

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Respondent.)

PCB No. 2016-028
(Variance – Water)

NOTICE OF FILING

To: John Kim
IEPA, Division of Legal Counsel, #21
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on August 13, 2015, the **Metropolitan Water Reclamation District of Greater Chicago** electronically filed with the Office of the Clerk of the Illinois Pollution Control Board a **Certification of Publication**, a copy of which is hereby served upon you.

Dated: August 13, 2015

**METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO**

By: /s/ Fredric P. Andes
One of Its Attorneys

Fredric P. Andes
BARNES & THORNBURG LLP
One North Wacker Drive
Suite 4400
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METROPOLITAN WATER RECLAMATION)
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ILLINOIS ENVIRONMENTAL PROTECTION)
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CERTIFICATION OF PUBLICATION

The METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, by its attorney and pursuant to 35 Ill. Adm. Code 104.214(f), certifies that notice of the Petition for Variance was published in the Chicago *Sun-Times* on August 4, 2015. A copy of the published notice is attached.

Dated: August 13, 2015

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DISTRICT OF GREATER CHICAGO**

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One of Its Attorneys

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Public Notices

Public Notices

PUBLIC NOTICE

NOTICE OF A FIELD APPLICATION FOR A LIQUOR LICENSE

experience with Chapter 4-00-0400 of the Municipal Code through this service as notice by the Chicago Department of Public Safety and Consumer Protection, that the following persons have been asked for a Day Liquor License for the following premises as follows:

| Name | Address | Application Was Made |
|--|--|----------------------|
| Korban, Inc. 245 N. Dearborn Chicago, Illinois 60601 | 1475 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |
| WINDY CITY RESTAURANT MANAGEMENT LLC 1175 Dearborn at Dearborn Chicago, Illinois 60601 | 1175 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |
| WINDY CITY RESTAURANT MANAGEMENT LLC 1175 Dearborn at Dearborn Chicago, Illinois 60601 | 1175 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |
| THE W3 CHICAGO LLC 1027 N. HELLS ST. CHICAGO, IL 60607 | 1027 N. HELLS ST. CHICAGO, IL 60607 | July 24, 2015 |
| 3306 HOSPITALITY LLC 3306 SOUTH HELLS ST. CHICAGO, IL 60607 | 1475 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |
| 1826 PEARL LLC 1826 SOUTH 60th CITY GROVE 500 E. DUNN AVE. CHICAGO, IL 60607 | 1475 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |
| 1115 W. NEWELL AVE. CHICAGO, IL 60607 | 1475 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |
| M/S K&M LLC, INC. 1155 N. KANAWA ST. CHICAGO, IL 60607 | 1475 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |
| 1475 Dearborn at Dearborn Chicago, Illinois 60601 | 1475 Dearborn at Dearborn Chicago, Illinois 60601 | July 24, 2015 |

Selection to the premises of the license shall be made in a hearing of the Board of Business Affairs and Consumer Protection held by the Board of Business Affairs and Consumer Protection, 121 North LaSalle Street, Chicago, IL 60602.

Should a field application be made in writing, signed by the applicant, and received by the Department of Business Affairs and Consumer Protection within 40 days from the date of publication, the grounds for the objection must be given.

NOTICE OF PETITION FOR VARIANCE

On July 21, 2015, the Metropolitan Water Reclamation District of Greater Chicago (MWRD) has with the Office of the Clerk of the Board of Pollution Control Board a Petition for Variance from Discharged Oxygen Standards. Below is additional information about the Petition:

- (1) The three addresses of the facilities or positions are:
 - MWRD000 O'Brien Water Reclamation Plant, 3500 West Howard Street, Skokie, Illinois 60076
 - MWRD000 Sweeney Water Reclamation Plant, 6601 West Parkway Road, Grosse Pointe, Illinois 60084
 - MWRD000 Calumet Water Reclamation Plant, 450 East 130th Street, Chicago, Illinois 60608
- (2) Combined Sewer Discharges in the bed of the end of this notice.
- (3) The Illinois Pollution Control Board has been considering designating areas for protection of aquatic life in the Chicago Area Waterway System ("CAWS") reaches, along with related water quality standards for discharged oxygen ("DO") in the CAWS reaches, based on protection of the ecological aquatic system. The Board has now adopted final, revised, its water quality standards for the CAWS, as set forth in the Order of the Board of Pollution Control Board, dated June 18, 2015. The final rules, effective on July 20, 2015, require that the discharge of DO in the CAWS reaches must meet the new standards for DO contained in 35 IAC 300.305.
- (4) Several reaches of the CAWS do not consistently meet the new DO standards now and, because of low and dry weather, some areas do not meet the new DO standards in the CAWS. Therefore, the Board is petitioning to bring about the temporary relaxation of these standards which would create an arbitrary or

unreasonable hardship on the MWRD. See 415 ICS 5/3500. The MWRD is requesting that the Board grant it a two-year variance. During that time, the MWRD would take interim measures to address water quality and would continue its evaluation of the issues and investigation of adequate solutions to address DO issues in the CAWS. That information would then be used to determine the terms of such subsequent variance as are needed to address the long-term water quality standard attainment issues in the CAWS.

The proposed beginning date for the initial variance for each Plant would be the date that the Permit for that Plant is modified to include the variance, and the term for the initial variance would be for a maximum of two years, ending no later than the end of the term for that Plant's Permit. Because the "standard" issues are permanent, the Board may, in its discretion, grant additional variances, which may be for longer or shorter periods than the initial variance, and may be different than for the initial variance. Some MWRD compliance and other developments will change the DO attainment situation in the CAWS, and modify the standards to which application of the variance terms will be made.

Any person may request a hearing by filing with the Board a written objection to the grant of the variance within 28 days after the publication of this notice, together with a written request for a hearing. At the Clerk of the Board's address and phone number. Office of the Clerk, Illinois Pollution Control Board, James H. Thompson Center, 103 W. Randolph Street, Chicago, Illinois 60601, 312-614-3523. The Board's written address is: 1475 Dearborn at Dearborn, Chicago, Illinois 60601. A copy of the variance petition may be obtained

through the Clerk Office or CDO, located on the Board's website.

The Illinois Environmental Protection Agency ("Agency") is making a recommendation regarding the petition. The recommendation is to be filed on September 4, 2015, 45 days after the petition was filed. The Agency is not responsible for the recommendation.

John Kim
MWA, Director of Legal Counsel, #21
1027 N. Dearborn Avenue East
P.O. Box 10078
Skokie, IL 60076-0078
Tel: 217-782-5541

A hearing may be held after the filing of the recommendation and the record will remain open for written comments for 45 days after filing of the recommendation. The address of the Clerk of the Board to which the comments must be mailed is:

Office of the Clerk
Illinois Pollution Control Board
James H. Thompson Center
103 W. Randolph Street
Chicago, Illinois 60601

The Board in its variance proceeding is available in the Board Office for records, except those portions that are protected from disclosure under 5/1-Adm Code 130. Proceedings are available when and where they may be obtained by the public.

Variances may be granted pursuant to Section 20 of the Illinois Environmental Protection Act (415 ICS 5/300) and 35 IAC 300.104. For more about the Board regulations or rules from which a variance is sought, see the standards that were adopted in an Order and Order of the Board in Docket R2008-03, Subpoena, dated June 18, 2015. The final rules appeared in the Illinois Register on July 10, 2015, 35 ICS 300.305, 306, 307, 308, 309, 310, 311. The new standards for DO are at 35 IAC 300.305.

Combined Sewer Discharges

The O'Brien plant's Permit authorizes the following Combined Sewer discharges:

| Discharge Number | Location | Receiving Water |
|------------------|--|-------------------------------|
| 101 | Shedd Park | West Branch Chicago |
| 102 | Swain Bay Road | North Branch Chicago |
| 103 | Lincoln Street | North Branch Chicago |
| 104 | Lake Street | North Branch Chicago |
| 105 | Lincoln Street | North Branch Chicago |
| 106 | Ward Avenue | North Branch Chicago |
| 107 | North Branch Pumping Station | North Branch of Chicago River |
| 108 | Wood Road | Des Plaines River |
| 110 | West Center Canal Sump in South Branch | North Branch Chicago |

The Sweeney plant's Permit authorizes the following Combined Sewer discharges:

| Discharge Number | Location | Receiving Water |
|------------------|--------------------------|---------------------------------------|
| 121 | Deerfoot Avenue | Des Plaines River |
| 122 | Northwest Corridor | Des Plaines River |
| 123 | Palmer Avenue | Des Plaines River |
| 124 | North Avenue | Des Plaines River |
| 125 | Chicago Avenue | Des Plaines River |
| 126 | Reverend Road | Des Plaines River |
| 143 | 26th and Racine Avenues | S. Fork of S. Branch of Chicago River |
| 144 | Lafayette Avenue | Chicago San and Ship Canal |
| 145 | Leeward Avenue | Chicago San and Ship Canal |
| 146 | East Avenue | Chicago San and Ship Canal |
| 147 | 33A Pump Station | Chicago San and Ship Canal |
| 148 | 57th Street | Chicago San and Ship Canal |
| 149 | 75th Street | Chicago San and Ship Canal |
| 150 | 7th Street | Chicago San and Ship Canal |
| 151 | Westchester Pump Station | Chicago San and Ship Canal |

The Calumet plant's Permit authorizes the following Combined Sewer discharges:

| Discharge Number | Location | Receiving Water |
|------------------|------------------------------|----------------------|
| 004 | WRP TARP Bypass (Unimproved) | Little Calumet River |
| 005 | Calumet 10th Street System | Calumet Sag Channel |

The Farns plant's Permit authorizes the following Combined Sewer discharges:

| Discharge Number | Location | Receiving Water |
|------------------|---------------------------|----------------------|
| 017 | Calumet 300 Interceptor | Calumet Sag Channel |
| 018 | Greenwood Pump Station | Deer Creek |
| 019 | 34th Place | Calumet River |
| 020 | 122nd Street Pump Station | Calumet River |
| 021 | Edgwood Avenue | Little Calumet River |
| 022 | Thorn Street | Calumet Sag Channel |
| 023 | Calumet Avenue | Calumet Sag Channel |
| 024 | Central Park | Calumet Sag Channel |
| 025 | Poland Road | Calumet Sag Channel |
| 026 | Hogeland Avenue | Calumet Sag Channel |
| 027 | Saratoga | Calumet Sag Channel |

Public Notice



In accordance with the Illinois Environmental Protection Agency (Agency) is making a recommendation regarding the petition. The recommendation is to be filed on September 4, 2015, 45 days after the petition was filed. The Agency is not responsible for the recommendation.

John Kim
MWA, Director of Legal Counsel, #21
1027 N. Dearborn Avenue East
P.O. Box 10078
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A hearing may be held after the filing of the recommendation and the record will remain open for written comments for 45 days after filing of the recommendation. The address of the Clerk of the Board to which the comments must be mailed is:

Office of the Clerk
Illinois Pollution Control Board
James H. Thompson Center
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Chicago, Illinois 60601

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Variances may be granted pursuant to Section 20 of the Illinois Environmental Protection Act (415 ICS 5/300) and 35 IAC 300.104. For more about the Board regulations or rules from which a variance is sought, see the standards that were adopted in an Order and Order of the Board in Docket R2008-03, Subpoena, dated June 18, 2015. The final rules appeared in the Illinois Register on July 10, 2015, 35 ICS 300.305, 306, 307, 308, 309, 310, 311. The new standards for DO are at 35 IAC 300.305.

Should a field application be made in writing, signed by the applicant, and received by the Department of Business Affairs and Consumer Protection, 121 North LaSalle Street, Chicago, IL 60602.

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PROOF OF SERVICE

The undersigned attorney certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that he caused a copy of the foregoing **Certification of Publication**, to be served via First Class Mail, postage paid, from One North Wacker Drive, Chicago, Illinois, on the 13th Day of August, 2015 to:

John Kim
IEPA, Division of Legal Counsel, #21
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

/s/ Fredric P. Andes

One of Its Attorneys