

**BEFORE THE 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: ) Subdocket D  
PROPOSED AMENDMENTS TO 35 Ill. )  
Adm. Code Parts 301, 302, 303 and 304 )

**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  
(VIA electronic mail and First Class Mail)

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have filed electronically today with the Illinois Pollution Control Board ILLINOIS EPA'S PRE-FILED QUESTIONS FOR CITGO'S WINTSESSES, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:/s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel

Dated: December 9, 2013  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

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WATER QUALITY STANDARDS AND )  
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**ILLINOIS EPA’S PRE-FILED QUESTIONS FOR CITGO’S WITNESSES**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorneys, hereby submits pre-filed questions to CITGO, regarding the pre-filed testimony of its various witnesses in the above captioned case. The Agency reserves the right to ask additional follow-up questions if necessary.

**Pre-filed questions for James E. Huff**

1) On page 11, you state that, “the Ship Canal would not achieve 500 mg/L chlorides in the winter months ...”. What months are the winter months?

2) Would you be agreeable to winter months being defined from December-March or November 15-March 15?

3) According to Mr. Nelson’s testimony, the intake is approximately 60 feet upstream of the outfall. Are there any conditions where the effluent is being drawn to the intake?

4) You mention best management practices on P. 12 of your pre-filed testimony, what BMP’s do you envision to address chloride issues?

5) If the Agency were to propose a salt reduction goal throughout the water shed, would CITGO be willing to participate?

6) If the Board adopted a summer chloride standard of 500 mg/L and opened a new subdocket to address the winter chloride standard, would that remove the concerns for chloride that you have stated in your prefiled testimony?

**Pre-filed questions for Roger Klocek**

1) Would high chloride concentrations prevent some of the more intolerant fish and aquatic life from using the CSSC?

2) On page 7, you state that, "The recommended procedure allows deletion of non-resident tested species, if and only if, they are not appropriate surrogates of resident untested species based on taxonomy." Would *Ceriodaphnia* be representative of any resident untested species?

3) In Table 9, Rainbow trout, *Oncorhynchus mykiss*, is listed as one of the species that you are protecting. Is it the CSSC a cold water stream that has trout present? Are your calculations in Table 10 based on the removal of the Rainbow trout (i.e. based on 22 species rather than 23 species)?

4) On page 9, you state that, "*Ceriodaphnia* was not retained because it is not present during the winter ...". Are you aware of any peer reviewed studies on the absence of *Ceriodaphnia* during cold weather?

5) Are you aware of any other water quality derivations (either site-specific or state-wide), that have removed *Ceriodaphnia*?

6) Why is one mussel genera (*Villosa*) included in the dataset, but another mussel genera (*Lampsilis*) is not included?

7) Do you know if there are other states that have a winter chloride standard?

8) Have you discussed with UESPA if this recalculation would be approvable?

9) Page 10 Conclusions and Recommendation: "A winter chloride criteria is proposed (November through April), on a site specific basis for the CSSC that is based on a limited aquatic fauna present in the lower Ship Canal." Why April through November? According to MWRDGC and IEPA data on the CSSC from 2000 through 2010, chloride concentrations above 500 mg/L have occurred only from December through March.

**Pre-filed questions for Larry Tyler**

1) You mention amending the exiting mixing zone rules in order to provide relief to the Lemon Refinery, could you please explain your proposal.

2) On page 13, you state that, "the Board amend the mixing zone rule to provide an opportunity for use of a mixing zone for discharges into waters which exceed applicable water quality standards, if the discharger employs best management practices for that pollutant with an objective of that BMP plan being to offset the amount by which the discharger would discharge that pollutant during times of water quality above the applicable standard." How would this work? Is this just a formalized type of trading? Is trading allowed only on-site, or would it be allowed off-site?

3) What BPMS's do you envision the Lemon Refinery engaging in to offset the amount of chlorides that it adds to the CSSC.

**Pre-filed question for Bruce Nelson**

1) Since the intake is only 60 feet upstream of the outfall, are there any conditions where the intake is drawing in water from the effluent?

Respectfully submitted,

Dated: December 9, 2013

Illinois EPA  
1021 North Grand Ave. East  
P.O. Box 1976  
Springfield, Illinois 62794-9276  
217-782-5544

/s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel

**Service List for R08-09**

Elizabeth Schenkier  
Keith Harley  
Chicago Legal Clinic, Inc.  
211 West Wacker Drive, Suite 750  
Chicago, IL 60606

Susan M. Franzetti  
Nijman Franzetti LLP  
10 South LaSalle St.  
Ste. 3600  
Chicago, IL 60603

Katherine D. Hodge  
Matthew C. Read  
Hodge Dwyer Driver  
3150 Roland Ave.  
P.O. Box 5776  
Springfield, IL 62702

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

Elizabeth Wallace  
Thomas H. Shepherd  
Office of the Attorney General  
Environmental Bureau North  
69 West Washington Street, Suite 1800  
Chicago, IL 60602

Jeffrey C. Fort  
Irina Dashevsky  
Dentons US LLP  
233 South Wacker Drive  
Suite 7800  
Chicago, IL 60606-6404

Ann Alexander  
Senior Attorney, Midwest Program  
Natural Resources Defense Council  
2 North Riverside Plaza, Suite 2250  
Chicago, IL 60606

Fredrick M. Feldman  
Ronald M. Hill  
Margaret T. Conway  
Metropolitan Water Reclamation District  
of Greater Chicago  
111 East Erie Street  
Chicago, IL 60611

Mitchell Cohen, General Counsel  
Office of Legal Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62705-5776

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

Jessica Dexter  
Environmental Law & Policy Center  
35 E. Wacker Dr., Suite 1600  
Chicago, IL 60601

Thomas W. Dimond  
Susan Charles  
Ice Miller LLP  
200 West Madison Street  
Suite 3500  
Chicago, IL 60606-3417

**Service List for R08-09 Continued**

Fredric P. Andes  
Carolyn S. Hesse  
David T. Ballard  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, IL 60606

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

Jack Darin  
Cindy Skrukud  
Sierra Club, Illinois Chapter  
70 East Lake Street, Ste  
Chicago, IL 60601

Albert Ettinger  
53 W. Jackson  
1500 Suite 1664  
Chicago, Illinois 60604

Cathy Hudzik  
City of Chicago, Mayor's  
Office of Intergovernmental Affairs  
121 North LaSalle Street  
City Hall Room 406  
Chicago, Illinois 60602

Lyman C. Welch  
Alliance for the Great Lakes  
17 North State Street, Suite 1390  
Chicago, Illinois 60602

Lisa Frede  
Chemical Industry Council of Illinois  
1400 E. Touhy Ave.  
Des Plaines, IL 60019

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached ILLINOIS EPA'S PRE-FILED QUESTIONS FOR CITGO'S WITNESSES upon the person to whom it is directed by electronic filing and placing it an 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 by mailing the document to those listed above and on the attached Service List by  
First Class Mail from Springfield, Illinois on December 9, 2013, with sufficient postage.

/s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel

**THIS FILING IS SUBMITTED ON RECYCELD PAPER**