

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MORTON SALT, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB No.
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on July 25, 2018, Morton Salt, Inc. electronically filed with the Office of the Clerk of the Illinois Pollution Control Board an **Appearance and Individual Submittal in Support of Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Water System / Des Plaines River Watershed**, a copy of which is hereby served upon you.

Dated: July 25, 2018

MORTON SALT, INC.

By: /s/ Eric E. Boyd
One of Its Attorneys

Eric E. Boyd
THOMPSON COBURN LLP
55 East Monroe Street
Chicago, Illinois 60603
Telephone: (312) 346-7500
eboyd@thompsoncoburn.com
Firm I.D. No. 48614

CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies:

that he caused a copy of the foregoing **Appearance and Individual Submittal in Support of Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Water System / Des Plaines River Watershed** to be served via e-mail to the attached Service List;

that his e-mail address is eboyd@thompsoncoburn.com;

that the number of pages in this e-mail transmission is 14;

that the e-mail transmission took place before 5:00 pm on July 25, 2018.

/s/ Eric E. Boyd

One of the Attorneys for Morton Salt, Inc.

SERVICE LIST

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
Brad.Halloran@illinois.gov

PCB 2016-014@
Sara Terranova
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
sara.terranova@illinois.gov

PCB 2016-014@
Stefanie N. Diers
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Stefanie.diers@illinois.gov

PCB 2016-015@
Dennis Walsh
Klein, Thorpe & Jenkins
15010 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477
dgwalsh@ktjlaw.com

PCB 2016-016@
Peter Murphy
11800 S. 75th Avenue
Suite 101
Palos Heights, IL 60463
pmmlawyer@aol.com

PCB 2016-014@
Christopher J. Cummings
Christopher J. Cummings, P.C.
2014 Hickory Road
Suite 205
Homewood, IL 60430
chris@CJCummingsLaw.com

PCB 2016-014@
Albert Ettinger
Law Firm of Albert Ettinger
53 W. Jackson
Suite 1664
Chicago, IL 60604
ettinger.albert@gmail.com

PCB 2016-015@
E. Kenneth Friker
Klein, Thorpe & Jenkins
15010 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477
ekfriker@ktjlaw.com

PCB 2016-016@
David J. Freeman
Robbins, Schwartz, Nicholas,
Lifton & Taylor, Ltd
631 E. Boughton Road
Suite 200
Bolingbrook, IL 60440
dfreeman@robbins-schwartz.com

PCB 2016-017@
Dennis Walsh
Klein, Thorpe & Jenkins
15010 S. Ravinia Avenue
Suite 17
Orland Park, IL 60477
dgwalsh@ktjlaw.com

PCB 2016-018@
Katherine D. Hodge
Heplerbroom, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Katherine.Hodge@heplerbroom.com

PCB 2016-020@
Dennis Walsh
Tressler, LLP
233 S. Wacker Drive
22nd Floor
Chicago, IL 60606
dgwalsh@ktjlaw.com

PCB 2016-021@
Amber M. Samuelson
Rosenthal, Murphey, Coblentz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
ASamuelson@rmcj.com

PCB 2016-021@
Peter D. Coblentz
Rosenthal, Murphey, Coblentz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
pcoblentz@rmcj.com

PCB 2016-022@
John P. Antonopoulos
Antonopoulos & Virtel, PC
15419 127th Street
Suite 100
Lemont, IL 60439
john@avlawoffice.net

PCB 2016-023@
Katherine D. Hodge
Heplerbroom, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Katherine.Hodge@heplerbroom.com

PCB 2016-023@
Joshua Houser
Heplerbroom, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Joshua.Houser@heplerbroom.com

PCB 2016-025@
David Stoneback, Director
City of Evanston
555 Lincoln St.
Evanston, IL 60201
dstoneback@cityofevanston.org

PCB 2016-025@
Mario Treto
Corporation Counsel
City of Evanston Law Department
2100 Ridge Road
Evanston, IL 60201
mtreto@cityofevanston.org

PCB 2016-025@
Lindsey Ott
City of Evanston
555 Lincoln St.
Evanston, IL 60201
Lott@cityofevanston.org

PCB 2016-026@
James G. McCarthy
Village of Skokie
5127 Oakton Street
Skokie, IL 60077
james.mccarthy@skokie.org

PCB 2016-026@
Melanie Pettway
Village of Skokie
5127 Oakton Street
Skokie, IL 60077
melanie.pettway@skokie.org

PCB 2016-026@
Michael M. Lorge
Village of Skokie
5127 Oakton Street
Skokie, IL 60077
michael.lorge@skokie.org

PCB 2016-027@
Matthew D. Dougherty
Special Assistant Attorney General
Illinois Dept. of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764
Matthew.Dougherty@illinois.gov

PCB 2016-029@
Margaret T. Conway
Metropolitan Water Reclamation
District
100 E. Erie Street
Chicago, IL 60611
Margaret.conway@mwrdr.org

PCB 2016-029@
Fredric P. Andes
Barnes & Thornburg
1 N. Wacker Drive
Suite 4400
Chicago, IL 60606
fandes@btlaw.com

PCB 2016-030@
Amber M. Samuelson
Rosenthal, Murphey, Coblenz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
ASamuelson@rmcj.com

PCB 2016-030@
Peter D. Coblenz
Rosenthal, Murphey Coblenz
& Donahue
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602
pcoblenz@rmcj.com

PCB 2016-031@
Andrew N. Fiske
Holland & Knight LLC
131 S. Dearborn Street
30th floor
Chicago, IL 60603
andrew.fiske@hkllaw.com

PCB 2016-031@
Hart M. Passman
Holland & Knight LLC
131 S. Dearborn Street
30th Floor
Chicago, IL 60603
hart.passman@hkllaw.com

PCB 2016-033@
Dennis G. Walsh
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606
dgwalsh@ktjlaw.com

PCB 2016-033@
Richard Rinchich
Director of Public Works
City of Oak Forest
15440 S. Central Avenue
Oak Forest, IL 60452
rrinchich@oak-forest.org

PCB 2016-033@
Scott F. Uhler
Klein, Thorpe & Jenkins, Ltd.
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606
suhler@ktjlaw.com

PCB 2016-033@
Erin K. Lavery
Klein, Thorpe & Jenkins, Ltd
20 N. Wacker Drive
Suite 1660
Chicago, IL 60606
eklavery@ktjlaw.com

ILLINOIS POLLUTION CONTROL BOARD

Docket Numbers: PCB 2016-14, PCB 2016-15, PCB 2016-16, PCB 2016-17, PCB 2016-18,
PCB 2016-20, PCB 2016-21, PCB 2016-22, PCB 2016-23, PCB 2016-25, PCB 2016-26,
PCB 2016-27, PCB 2016-29, PCB 2016-30, PCB 2016-31, PCB 2016-33
Time-Limited Water Quality Standard) (Consolidated)

*Individual Submittal in Support of Petition for Chloride Time-Limited Water Quality Standard
("TLWQS") for the Defined Chicago Area Water System/Des Plaines River Watershed*

This Individual Submittal supplements the Joint Submittal in Support of Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Waterway System/Des Plaines River Watershed ("Joint Submittal"), submitted in the above-referenced docket numbers. The Joint Submittal incorporated by reference, together with this Individual Submittal, satisfies the requirements of 35 IAC Part 104, Subpart E for each Facility.

An Individual Submittal must be made for each permitted Facility discharging to a reach in the Watershed defined by the Joint Submittal that seeks to be covered by the TLWQS in this Docket.

This Individual Submittal must be made no later than July 26, 2018 for continued coverage (or initial coverage for new petitioners) under the current stay of effectiveness of the chlorides standards, found in 35 IAC 302.407(g)(2) and (g)(3).

Note: Discharges to General Use waters in the Watershed, which are subject to the chlorides standards in 35 IAC 302.208(g), can participate in the TLWQS, but the stay does not apply to those discharges.

Individual Discharger Information

1. Facility Name of Individual Discharger: Morton Salt, Inc.-Chicago, IL - Calumet Site
2. Owner/Operator of Facility: Morton Salt, Inc.
3. Address of Facility: 3443-3461 East 100th Street, Chicago, IL 60617
4. Contact Information for Facility's Responsible Official:
Name: Jennifer Witt-Zielke Title: Bulk Distribution Manager
Mailing Address: 444 W. Lake Street, Suite 3000, Chicago, IL 60606
Phone Number: 312-807-2505 Email: jwitt-zielke@mortonsalt.com
5. Permit Number of Facility (include both National Pollutant Discharge Elimination System ("NPDES") Permits and Municipal Separate Storm Sewer System ("MS4") Permits that may be affected by the TLWQS): General NPDES Permit No. ILR00

6. Are there any pending permit applications filed with Illinois Environmental Protection Agency that do not appear as part of the Joint Submittal's Appendices 5 and 6?

Yes No

If Yes, provide the application number for the pending permit(s): Not applicable.

7. Select Category of Facility:

Publicly Owned Treatment Works ("POTW") Industrial Source

Illinois Department of Transportation/Illinois Tollway Salt Storage Facility

Community with Combined Sewer Overflow ("CSO") Outfalls MS4

Location of Individual Discharger

8. Each Individual Submittal must provide the specific location information in the Watershed for the Facility seeking coverage under the TLWQS. Select the location of the discharge from the Facility from the list below:

The Chicago Area Waterway System ("CAWS") includes the following reaches:

Chicago River, North Branch of the Chicago River,

South Branch of the Chicago River, Chicago Sanitary and Ship Canal,

Cal-Sag Channel, Grand Calumet River, Lake Calumet,

Lake Calumet Connecting Channel, Calumet and Little Calumet Rivers, and

North Shore Channel

The Lower Des Plaines River ("LDPR") includes the following areas:

Des Plaines River from the Kankakee River to the Will County Line,

Hickory Creek, Union Ditch, Spring Creek, Marley Creek, and

East Branch of Marley Creek

9. The specific discharge locations for the Facility are:

a. Outfall number(s): Not applicable.

b. General description of outfall location:

Not applicable. A designated outfall does not exist at the site.

c. Outfall(s) appears on CAWS or LDPR list of Discharge Points (Joint Submittal Appendices 5 and 6): Yes No

TLWQS Requirements

10. Has any prior variance applied to the discharge from this Facility? Yes No

If yes, please identify the variance providing similar relief, including any Illinois Pollution Control Board docket number issued to the Individual Discharger, watershed, water body, waterbody segment, and if known, the Individual Discharger's predecessors.

Not applicable.

Facility-Specific TLWQS Requirements

11. The Facility agrees to implement all of the Best Management Practices ("BMPs") included for the Salt Storage Facility Category (from #8, above) for the Facility that are specified for implementation in snow/deicing practices in Chapter 2 of the Joint Submittal.

12. Identify any past or currently in-use BMPs at the Facility for minimizing the discharge of chlorides.

See attached document.

13. Will any additional BMPs, beyond those included for the Category of the Facility for implementation in snow/deicing practices in Chapter 2 of the Joint Submittal, be implemented?
 Yes No

If Yes, describe any additional BMPs:

See attached document.

14. By six (6) months after the effective date of the TLWQS, each Facility covered by the TLWQS must have a Pollutant Minimization Plan (PMP) that contains specific details as to how the BMPs will be implemented and includes appropriate elements from the documentation procedures identified in Appendix 54 of the Joint Submittal. Chapter 9 of the Joint Submittal describes these requirements in more detail.

Has the Facility already developed a PMP to address its discharge of chlorides?

Yes No

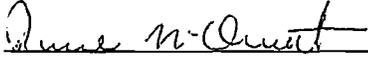
If Yes, what is the date of the PMP? Not applicable.

If the Facility has not already developed the described PMP, does the Facility agree to develop the described PMP no later than six (6) months after the effective date of the TLWQS?

Yes No

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name & Official Title (<i>Type or Print</i>)	<u>Paul McDermott, Sr. Director</u>
Signature	<u></u>
Date Signed	<u>7-25-2018</u>

Attachment for Individual Submittal for:
Petition for Chloride Time-Limited Water Quality Standard
Morton Salt, Inc. Calumet Bulk Salt Storage Facility

PURPOSE

Morton Salt, Inc. (Morton Salt) is seeking a fifteen (15) year term, time-limited water quality standard (TLWQS) for the Calumet Bulk Salt Storage Facility (Calumet Site). This TLWQS petition is being filed with respect to the chloride water quality standard (WQS) in 35 IAC 302.407(g)(3) applicable to the Chicago Area Waterway System and Lower Des Plaines River (CAWS/LDPR) that went into effect on July 1, 2018. This document provides supplemental information specific to the Calumet Site in support of the *Joint Submittal in Support of Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Waterway System/Des Plaines River Water Shed* report (*Joint Submittal Report*) by the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC).

CALUMET SITE OVERVIEW

The Calumet Site is located at 3443-3461 East 100th Street in Chicago, Illinois and is adjacent to the Calumet River. The site is a 14.3-acre property owned by Morton Salt and used to store bulk salt used for de-icing purposes. Over 500,000 tons of bulk de-icing salt are typically stored at the site. The site is a marine terminal equipped to receive salt via river vessel (ship or barge), stockpile the salt and tarp for storage, and distribute the salt via trucks to customers which include the Illinois Department of Transportation (IDOT), Indiana Department of Transportation (INDOT), and municipalities in the Chicagoland area. Site operations are managed by a third-party salt handling contractor who facilitates management and maintenance of the site.

Product shipments are transported to the Calumet Site via the Calumet River. Most commonly, “self-unloading” vessels (ships) delivering product dock on the west side of the property and unload the salt using their on-board conveyor systems. To meet inventory demand, barges are used less frequently and dock on the south side of the property where the third-party salt handling contractor unloads the product using a clamshell bucket and hoist operation. Once the salt is off-loaded from the vessels and barges, it is managed and stockpiled with front-end loaders and stage covered with tarps. Front-end loaders are also used to load trucks for delivery to customers.

Morton Salt has historically operated the site under the requirements of the General NPDES Permit No. ILR00, which governs Stormwater Discharges from Industrial Activities.

SALT STORAGE & HANDLING BEST MANAGEMENT PRACTICES

Morton Salt is committed to supporting and implementing appropriate and feasible best management practices (BMPs) at the site. Chapter 2, Part 2.2.6 of the attached *Joint Submittal Report* identifies BMPs that Salt Storage Facilities can/will implement that may result in reductions of chlorides discharged from their site. These BMPs include:

- Storing salt on an impermeable pad at all times
- Constructing the pad in a manner which routes rain water or other precipitation away from the pad and draining any rain that falls on the pad to a collection point
- Covering outdoor salt piles not under permanent cover by a well-secured tarp at all times except when in active use
- Maintaining good housekeeping policies when salt is being placed into storage and moved from storage into trucks; sweeping and returning to storage any spilled salt in a timely manner
- Conducting annual training for employees
- Submitting an annual report to the IEPA

BMPs Currently in Place at the Calumet Site

An overview of BMPs currently in place at the site is provided below. Morton Salt intends to continue implementing these BMPs and will comply with the BMPs outlined in the *Joint Submittal Report* to limit chloride discharges from the site.

- Salt stockpiles are located on asphalt pavement to prevent stormwater from seeping into the ground. The entire area used to unload, transport, store, and load salt at the site is paved.
- Stormwater runoff is conveyed away from the salt stockpile when it is at its maximum capacity. A designated outfall does not currently exist at the site. Some runoff is routed to the Calumet River and some either infiltrates into the ground, evaporates, or is routed eastward toward the railroad tracks.
- The salt stockpile is covered with an impervious tarp cover to shed stormwater away from the pile. Concrete blocks are installed around the edge of the salt stockpile and the tarp cover is wrapped around them.
- Good housekeeping policies are documented in the Stormwater Pollution Prevention Plan (SWPPP) that Morton Salt has developed for this site and are practiced at the site. These include maintaining the tarp cover; minimizing the height of the drop from conveyors; cleaning up salt that is spilled during truck loading as soon as possible; inspection of equipment and containers; and repair or replacement of equipment and containers that show signs of wear.
- Morton Salt completes periodic monitoring, inspections, and reporting to confirm that the SWPPP and stormwater BMPs are being properly implemented.

Planned BMP Improvements

In anticipation of the new chloride standard, Morton Salt recently completed an evaluation of the site's BMPs and is evaluating options for improvements to the site. In accordance with Chapter 7 of the *Joint Submittal Report*, six (6) months after the effective date of the TLWQS, Morton Salt will develop a Pollutant Minimization Plan (PMP) which will contain specific details regarding planned BMP improvements and how they will be implemented at the Calumet Site.

Schedule for Implementation of Control Program

Morton Salt will implement its Control Program in accordance with the schedule/milestones for Salt Storage Facilities outlined in Chapter 9, Part 9.3.6 of the *Joint Submittal Report*. These items focus on tracking salt usage, reporting, and training requirements. As discussed above, the PMP will contain a specific implementation schedule for BMP improvements planned at the site. Filing annual reports with the IEPA as described in Section 9.2 of the *Joint Submittal Report* will be completed.

COMPLIANCE WITH THE REGULATION CANNOT BE ACHIEVED BY THE COMPLIANCE DATE

The Calumet Site has been used for bulk salt storage for more than 20 years. The nature of the site means that stormwater runoff should be expected to contain elevated chloride concentrations even when the BMPs described above are implemented. Engineering controls are not currently in place to meet the chloride standard, nor could the use of such controls achieve compliance with the chloride standard by the compliance date. The PMP will contain an evaluation of feasible BMPs including a cost-benefit analysis.

It should be understood that salt stored at this site is part of the supply chain for road de-icing. As indicated in the *Joint Submittal Report*, the use of salt for de-icing is a critical component of maintaining public safety and mobility during the winter. Since there are no other environmentally safe and cost-effective alternatives to road salt, efforts to stop its use will result in significant economic and public safety impacts. These impacts need to be carefully considered.

CONCLUSION

Morton Salt is respectfully requesting approval of a TLWQS for the Calumet Site on the basis that the facility cannot achieve compliance with the chloride standard by the compliance date and that appropriate and feasible salt storage BMPs are currently being implemented or will be implemented at the site.

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

MORTON SALT, INC.)	
)	
Petitioner,)	
)	
v.)	PCB No.
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

APPEARANCE

I, Eric E. Boyd, hereby file my appearance in this proceeding on behalf of Petitioner,
Morton Salt, Inc.

DATED: July 25, 2018

Respectfully submitted,

By: /s/ Eric E. Boyd

Eric E. Boyd
THOMPSON COBURN LLP
55 East Monroe Street
Chicago, Illinois 60603
Telephone: (312) 346-7500
eboyd@thompsoncoburn.com
Firm I.D. No. 48614