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December 13, 2013

Via Electronic Filing and U.S. Mail

Marie Tipsord, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Re: R8-9 (Docket D) (Rulemaking – Water)
Proposed Regulatory Amendment for December 17, 2013 Hearing

Dear Ms. Tipsord:

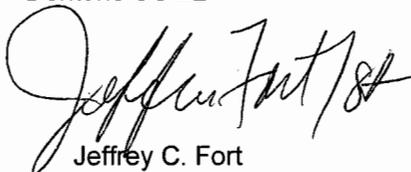
As indicated in the pre-filed testimony for Citgo, we are hereby submitting a proposed regulatory amendment for consideration by the Board. Testimony in support of this proposal will be submitted at the December 17, 2013, hearing.

We are submitting this document as a public comment and will be also asking for this to be considered as an exhibit at the December 17 hearing. We are sending copies of this public comment to the other parties who have either pre-filed testimony or pre-filed questions for this hearing.

Please let me know if you have any questions or comments.

Very truly yours,

Dentons US LLP



Jeffrey C. Fort

Enclosure

cc (via email) (w/enc): Stefanie Diers
Albert Ettinger
Kathy Hodge

Citgo's compromise regulatory proposal to address mixing zone issues:

Regulatory rationale: Effluent dominated and Use B waters are controlled by the Metropolitan Water Reclamation District's effluent and upstream point and non-point sources, including snow-melt run-off and sediment re-suspension.¹

Propose to add a new subsection (j) to 302.102 [might go elsewhere, including as 302.102(b)(13)]

"(j) Notwithstanding the provisions of 302.102(b)(9), a mixing zone shall be allowed if the following are demonstrated:

- (1) The exceedance of the water quality standard is in a water body which is a "Use B" water body; and
- (2) The discharger uses an intake from that water body for supply of at least 50% of its process water (including for cooling use) on an annual basis; and
- (3) The chemical for which the water quality standard is exceeded in the water intake referred to in (2) above, or the water body is listed as impaired for that chemical; and
- (4) Until a total maximum daily load ("TMDL") allocation is effective, the discharger employs Best Management Practices for the pollutant of concern during the times that the exceedance of the applicable water quality standard occurs; and
- (5) Either of the following is demonstrated by the Best Management Practices Plan;
 - (i) the BMP plan has as its objective to reduce the amount of the discharge of the pollutant of concern by the amount by which the discharger would exceed the allowable discharge during the exceedances in the receiving stream; or
 - (ii) Compliance is determined by comparing the predicted concentration at the edge of the mixing zone as within the precision of the test method for the subject pollutant."

¹ We understand that at least one stakeholder would request that this rule also be applicable to the Upper Dresden Island Pool ("UDIP").