

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD, HOMEWOOD)	
ILLINOIS, VILLAGE OF ORLAND PARK,)	
ORLAND PARK ILLINOIS, VILLAGE OF)	
MIDLOTHIAN, MIDLOTHIAN ILLINOIS,)	
VILLAGE OF TINLEY PARK, TINLEY PARK)	
ILLINOIS, EXXONMOBIL OIL)	
CORPORATION, VILLAGE OF WILMETTE,)	
WILMETTE ILLINOIS, CITY OF COUNTRY)	
CLUB HILLS, COUNTRY CLUB HILLS)	
ILLINOIS, NORAMCO-CHICAGO, INC.,)	
FLINT HILLS RESOURCES JOLIET LLC,)	
CITY OF EVANSTON, EVANSTON ILLINOIS,)	
VILLAGE OF SKOKIE, SKOKIE ILLINOIS,)	PCB 16-14 (Homewood)
ILLINOIS DEPARTMENT OF)	PCB 16-15 (Orland Park)
TRANSPORTATION, METROPOLITAN)	PCB 16-16 (Midlothian)
WATER RECLAMATION DISTRICT OF)	PCB 16-17 (Tinley Park)
GREATER CHICAGO, VILLAGE OF)	PCB 16-18 (ExxonMobil)
RICHTON PARK, RICHTON PARK ILLINOIS,)	PCB 16-20 (Wilmette)
VILLAGE OF LINCOLNWOOD,)	PCB 16-21 (Country Club Hills)
LINCOLNWOOD ILLINOIS, CITY OF OAK)	PCB 16-22 (Noramco-Chicago)
FOREST, OAK FOREST ILLINOIS, VILLAGE)	PCB 16-23 (Flint Hills Resources)
OF LYNWOOD, LYNWOOD ILLINOIS,)	PCB 16-25 (Evanston)
CITGO HOLDINGS, INC., VILLAGE OF NEW)	PCB 16-26 (Skokie)
LENOX, NEW LENOX ILLINOIS, CITY OF)	PCB 16-27 (IDOT)
LOCKPORT, LOCKPORT ILLINOIS,)	PCB 16-29 (MWRDGC)
CATERPILLAR, INC., CITY OF CREST HILL,)	PCB 16-30 (Richton Park)
CREST HILL ILLINOIS, CITY OF JOLIET,)	PCB 16-31 (Lincolnwood)
JOLIET ILLINOIS, MORTON SALT, INC.,)	PCB 16-33 (Oak Forest)
CITY OF PALOS HEIGHTS, PALOS HEIGHTS)	PCB 19-7 (Village of Lynwood)
ILLINOIS, VILLAGE OF ROMEOVILLE,)	PCB 19-8 (Citgo Holdings)
ROMEOVILLE ILLINOIS, IMTT ILLINOIS)	PCB 19-9 (New Lenox)
LLC, STEPAN CO., VILLAGE OF PARK)	PCB 19-10 (Lockport)
FOREST, PARK FOREST ILLINOIS, OZINGA)	PCB 19-11 (Caterpillar)
READY MIX CONCRETE, INC., OZINGA)	PCB 19-12 (Crest Hill)
MATERIALS, INC., MIDWEST MARINE)	PCB 19-13 (Joliet)
TERMINALS LLC, VILLAGE OF MOKENA,)	PCB 19-14 (Morton Salt)
MOKENA ILLINOIS, VILLAGE OF OAK)	PCB 19-15 (Palos Heights)
LAWN, OAK LAWN ILLINOIS, VILLAGE OF)	PCB 19-16 (Romeoville)
DOTON, DOTON ILLINOIS, VILLAGE OF)	PCB 19-17 (IMTT Illinois)
GLENWOOD, GLENWOOD ILLINOIS,)	PCB 19-18 (Stepan)
VILLAGE OF MORTON GROVE, MORTON)	PCB 19-19 (Park Forest)
GROVE ILLINOIS, VILLAGE OF LANSING,)	PCB 19-20 (Ozinga Ready Mix)
LANSING ILLINOIS, VILLAGE OF)	PCB 19-21 (Ozinga Materials)
FRANKFORT, FRANKFORT ILLINOIS,)	PCB 19-22 (Midwest Marine)

VILLAGE OF WINNETKA, WINNETKA)	PCB 19-23 (Mokena)
ILLINOIS, VILLAGE OF LA GRANGE, LA)	PCB 19-24 (Oak Lawn)
GRANGE ILLINOIS, VILLAGE OF)	PCB 19-25 (Dolton)
CHANNAHON, CHANNAHON ILLINOIS,)	PCB 19-26 (Glenwood)
COOK COUNTY DEPARTMENT OF)	PCB 19-27 (Morton Grove)
TRANSPORTATION AND HIGHWAYS,)	PCB 19-28 (Lansing)
VILLAGE OF NILES, NILES ILLINOIS,)	PCB 19-29 (Frankfort)
SKYWAY CONCESSION COMPANY LLC,)	PCB 19-30 (Winnetka)
VILLAGE OF ELWOOD, ELWOOD ILLINOIS,)	PCB 19-31 (La Grange)
CITY OF CHICAGO, CHICAGO ILLINOIS,)	PCB 19-33 (Channahon)
VILLAGE OF CRESTWOOD, CRESTWOOD)	PCB 19-34 (CCDTH)
ILLINOIS and VILLAGE OF RIVERSIDE,)	PCB 19-35 (Niles)
RIVERSIDE ILLINOIS)	PCB 19-36 (Skyway)
)	PCB 19-37 (Elwood)
Petitioners,)	PCB 19-38 (Chicago)
)	PCB 19-40 (Crestwood)
v.)	PCB 19-48 (Riverside)
))
ILLINOIS ENVIRONMENTAL PROTECTION)	(Time-Limited Water Quality
AGENCY,)	Standard)
)	(Consolidated)
Respondent.))

PETITIONER'S RESPONSE TO RECOMMENDATION OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Pursuant to 35 Ill. Adm. Code 104.220, Petitioner Cook County Department of Transportation and Highways ("CCDTH") submits the following response to the Recommendation of the Illinois Environmental Protection Agency ("Recommendation"), submitted to the Illinois Pollution Control Board ("Board") on April 5, 2019, regarding CCDTH's Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Waterway System/Des Plaines River Watershed.

On pages 14-15 of the Recommendation ("Chlorides Workgroup"), the Illinois Environmental Protection Agency ("IEPA") states that

[a]ny relief from the chloride water quality standard should include a BMP requiring all Petitioners, and any source who later seeks coverage under the TLWQS, to participate in the CAWS chlorides workgroup or the Lower Des Plaines chlorides workgroup depending on the location of its discharge (emphasis added).

The IEPA's Proposed BMPs set forth in Attachment 3, however, require all classes of dischargers to participate "in a Chlorides workgroup for the CAWS and LDPR (emphasis added)." In light of the conflict between these provisions, CCDTH seeks clarification as to the following:

1. Are Petitioners required to participate in a Chlorides workgroup for both the CAWS and LDPR regardless of the location of their discharge? In other words, if a Petitioner only discharges in the LDPR, would it only be required to participate in a Chlorides workgroup for the LDPR?

2. If a Petitioner discharges in both watersheds, would it be required to participate in a Chlorides workgroup for both the CAWS and LDPR?

On page 16 of the Recommendation (“New Proposed Paragraph 16: Berms”), the IEPA proposes that

a BMP should be added that requires all working areas to be bermed and/or sloped to allow snow melt and stormwater to drain away from the area. This BMP would apply to all classes of dischargers, and may require the discharger to channel water to a collection point such as a sump, holding tank or lined basin for collection.

Such a requirement may be problematic for a number of reasons.

Where work areas are bermed and/or sloped away and channeled to a collection point, all runoff from the entire area tributary to the collection point (i.e., all precipitation that falls within the entire tributary area) will flow to the collection point. Additionally, there also could be area outside of the work area that is tributary (i.e., flows through) to the work area, resulting in even greater volumes of runoff. These facts raise a number of significant concerns.

First, considering that most work areas are located in existing maintenance or public works yards or similar, often in developed areas, there may not be enough space available to add berms or to regrade the sites without adversely impacting drainage on the site and/or in surrounding areas.

Second, given the resulting volume of runoff, the size of the sump, holding tank or lined basin needed for collection may be impracticable.

Third, it should be noted that routing runoff through a collection point does little to reduce chloride concentrations in the runoff itself.

Finally, given the large volume of anticipated runoff, disposing of the runoff from the collection point, if required, would pose both a significant logistical and financial burden on dischargers.

CCDTH appreciates the opportunity to respond to the IEPA’s Recommendation.

Respectfully submitted,

COOK COUNTY DEPARTMENT OF
TRANSPORTATION AND HIGHWAYS

By: /s/ Jeffrey M. Fronczak
One of Its Attorneys

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v.)	(Time-Limited Water Quality
)	Standard)
ILLINOIS ENVIRONMENTAL PROTECTION)	(Consolidated)
AGENCY,)	
)	
Respondent.		

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on April 19, 2019, the Cook County Department of Transportation and Highways electronically filed with the Office of the Clerk of the Pollution Control Board **Petitioner’s Response to Recommendation of Illinois Environmental Protection Agency**, a copy of which is hereby served upon you.

Respectfully submitted,

COOK COUNTY DEPARTMENT OF
TRANSPORTATION AND HIGHWAYS

By: /s/ Jeffrey M. Fronczak
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that he caused a copy of the attached **Petitioner's Response to Recommendation of Illinois Environmental Protection Agency** to be served via electronic mail to the individuals listed on the attached service list on or before 5:00 p.m. on April 19, 2019.

Respectfully submitted,

By: /s/ Jeffrey M. Fronczak
One of Its Attorneys

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