

ILLINOIS POLLUTION CONTROL BOARD

July 25, 2019

IN THE MATTER OF)
)
AMENDMENTS TO GENERAL USE) R18-32
WATER QUALITY STANDARDS) (Rulemaking – Water)
FOR CHLORIDE)

ORDER OF THE BOARD (by K. Papadimitriou and B.K. Carter):

This proceeding concerns a proposed rulemaking to amend the Board’s General Use water quality standard for chloride to address waterways that are affected by winter road salting practices in exceedance of the current standard. The proponent of this rulemaking, Huff & Huff, Inc. (Huff & Huff) has filed a motion to extend the deadline to respond to the Board’s and participants’ questions on Huff & Huff’s amended proposal. With this order, the Board grants the extension.

On May 21, 2018, Huff & Huff filed a proposal to amend the Board’s General Use water quality standard for chloride. The Board accepted the proposal for hearing without submitting it for first notice publication in the *Illinois Register*. The Board has held one public hearing on this proposed rulemaking.

In response to comments and questions during the first hearing, Huff & Huff filed an amended proposal on March 14, 2019, that made substantial revisions to the initial rulemaking proposal. On May 16, 2019, the Board submitted questions on the amended proposal through a hearing officer order and directed responses from Huff & Huff and any other participants be filed by July 1, 2019. The Illinois Association of Wastewater Agencies (IAWA), Openlands, Sierra Club, and the Illinois Environmental Protection Agency (IEPA) submitted additional questions on May 30, 2019. The United States Environmental Protection Agency filed comments in response to the Board’s questions on July 1, 2019.

On June 26, 2019, Huff & Huff filed a motion to extend the deadline (Mot.) for responses to the pre-filed questions on the amended proposal to May 1, 2020. In its motion, Huff & Huff lists six “significant issues” raised by the questions that support extending the deadline to respond. These issues relate to the need for additional temperature toxicity testing, waiting for the completion of additional testing by third parties, and finding alternatives to softening technologies that add chloride in the effluents of publicly owned treatment works (POTW). Huff & Huff explains that extending the deadline to May 1, 2020 will provide time: to raise additional funds to produce additional temperature toxicity testing data; for USEPA and other researchers to publish additional chloride toxicity data, as indicated by IAWA; and to re-calculate the water quality algorithm used for the amended proposal based on the new data.

No responses to Huff & Huff’s motion were filed within the 14-day period to respond to motions. See 35 Ill. Adm. Code 101.500(d). The deadline for filing any document may be extended by the Board for good cause shown. 35 Ill. Adm. Code 101.522. Huff & Huff has

shown that additional testing and recalculations will assist in addressing questions raised by the Board and participants, as well as ensure that future hearings are productive. The Board finds that Huff & Huff has shown good cause and grants the extension to file responses to the Board's and participants' questions to May 1, 2020. During this extension period, Huff & Huff is directed to file status reports in this docket on October 1, 2019, December 3, 2019, and February 3, 2020. The status reports must detail progress made on: securing additional funding; performing additional testing and calculations; and addressing forthcoming literature and toxicity testing results by others as referenced in the questions and public comments.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 25, 2019, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board