

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-9 (D)
CHICAGO AREA WATERWAY SYSTEM) (Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER:)
PROPOSED AMENDMENTS TO 35 ILL.)
ADM. CODE PARTS 301, 302, 303 and 304)

NOTICE OF FILING

TO: Mr. John T. Therriault	Ms. Marie E. Tipsord
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **EXXONMOBIL'S RESPONSE TO FIRST NOTICE COMMENTS**, a copy of which is herewith served upon you.

Respectfully submitted,

EXXONMOBIL OIL CORPORATION,

Dated: December 12, 2014

By: /s/ Matthew C. Read
Matthew C. Read

Katherine D. Hodge
Matthew C. Read
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Matthew C. Read, the undersigned, hereby certify that I have served the attached **EXXONMOBIL'S RESPONSE TO FIRST NOTICE COMMENTS** upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on December 12, 2014; and upon:

Ms. Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Deborah J. Williams, Esq.
Stefanie N. Diers, Esq.
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Matthew J. Dunn, Esq.
Ms. Susan Hedman
Thomas H. Shepherd, Esq.
Environmental Enforcement Division
Office of the Attorney General
State of Illinois
69 West Washington, 18th Floor
Chicago, Illinois 60602

Frederick M. Feldman, Esq.
Ronald M. Hill, Esq.
Margaret T. Conway
Metropolitan Water Reclamation District
100 East Erie Street
Chicago, Illinois 60611

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

Susan Charles, Esq.
Thomas W. Dimond, Esq.
Ice Miller LLP
200 West Madison, Suite 3500
Chicago, Illinois 60606

Claire A. Manning, Esq.
Brown, Hay & Stephens, LLP
700 First Mercantile Bank Building
205 South Fifth Street
Post Office Box 2459
Springfield, Illinois 62705-2459

Mr. Bernard Sawyer
Mr. Thomas Granato
Metropolitan Water Reclamation District
6001 West Pershing Road
Cicero, Illinois 60650-4112

Mr. Robert VanGyseghem
City of Geneva
1800 South Street
Geneva, Illinois 60134-2203

Ms. Lisa Frede
Chemical Industry Council of Illinois
1400 East Touhy Avenue, Suite 110
Des Plaines, Illinois 60019-3338

Jerry Paulsen, Esq.
Cindy Skrukrud
Environmental Defenders of
McHenry County
110 S. Johnson Street, Suite 106
Woodstock, Illinois 60098

Fredric P. Andes, Esq.
Erika K. Powers, Esq.
Barnes & Thornburg
1 North Wacker Drive, Suite 4400
Chicago, Illinois 60606

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

Erin L. Brooks, Esq.
Bryan Cave LLP
211 North Broadway, Ste. 3600
St. Louis, Missouri 63102

Mr. Keith I. Harley, Esq.
Ms. Elizabeth Schenkler
Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, Illinois 60606

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

Frederick D. Keady, P.E.
Vermilion Coal Company
1979 Johns Drive
Glenview, Illinois 60025

Ms. Kay Anderson
American Bottoms RWTF
One American Bottoms Road
Sauget, Illinois 62201

W.C. Blanton, Esq.
Husch Blackwell LLP
4801 Main Street
Suite 1000
Kansas City, Missouri 64112

Jessica Dexter, Esq.
Environmental Law & Policy Center
35 East Wacker, Suite 1600
Chicago, Illinois 60601

Mr. James E. Eggen
City of Joliet, Department of Public
Work and Utilities
150 W. Jefferson Street
Joliet, Illinois 60432

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

Mr. Jack Darin
Sierra Club
70 East Lake Street, Suite 1500
Chicago, Illinois 60601-7447

Dr. Thomas J. Murphy
2325 North Clifton Street
Chicago, Illinois 60614

Mr. Bob Carter
Bloomington Normal Water
Reclamation District
Post Office Box 3307

Ms. Olivia Dorothy
Office of Lt. Governor
Room 414 State House
Springfield, Illinois 62706

Bloomington, Illinois 61702-3307

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

Ms. Vicky McKinley
Evanston Environment Board
223 Grey Avenue
Evanston, Illinois 60202

Susan M. Franzetti, Esq.
Kristen Laughridge Gale, Esq.
Nijman Franzetti LLP
10 South LaSalle Street, Suite 3600
Chicago, Illinois 60603

Mr. Irwin Polls
Ecological Monitoring and Assessment
3206 Maple Leaf Drive
Glenview, Illinois 60025

Stacy Meyers-Glen, Esq.
Openlands
25 East Washington Street, Suite 1650
Chicago, Illinois 60602

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

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

Ann Alexander, Esq.
Natural Resources Defense Council
2 North Riverside Plaza, Suite 2250
Chicago, Illinois 60606

Roy M. Harsch, Esq.
Drinker Biddle & Reath
191 North Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698

Albert Ettinger, Esq.
53 West Jackson
Suite 1664
Chicago, Illinois 60604

Jared Policicchio, Esq.
Chicago Department of Law
30 N. LaSalle Street
Suite 900
Chicago, Illinois 60602

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois on December 12, 2014.

/s/ Matthew C. Read

Matthew C. Read

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

WATER QUALITY STANDARDS AND)	
EFFLUENT LIMITATIONS FOR THE)	R08-9 (Subdocket D)
CHICAGO AREA WATERWAY SYSTEM)	(Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER:)	
PROPOSED AMENDMENTS TO 35 ILL.)	
ADM. CODE PARTS 301, 302, 303 and 304)	

EXXONMOBIL'S RESPONSE TO FIRST NOTICE COMMENTS

NOW COMES EXXONMOBIL OIL CORPORATION (“ExxonMobil”), by and through its attorneys, HODGE DWYER & DRIVER, and pursuant to the October 3, 2014, Hearing Officer Order, submits the following Response to First Notice Comments.

I. INTRODUCTION

On September 18, 2014, the Illinois Pollution Control Board (“Board”) issued First Notice of the Proposed Rule containing the water quality standards (“WQS”) for the Chicago Area Waterways System (“CAWS”) and Lower Des Plaines River (“LDPR”).¹ Leading up to the Board’s Proposed Rule, ExxonMobil filed written testimony, provided testimony at hearing, and filed Pre-First Notice Comments on the appropriate WQS for the Upper Dresden Island Pool (“UDIP”) stretch of the LDPR.² Following the Board’s First Notice Proposed Rule, ExxonMobil filed its First Notice Comments. ExxonMobil

¹ First Notice Proposed Rule, *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*, R08-9(D) (Ill.Pol.Control.Bd., Sep. 18, 2014) (hereafter referenced and cited as “First Notice”) (rulemaking hereinafter cited as “R08-9()”).

² ExxonMobil has participated extensively in this rulemaking, including by providing testimony at hearing. This allowed other participants the opportunity to fully vet written testimony and cross examine ExxonMobil’s witness. Therefore, ExxonMobil asks the Board to weigh its testimony and comments accordingly. On the other hand, other commenters have offered no testimony and merely filed conclusive comments. Given the limited participation of these commenters, ExxonMobil requests that the Board weigh such comments appropriately. See Illinois Environmental Regulatory Group’s Response to Comments of the United States Environmental Protection Agency, R08-9(C) (Ill.Pol.Control.Bd. Aug. 30, 2013).

has since reviewed first notice comments filed by other participants in this rulemaking and offers the following responses to those comments.

To summarize, first, ExxonMobil endorses the approach recommended by the Illinois Environmental Protection Agency (“Illinois EPA”) for managing chloride issues and requests that the Board establish a subdocket to allow for the development of an appropriate chloride standard and waterbody variance. Key to this proposal is maintaining the existing total dissolved solids (“TDS”) WQS, including the site-specific WQS for parts of the LDPR, until a chloride standard is adopted. Second, in response to a proposal to extend the effective date of the thermal standards, ExxonMobil agrees that such a delay could be helpful to dischargers, but notes that this does not solve concerns related to implementation of new thermal standards. Therefore, ExxonMobil reiterates its request for a regulatory mechanism (which already resides in the existing General Use thermal standards) for bringing large dischargers into compliance with proposed thermal limits first. Finally, due to the nature of comments following the Board’s First Notice and the numerous requests for substantial changes, ExxonMobil requests that the Board allow another opportunity to comment by issuing a “proposed” Second Notice Order.

II. EXXONMOBIL SUPPORTS ILLINOIS EPA’S PROPOSAL TO DEVELOP A CHLORIDE STANDARD AND VARIANCE

ExxonMobil echoes Illinois EPA’s concern that there will be widespread noncompliance if the Board adopts the chloride standards proposed at First Notice.³ Therefore, ExxonMobil supports Illinois EPA’s chloride proposal in its First Notice Comments. Illinois EPA proposes to develop a chloride standard and variance approach

³ See Comments of the Illinois Environmental Protection Agency on the Illinois Pollution Control Board’s Subdocket D First Notice Opinion, R08-9(D) at 7 (Ill.Pol.Control.Bd. Nov. 21, 2014) (hereinafter “Illinois EPA First Notice Comments”).

that could be further advanced by a workgroup. *Id.* at 9. To accomplish this, Illinois EPA proposes that the Board establish a new subdocket to allow stakeholders to work through the details. *Id.* at 9-10. Illinois EPA and workgroup participants would then come back to the Board with proposals for a chloride standard and a variance approach. *Id.* at 10. In the meantime, the existing TDS limit would apply. *Id.* at 11. This approach makes practical sense and would allow Illinois EPA and dischargers to use the full spectrum of tools available to manage chloride contributions to the UDIP while also maintaining compliance. However, until a new standard and variance is adopted, it is only appropriate for *all* existing TDS standards to remain in effect, including the site-specific standard of 1,686 mg/L applicable to a stretch of the LDPR. *See* 35 Ill. Admin. Code § 303.445.

As a plan for Illinois EPA's proposed workgroup and new subdocket, Illinois EPA suggests that it would be appropriate to impose a chloride WQS of 500 mg/L for non-winter months and no numeric WQS for winter months. Illinois EPA First Notice Comments at 9. Best management practices ("BMPs") would apply to point sources and non-point sources in winter months to achieve the highest attainable stream quality. *Id.* A workgroup could focus on chloride reduction through BMPs and development of a waterbody-specific variance. *Id.* at 9-10.

Illinois EPA noted that it met with the Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC") and the City of the Chicago ("Chicago") to discuss these issues, and MWRDGC agreed to facilitate the workgroup. *Id.* at 9. MWRDGC has scheduled a kick-off meeting of the CAWS Chloride Reduction Initiative where the purpose, goals, and implementation of the workgroup ("Chloride Reduction Workgroup")

will be presented and discussed.⁴ Illinois EPA also notes that there has been interest expressed in participating in the Chloride Reduction Workgroup by the Illinois Department of Transportation (“IDOT”), the Illinois Tollway, and the Illinois Environmental Regulatory Group (“IERG”). Illinois EPA First Notice Comments at 9.

ExxonMobil shares Illinois EPA’s desire to pursue a comprehensive approach for setting a chloride standard, ensuring compliance, and reducing chloride contributions to the UDIP. As described in USEPA’s proposed Clarifications Rule, a waterbody variance is an appropriate tool for managing noncompliance concerns across an entire waterbody. 78 Fed. Reg. 54518, 54532 (Sep. 4, 2013). As noted by USEPA, “[a] waterbody variance provides time for the state or tribe to work with both point and nonpoint sources to determine and implement adaptive management approaches on a waterbody/watershed scale to achieve pollutant reductions....” *Id.*

Here, elevated chloride levels in the CAWS and LDPR in the winter are caused by activities related to deicing and are widespread throughout the system. Consistent with the proposed Clarifications Rule, such a system-wide issue is a prime candidate for a waterbody variance. Further, a working group that includes members such as MWRDGC, Chicago, IDOT, the Illinois Tollway, and impacted IERG members, including ExxonMobil, would be able to address both point and non-point sources, as envisioned by the proposed Clarifications Rule. Members would be able to pool knowledge and implement BMPs on a system-wide scale. Such a comprehensive plan would address the root of the problem – deicing – and avoid a piecemeal approach that could result in widespread noncompliance. This approach also likely provides for

⁴ Letter from David St. Pierre, Executive Director, MWRDGC to Stakeholders (Nov. 26, 2014).

reductions much sooner than would otherwise occur through a total maximum daily load process, if one were to even occur for chloride on the UDIP.

Accordingly, ExxonMobil intends to participate in the Chloride Reduction Workgroup, which will work towards developing a chloride standard and variance, and urges the Board to adopt Illinois EPA's proposal to open a new subdocket for that purpose. Prior to adopting a new chloride WQS, ExxonMobil also requests that the Board maintain *all* TDS WQS applicable to the CAWS and LDPR, including the site-specific standard applicable to a stretch of the LDPR identified at 35 Ill. Admin. Code § 303.445. It appears to be Illinois EPA's intent to maintain the status quo until a new standard and variance are adopted. *See* Illinois EPA First Notice Comments at 11. Accordingly, it is logical and consistent with Illinois EPA's proposal to apply all existing standards, including the site-specific standard for TDS of 1,686 mg/L identified in 35 Ill. Admin. Code § 303.445 during the development period. The Board adopted this standard on February 15, 2007⁵ and USEPA approved it on October 30, 2008, concluding that the standard is protective of LDPR waters upstream and downstream of the LDPR/Interstate 55 Bridge, i.e. it is protective of General Use waters.⁶ Accordingly, this standard is protective and should remain in effect if the Board adopts Illinois EPA's proposal to open a new subdocket.

Therefore, ExxonMobil respectfully requests that the Board incorporate the provision at 35 Ill. Admin. Code § 303.445(a) into Proposed 35 Ill. Admin. Code § 302.407 but remove the reference to "Secondary Contact and Indigenous Aquatic Life

⁵ *In the Matter of: Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River ExxonMobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445, R06-24* (Ill.Pol.Control.Bd. Feb. 15, 2007).

⁶ Letter from Timothy Henry, USEPA to Marcia Willhite, Illinois EPA, (Oct. 30, 2008) (attached as Exhibit 1).

Use waters” and replace it with “Upper Dresden Island Pool Aquatic Life Use Waters.” ExxonMobil makes this request for the first time at this juncture since, up until now, Illinois EPA proposed to remove the existing TDS standard. As an alternative, ExxonMobil supports applying the Board’s proposed chloride standards for the Chicago Sanitary & Ship Canal to the UDIP.

In the event the Board moves forward with a year-round 500 mg/L limit, Illinois EPA recommends delaying the effective date for two years and applying a 1,500 mg/L TDS standard in the interim. Illinois EPA First Notice Comments at 11. Again, ExxonMobil notes that to maintain the status quo during such a delay, it is appropriate to continue to apply all existing TDS standards, including the site-specific standard adopted by the Board and approved by USEPA for the stretch of the LDPR described at 35 Ill. Admin. Code § 303.445.

III. EXXONMOBIL SUPPORTS DELAYING THE EFFECTIVE DATE OF THE THERMAL STANDARDS BUT URGES THE BOARD TO ALSO PROVIDE RELIEF TO DOWNSTREAM DISCHARGERS

Midwest Generation, LLC (“Midwest Generation”) requests that the Board open a new subdocket to address thermal issues, in part, to allow “an opportunity to review the currently existing ambient thermal conditions following closures at the Fisk and Crawford stations, as well as to consider whether the planned changes for Will County station and the Joliet stations will have any significant effects.”⁷ As an alternative, Midwest Generation urges the Board to extend the postponement of the effective date of

⁷ Midwest Generation, LLC’s Comments on the Illinois Pollution Control Board’s First Notice and Opinion in Subdocket D, R08-9(D) at 34-36 (Ill.Pol.Control.Bd. Nov. 21, 2014).

the thermal standards for ALU B and UDIP waters for a period of at least three years to relieve thermal dischargers from regulatory uncertainties. *Id.* at 36.

ExxonMobil agrees that further postponing the effective date of the thermal standards would help minimize uncertainties. But time alone will not remedy the compliance uncertainty for dischargers downstream of large thermal dischargers. As noted in ExxonMobil's First Notice Comments, Illinois EPA does not have a reliable method for prioritizing regulation of large upstream thermal dischargers in advance of smaller downstream dischargers.⁸ That is, new thermal standards may be imposed on downstream dischargers before large upstream dischargers comply with the new standards or obtain regulatory relief. Midwest Generation requests a separate subdocket to assess, among other things, impacts from planned operational changes at its facilities. Such changes highlight the uncertainties facing downstream dischargers. Downstream dischargers cannot craft an appropriate compliance plan until the compliance approach for upstream dischargers is fully understood and implemented.

Accordingly, regardless of how long the Board chooses to postpone the effectiveness of thermal standards, there is still a need for the Board to provide a regulatory requirement for larger thermal dischargers to achieve compliance or regulatory relief before smaller dischargers are required to comply with new thermal standards. As proposed by ExxonMobil in Pre-First Notice Comments and First Notice Comments, this could take the form of a demonstration such as that required by Section 302.211(f) (for dischargers with heated effluent discharging 150 megawatts (0.5 billion BTU/hr) or more) and a clarification that until such a demonstration is made and implemented, other thermal dischargers that are impacted by such dischargers need only comply with

⁸ ExxonMobil's First Notice Comments, R08-9(D) at 11-13 (Ill.Pol.Control.Bd. Nov. 21, 2014).

previously permitted limits. This would essentially enact a protection that was already afforded to dischargers in General Use waters.

IV. EXXONMOBIL REQUESTS THAT THE BOARD PUBLISH A PROPOSED SECOND NOTICE ORDER AND ALLOW AN ADDITIONAL PUBLIC COMMENT PERIOD BEFORE ISSUING A SECOND NOTICE ORDER

Subdocket D is the culmination of years of testimony and comments. First Notice comments advocate numerous competing proposals and, in some cases, provide new information. In the case of Illinois EPA's proposed chloride plan, this is the first opportunity the Board will have to review it in detail. Therefore, given the breadth of the rulemaking and the volume and nature of First Notice Comments, ExxonMobil respectfully requests that the Board issue a proposed Second Notice Order prior to proceeding to second notice and allow participants time to comment on the proposed order. The Board has been willing to do this in the past when it believed a rule could benefit from additional public comment.⁹ In light of the circumstances here, this rule and participants in this rulemaking could benefit from additional comment.

V. CONCLUSION

In conclusion, ExxonMobil endorses the chloride plan proposed by Illinois EPA but requests that, in the interim, the Board apply all existing TDS WQS, including the site-specific standard promulgated by the Board and approved by USEPA for parts of the LDPR covered by 35 Ill. Admin. Code § 303.445. Regardless of the effective date of new thermal WQS, ExxonMobil still urges the Board to adopt a mechanism for bringing large dischargers into compliance with new thermal limits. Due to the nature of first

⁹ See *In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903*, R03-8 at 6 (Apr. 3, 2003); see also Proposed Rule, Proposed Second Notice, R08-9(C) (Ill.Pol.Control.Bd. Oct. 3, 2013).

notice comments, ExxonMobil requests that the Board allow another opportunity to comment by issuing a proposed Second Notice Order.

ExxonMobil appreciates the opportunity to provide these comments, and it respectfully requests that the Board consider them moving forward with the adoption of WQS for the UDIP.

Respectfully submitted,

EXXONMOBIL OIL CORPORATION,

Dated: December 12, 2014

By: /s/ Matthew C. Read
Matthew C. Read

Katherine D. Hodge
Matthew C. Read
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 30 2008

REPLY TO THE ATTENTION OF
WQ-16J

Marcia T. Willhite, Chief
Bureau of Water
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

Dear Ms. Willhite:

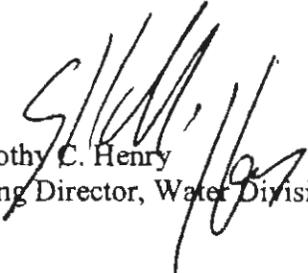
On October 21, 2008, U.S. Environmental Protection Agency received legal certification from Illinois' Attorney's General Office regarding the legality of the adoption of a site-specific total dissolved solids (TDS) water quality standard for the Lower Des Plaines River (35 Ill. Adm. Section 303.445). Receipt of this certification, in addition to the previously submitted documentation that was received on May 29, 2008, completed the requirements of 40 CFR 131.6 (Minimum requirements for water quality standards submission).

As specified in the Federal regulations at 40 CFR 131.21 and the Clean Water Act (CWA) in section 303(c)(3) (33 U.S.C. §1313(c)), EPA is required to review and approve state water quality standards before they can become effective for CWA purposes. Based on our review, we determined that the site-specific TDS standard of 1686 mg/L will protect the Secondary Contact and Indigenous Aquatic Life and General Use applicable to the Lower Des Plaines River. EPA approves the TDS site-specific standard for the Lower Des Plaines River (35 Ill. Adm. Section 303.445) under the authority of section 303(c)(3) of the CWA and Federal regulations at 40 CFR 131.21.

Consistent with Section 7 of the Endangered Species Act and Federal Regulations at 50 CFR Part 402, EPA is required to consult with U.S. Fish and Wildlife Service on any action that may affect Federally-listed threatened and endangered species. EPA evaluated whether this site-specific TDS standard would have any affect on federally-listed threatened or endangered species or designated critical habitat. Based on this evaluation, EPA concluded that approval of this site-specific water quality standard will have no effect on listed species or designated critical habitat because: there are no known populations of listed species in the action area and the nearest know populations are all upstream or would not be affected by the water quality of the Lower Des Plaines River; and, the recalculated site-specific TDS levels are protective of aquatic life and within toxicity thresholds.

If you have any questions regarding this letter, please contact me, or Tom Poleck of my staff at (312) 886-0217 or poleck.thomas@epa.gov.

Sincerely,



Timothy C. Henry
Acting Director, Water Division

cc: Richard Nelson, USFWS, Rock Island Illinois Field Office
Cathy Pollack, USFWS, Chicago Illinois Field Office
Sanjay Sofat, Illinois EPA
Bob Mosher, Illinois EPA

bcc: Peter Swenson, NPDES Branch
Kevin Pierard, Wetlands and Watersheds Branch
George Czerniak, Air Division
Linda Holst
David Pfeifer