLINOIS EPA'S RESPONSE TO EXXONMOBIL OIL CORPORATION'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  
 Springfield, Illinois 62794-9276  
 (217) 782-5544

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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Pollution Control Board

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OF THE STATE OF ILLINOIS

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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 EXXONMOBIL OIL CORPORATION'S MOTION  
TO POSTPONE HEARINGS IN SUBDOCKET D

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits its response to ExxonMobil Oil Corporation's Motion to Postpone Hearings in Subdocket D. Illinois EPA states as follows:

1. On June 14, 2011, ExxonMobil Oil ("Exxon") Corporation filed its Motion to Postpone Hearings in Subdocket D with the Illinois Pollution Control Board ("Board").
2. Exxon 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, Exxon 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 Exxon's request. Waiting until the final 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.

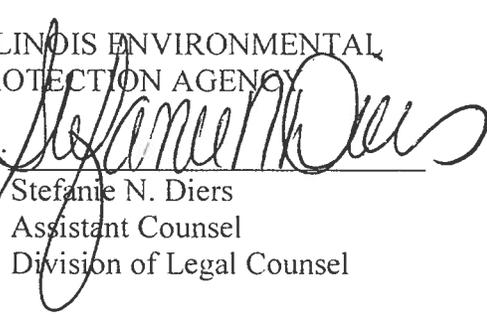
4. Exxon further asserts that it is possible Subdocket C may eventually be in a similar situation as Subdocket A, since USEPA has made two comments on use designations and it does not appear those comments have been addressed. This could then prompt USEPA to make a determination on aquatic life uses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

5. At this point in time, Exxon 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 ExxonMobil's 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

Illinois Environmental Protection Agency  
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STATE OF ILLINOIS )  
 )  
COUNTY OF SANGAMON )  
 )

**RECEIVED**  
**CLERK'S OFFICE**  
SS  
**JUN 29 2011**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached ILLINOIS EPA'S  
RESPONSE TO EXXONMOBIL OIL CORPORATION'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

**ORIGINAL**

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 28<sup>th</sup> day of June 2011

Brenda Boehner  
Notary Public



**THIS FILING IS SUBMITTED ON RECYCLED PAPER**