ILLINOIS POLLUTION CONTROL BOARD
December 9, 2013

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

**HEARING OFFICER ORDER**

On October 9, 2013, hearings were set for Subdocket D. Testimony for the hearings was filed with the Board on November 22, 2013. Prefiled questions are to be filed with the Board by December 9, 2013. The Board and staff have reviewed the prefiled testimony and pose questions in Attachment A for the witnesses. The Board will pose these questions at the hearings scheduled to begin December 17, 2013.

All filings in this proceeding will be available on the Board's web page at www.ipcb.state.il.us and participants may file electronically on the Board's web page.

IT IS SO ORDERED.

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**ATTACHMENT A**
**R08-9(D)**
**Prefiled Questions for Hearing**
**Beginning December 17, 2013**

**Roger Klocek, Huff & Huff on behalf of CITGO Lemont Refinery**

1. On Page 6 of your prefiled testimony, you state that Table 6 of Exhibit 2 presents the data and results of 2013 macroinvertebrates sampling. Please clarify whether you meant the results presented in Table 6 of Exhibit B. Also, clarify whether the macroinvertebrate sampling in August 2013 was conducted by Huff and Huff, Inc.

2. On page 8, you state, "Fish and invertebrate data sets for organisms found in the CSSC were examined from reports and web based sources such as INHS collections and reports, MWRDGC collections, USACE collections, USEPA reports, Limnotech reports, and Huff & Huff collections." Please clarify if the aquatic life data you considered include all fish and macroinvertebrate data available for the CSSC in the current rulemaking record. If not, please explain the rationale for not using any specific aquatic life data.

3. On page 8, you mention, "Twenty-three (23) of the twenty-nine (29) species in the Iowa list were included in the data set for the CSSC." Please clarify whether the Iowa list is derived from the Iowa Department of Natural Resources' 2009 water quality standards review report[1]. Please comment on whether USEPA has endorsed the use the Iowa study/list for determining of chloride water quality standard.

4. Based on the recalculation, you proposed a winter chloride criteria (November through April) for the CSSC for a Criterion Maximum Concentration (CMC) (acute value) of 990 mg/L and a Criterion Maximum Concentration (chronic value) of 620 mg/L. PFT Klocek at 10.

   a) Did you mean a "Criterion Chronic Concentration" (CCC) (chronic value) of 620 mg/L?

   b) Currently, the standard proposed by IEPA is a single value standard, 500 mg/L. Please explain how you would recommend implementing the CMC and CCC in the standards? Would these be expressed as acute and chronic standards like in 302.208(a), (b), and (e) for General Use Waters?

5. On page 1 of the chloride recalculation report (Exhibit B), you state that several Midwestern states are in the process of adopting or have already adopted new chloride standards. Please provide the Board with the proposed or adopted standards of the states

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[1] Iowa DNR. 2009. Water Quality Standards Review: Chloride, Sulfate and Total Dissolved Solids. Iowa Department of Natural Resources Consultation Package. February 9, 2009. PFT Klocek, Exhibit B at 13.

listed in your report and comment how those standards compare with the proposed seasonal chloride standards for CSSC.

6. On page 8 of Exhibit B, you state that Huff and Huff, Inc. collected plankton samples in the CSSC on July 12, 2013. In the next paragraph on the same page, you refer to plankton samples collected in June 2013. The planktonic composition summary is provided in Table 8a for June 2013. Please clarify the sampling dates for plankton sampling.

7. On page 10 of Exhibit B, you state, "The goal of this analysis is to develop a winter chloride water quality re-calculation based on species present in the CSSC during the winter season." Please comment on whether the fish and macroinvertebrates data collected only during winter months were used in the calculations. If the aquatic life data were not limited to winter months, please comment on whether the proposed winter chloride standard for CSSC would be protective of aquatic life year-round.

**James Huff, Huff & Huff, Inc. and Larry Tyler, CITGO Lemont Refinery**

1. In Mr. Huff's and Mr. Tyler's prefiled testimony, one of the recommendations presented involves amending the mixing zone rule to provide the opportunity for a mixing zone even when the applicable water quality standards are exceeded if the discharger employs best management practices (BMP) for the particular pollutant. CITGO proposes the discharger would be eligible for a mixing zone because it would no longer be causing or contributing to water quality exceedances. PFT Huff at 12, PFT Tyler at 13.

    a) Does CITGO envision that an amendment to the mixing zone rule would apply throughout the year or only when the seasonal standard recommended by CITGO would apply?

    b) Besides chlorides, does CITGO envision this recommendation applying to other pollutants as well? If so, which pollutants?

    c) Mr. Huff's prefiled testimony suggests the Best Management Practice (BMP)approach could be rolled into the existing storm water NPDES program. PFT Huff at 12. Currently, the Board's NPDES permit regulations under 35 Ill. Adm. Code 309 do not contain specific requirements for implementing BMPs to offset discharge of specific pollutants. Please explain how CITGO envisions implementing regulatory requirements to employ BMPs for the purpose of providing an offset in exchange for entitlement to a mixing zone? Do you think BMPs should be implemented through the NPDES provisions of 35 Ill. Adm. Code 309 or separate IEPA implementation regulations?

    d) Mr. Tyler states that CITGO has drafted proposed language to amend the mixing zone rule to incorporate the use of BMPs that will be presented to the Board at a later date. PFT Tyler at 14. For the purposes of demonstrating compliance, please comment how CITGO's proposal would allow a discharger to periodically

show compliance with the BMP, quantify the offset, and document effluent quality and water quality during the time which the BMP is employed?

e) Please describe some BMPs that would be effective for chlorides, sulfates, and mercury? From your perspective, could a BMP for mercury entail a community effort to collect old fluorescent lights, thermometers, thermostats and other mercury containing devices for proper disposal?

f) Does CITGO envision the recommended BMPs being implemented onsite or offsite as long as they would benefit the same receiving stream in the same general area?

g) Mr. Huff suggested adopting the 12 ng/L mercury water quality standard as an annual average, but expressed concern where a mixing zone could be applied. PFT Huff at 13-14. Would the annual average be a rolling average? Could the mixing zone/BMP amendments proposed by CITGO address mercury as well? Can you document that an "annual average" or "rolling average" be protective of aquatic life?

h) Please comment on whether CITGO is aware of other state regulations that allow the use of BMPs to offset point source discharges of one or more pollutants as being proposed by CITGO in this rulemaking. If so, please provide citations to the other states' regulations.