

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD,)	
HOMEWOOD, ILLINOIS, VILLAGE OF	)	PCB 16-14 (Homewood)
ORLAND PARK, ORLAND PARK,	)	PCB 16-15 (Orland Park)
ILLINOIS, VILLAGE OF MIDLOTHIAN	)	PCB 16-16 (Midlothian)
MIDLOTHIAN, ILLINOIS, VILLAGE OF	)	PCB 16-17 (Tinley Park)
TINLEY PARK, TINLEY PARK,	)	PCB 16-18 (ExxonMobil)
ILLINOIS, EXXONMOBIL OIL	)	PCB 16-20 (Wilmette)
CORPORATION, VILLAGE OF	)	PCB 16-21 (Country Club Hills)
WILMETTE, WILMETTE, ILLINOIS,	)	PCB 16-22 (Noramco-Chicago)
CITY OF COUNTRY CLUB HILLS,	)	PCB 16-23 (INEOS Joliet, LLC)
COUNTRY CLUB HILLS, ILLINOIS,	)	PCB 16-25 (Evanston)
NORAMCO-CHICAGO, INC., INEOS	)	PCB 16-26 (Skokie)
JOLIET, LLC, CITY OF EVANSTON,	)	PCB 16-27 (IDOT)
EVANSTON, ILLINOIS, VILLAGE OF	)	PCB 16-29 (MWRDGC)
SKOKIE, SKOKIE, ILLINOIS,	)	PCB 16-30 (Richton Park)
ILLINOIS DEPARTMENT OF	)	PCB 16-31 (Lincolnwood)
TRANSPORTATION, METROPOLITAN	)	PCB 16-33 (Oak Forest)
WATER RECLAMATION DISTRICT OF	)	PCB 19-7 (Village of Lynwood)
GREATER CHICAGO, VILLAGE OF	)	PCB 19-8 (Citgo Holdings)
RICHTON PARK, RICHTON PARK,	)	PCB 19-9 (New Lenox)
ILLINOIS, VILLAGE OF	)	PCB 19-10 (Lockport)
LINCOLNWOOD, LICOLNWOOD,	)	PCB 19-11 (Caterpillar)
CITY OF OAK FOREST, OAK FOREST,	)	PCB 19-12 (Crest Hill)
ILLINOIS, VILLAGE OF LYNWOOD,	)	PCB 19-13 (Joliet)
LYNWOOD, ILLINOIS, CITGO	)	PCB 19-14 (Morton Salt)
HOLDINGS, INC., VILLAGE OF NEW	)	PCB 19-15 (Palos Heights)
LENOX, NEW LENOX, ILLINOIS,	)	PCB 19-16 (Romeoville)
CITY OF LOCKPORT, LOCKPORT,	)	PCB 19-17 (IMTT Illinois)
ILLINOIS, CATERPILLAR, INC.,	)	PCB 19-18 (Stepan)
CITY OF CREST HILL, CREST HILL,	)	PCB 19-19 (Park Forest)
ILLINOIS, CITY OF JOLIET, JOLIET,	)	PCB 19-20 (Ozinga Ready Mix)
ILLINOIS, MORTON SALT, INC.,	)	PCB 19-21 (Ozinga Materials)
CITY OF PALOS HEIGHTS, PALOS	)	PCB 19-22 (Midwest Marine)
HEIGHTS, ILLINOIS, VILLAGE OF	)	PCB 19-23 (Mokena)
ROMEOVILLE, ROMEOVILLE,	)	PCB 19-24 (Oak Lawn)
ILLINOIS, IMTT ILLINOIS, LLC.,	)	PCB 19-25 (Dolton)
STEPAN CO., VILLAGE OF PARK	)	PCB 19-26 (Glenwood)
FOREST, PARK FOREST, ILLINOIS,	)	PCB 19-27 (Morton Grove)
OZINGA READY MIX CONCRETE, INC.,	)	PCB 19-28 (Lansing)
OZINGA MATERIALS, INC., MIDWEST	)	PCB 19-29 (Frankfort)
MARINE TERMINALS, LLC., VILLAGE	)	PCB 19-30 (Winnetka)
OF MOKENA, MOKENA, ILLINOIS,	)	PCB 19-31 (La Grange)
VILLAGE OF OAK LAWN, OAK LAWN,	)	PCB 19-33 (Channahon)
ILLINOIS, VILLAGE OF DOLTON,	)	PCB 19-34 (CCDTH)

DOLTON, ILLINOIS, VILLAGE OF	)	PCB 19-35 (Niles)
GLENWOOD, GLENWOOD, ILLINOIS	)	PCB 19-36 (Skyway)
VILLAGE OF MORTON GROVE,	)	PCB 19-37 (Elwood)
MORTON GROVE, ILLINOIS, VILLAGE	)	PCB 19-38 (Chicago)
OF LANSING, LANSING, ILLINOIS,	)	PCB 19-40 (Crestwood)
VILLAGE OF FRANKFORT,	)	PCB 19-48 (Riverside)
FRANKFORT, ILLINOIS, VILLAGE OF)	
WINNETKA, WINNETKA, ILLINOIS,)	
VILLAGE OF LA GRANGE,)	
LA GRANGE, ILLINOIS, VILLAGE OF)	
CHANNAHON, CHANNAHON,)	
ILLINOIS, COOK COUNTY)	
DEPARTMENT IF TRANSPORTATION)	
AND HIGHWAYS, VILLAGE OF NILES,)	
NILES, ILLINOIS, SKYWAY)	
CONCESSION COMPANY, LLC.,)	
VILLAGE OF ELWOOD, ELWOOD,)	
ILLINOIS, CITY OF CHICAGO,)	
CHICAGO, ILLINOIS, VILLAGE OF)	
CRESTWOOD, CRESTWOOD,)	
ILLINOIS, and VILLAGE OF)	
RIVERSIDE, RIVERSIDE, ILLINOIS,)	
)	
Petitioners,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL	)	(Time-Limited Water Quality Standard)
PROTECTION AGENCY,	)	(Consolidated)
)	
Respondent.)	

NOTICE OF FILING

TO: See attached Service List

PLEASE TAKE NOTICE that on the 18th day of April, 2019, the Village of New Lenox electronically filed with the Office of the Clerk of the Illinois Pollution Control Board its **Response to Recommendation Filed on April 5, 2019**, a copy of which is hereby served upon you.

VILLAGE OF NEW LENOX

By: /s/ MICHAEL R. STIFF

Michael R. Stiff #06198327
Christian G. Spesia #06226155
SPESIA & TAYLOR
1415 Black Road
Joliet, Illinois 60435
815-726-4311
mstiff@spesia-taylor.com
cspesia@spesia-taylor.com

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 attached **Response to Recommendation Filed on April 5, 2019** to be served *via electronic mail* on the 18th day of April, 2019 to:

See Attached Service List

/s/ MICHAEL R. STIFF

SERVICE LIST

Brad Halloran	Brad.Halloran@illinois.gov
Terranova, Sara	Sara.Terranova@Illinois.gov
Diers, Stefanie	Stefanie.Diers@Illinois.gov
Ettinger.Albert@gmail.com	Ettinger.Albert@gmail.com
'dgwalsh@ktjlaw.com'	dgwalsh@ktjlaw.com
eklavery@ktjlaw.com	eklavery@ktjlaw.com
suhler@ktjlaw.com	suhler@ktjlaw.com
dfreeman@robbins-schwartz.com	dfreeman@robbins-schwartz.com
'Katherine.Hodge@heplerbroom.com'	Katherine.Hodge@heplerbroom.com
Joshua.Houser@heplerbroom.com	Joshua.Houser@heplerbroom.com
'ASamuelson@rmcj.com'	ASamuelson@rmcj.com
Peter Coblenz	pcoblenz@rmcj.com
'john@avlawoffice.net'	john@avlawoffice.net
dstoneback@cityofevanston.org	dstoneback@cityofevanston.org
mtreto@cityofevanston.org	mtreto@cityofevanston.org
Lindsay Ott	lott@cityofevanston.org
'James.mccarthy@skokie.org'	james.mccarthy@skokie.org
'melanie.pettway@skokie.org'	melanie.pettway@skokie.org
'michael.lorge@skokie.org'	michael.lorge@skokie.org
Dougherty, Matthew	Matthew.Dougherty@Illinois.gov
'fandes@btlaw.com'	fandes@btlaw.com
'Margaret.conway@mwrdr.org'	Margaret.conway@mwrdr.org
'andrew.fiske@hklaw.com'	andrew.fiske@hklaw.com
'hart.passman@hklaw.com'	hart.passman@hklaw.com
'steven.elrod@hklaw.com'	steven.elrod@hklaw.com
'richard.rinchich@oak.forest.org'	richard.rinchich@oak.forest.org
'pmmlawyer@aol.com'	pmmlawyer@aol.com
'MAROVICH@HDOML.COM'	MAROVICH@HDOML.COM
'jeffrey.fort@dentons.com'	jeffrey.fort@dentons.com
'mstiff@spesia-taylor.com'	mstiff@spesia-taylor.com
'swilliams@lockport.org'	swilliams@lockport.org
'Anthony_Charles_R@cat.com'	Anthony_Charles_R@cat.com
'mshanahan@jolietcity.org'	mshanahan@jolietcity.org
'awyss@jolietcity.org'	awyss@jolietcity.org
'eboyd@thompsoncoburn.com'	eboyd@thompsoncoburn.com
'David.Rieser@klgates.com'	David.Rieser@klgates.com
'bheinrich@vedderprice.com'	bheinrich@vedderprice.com
'dmehلمان@vedderprice.com'	dmehلمان@vedderprice.com
'ffrazier@odelsonsterk.com'	ffrazier@odelsonsterk.com
Porter, Richard	rporter@hinshawlaw.com
'cbuck@rcklawfirm.com'	cbuck@rcklawfirm.com
'tcondon@pjmchicago.com'	tcondon@pjmchicago.com
'jdonahue@rmcj.com'	jdonahue@rmcj.com
'tliston@mortongrovel.org'	tliston@mortongrovel.org
'mwelch@montanawelch.com'	mwelch@montanawelch.com

SERVICE LIST

'gmahoney@msclawfirm.com'	gmahoney@msclawfirm.com
'ben.schuster@hklaw.com'	ben.schuster@hklaw.com
'mark.burkland@hklaw.com'	mark.burkland@hklaw.com
'Daniel.Siegfried@heplerbroom.com'	Daniel.Siegfried@heplerbroom.com
'mmahoney@msclawfirm.com'	mmahoney@msclawfirm.com
'jeff.fronczak@cookcountyil.gov'	jeff.fronczak@cookcountyil.gov
'DG@VNILES.com'	DG@VNILES.com
'dsilverman@msclawfirm.com'	dsilverman@msclawfirm.com
'jared.policcicchio@cityofchicago.org'	jared.policcicchio@cityofchicago.org
'DSosin@sosinarnold.com'	DSosin@sosinarnold.com
'ebailey@riverside.il.us'	ebailey@riverside.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD,)	
HOMewood, ILLINOIS, VILLAGE OF	)	PCB 16-14 (Homewood)
ORLAND PARK, ORLAND PARK,	)	PCB 16-15 (Orland Park)
ILLINOIS, VILLAGE OF MIDLOTHIAN	)	PCB 16-16 (Midlothian)
MIDLOTHIAN, ILLINOIS, VILLAGE OF	)	PCB 16-17 (Tinley Park)
TINLEY PARK, TINLEY PARK,	)	PCB 16-18 (ExxonMobil)
ILLINOIS, EXXONMOBIL OIL	)	PCB 16-20 (Wilmette)
CORPORATION, VILLAGE OF	)	PCB 16-21 (Country Club Hills)
WILMETTE, WILMETTE, ILLINOIS,	)	PCB 16-22 (Noramco-Chicago)
CITY OF COUNTRY CLUB HILLS,	)	PCB 16-23 (INEOS Joliet, LLC)
COUNTRY CLUB HILLS, ILLINOIS,	)	PCB 16-25 (Evanston)
NORAMCO-CHICAGO, INC., INEOS	)	PCB 16-26 (Skokie)
JOLIET, LLC, CITY OF EVANSTON,	)	PCB 16-27 (IDOT)
EVANSTON, ILLINOIS, VILLAGE OF	)	PCB 16-29 (MWRDGC)
SKOKIE, SKOKIE, ILLINOIS,	)	PCB 16-30 (Richton Park)
ILLINOIS DEPARTMENT OF	)	PCB 16-31 (Lincolnwood)
TRANSPORTATION, METROPOLITAN	)	PCB 16-33 (Oak Forest)
WATER RECLAMATION DISTRICT OF	)	PCB 19-7 (Village of Lynwood)
GREATER CHICAGO, VILLAGE OF	)	PCB 19-8 (Citgo Holdings)
RICHTON PARK, RICHTON PARK,	)	PCB 19-9 (New Lenox)
ILLINOIS, VILLAGE OF	)	PCB 19-10 (Lockport)
LINCOLNWOOD, LICOLNWOOD,	)	PCB 19-11 (Caterpillar)
CITY OF OAK FOREST, OAK FOREST,	)	PCB 19-12 (Crest Hill)
ILLINOIS, VILLAGE OF LYNWOOD,	)	PCB 19-13 (Joliet)
LYNWOOD, ILLINOIS, CITGO	)	PCB 19-14 (Morton Salt)
HOLDINGS, INC., VILLAGE OF NEW	)	PCB 19-15 (Palos Heights)
LENOX, NEW LENOX, ILLINOIS,	)	PCB 19-16 (Romeoville)
CITY OF LOCKPORT, LOCKPORT,	)	PCB 19-17 (IMTT Illinois)
ILLINOIS, CATERPILLAR, INC.,	)	PCB 19-18 (Stepan)
CITY OF CREST HILL, CREST HILL,	)	PCB 19-19 (Park Forest)
ILLINOIS, CITY OF JOLIET, JOLIET,	)	PCB 19-20 (Ozinga Ready Mix)
ILLINOIS, MORTON SALT, INC.,	)	PCB 19-21 (Ozinga Materials)
CITY OF PALOS HEIGHTS, PALOS	)	PCB 19-22 (Midwest Marine)
HEIGHTS, ILLINOIS, VILLAGE OF	)	PCB 19-23 (Mokena)
ROMEovILLE, ROMEovILLE,	)	PCB 19-24 (Oak Lawn)
ILLINOIS, IMTT ILLINOIS, LLC.,	)	PCB 19-25 (Dolton)
STEPAN CO., VILLAGE OF PARK	)	PCB 19-26 (Glenwood)
FOREST, PARK FOREST, ILLINOIS,	)	PCB 19-27 (Morton Grove)
OZINGA READY MIX CONCRETE, INC.,	)	PCB 19-28 (Lansing)
OZINGA MATERIALS, INC., MIDWEST	)	PCB 19-29 (Frankfort)
MARINE TERMINALS, LLC., VILLAGE	)	PCB 19-30 (Winnetka)
OF MOKENA, MOKENA, ILLINOIS,	)	PCB 19-31 (La Grange)
VILLAGE OF OAK LAWN, OAK LAWN,	)	PCB 19-33 (Channahon)
ILLINOIS, VILLAGE OF DOLTON,	)	PCB 19-34 (CCDTH)

DOLTON, ILLINOIS, VILLAGE OF	)	PCB 19-35 (Niles)
GLENWOOD, GLENWOOD, ILLINOIS	)	PCB 19-36 (Skyway)
VILLAGE OF MORTON GROVE,	)	PCB 19-37 (Elwood)
MORTON GROVE, ILLINOIS, VILLAGE	)	PCB 19-38 (Chicago)
OF LANSING, LANSING, ILLINOIS,	)	PCB 19-40 (Crestwood)
VILLAGE OF FRANKFORT,	)	PCB 19-48 (Riverside)
FRANKFORT, ILLINOIS, VILLAGE OF)	
WINNETKA, WINNETKA, ILLINOIS,)	
VILLAGE OF LA GRANGE,)	
LA GRANGE, ILLINOIS, VILLAGE OF)	
CHANNAHON, CHANNAHON,)	
ILLINOIS, COOK COUNTY)	
DEPARTMENT IF TRANSPORTATION)	
AND HIGHWAYS, VILLAGE OF NILES,)	
NILES, ILLINOIS, SKYWAY)	
CONCESSION COMPANY, LLC.,)	
VILLAGE OF ELWOOD, ELWOOD,)	
ILLINOIS, CITY OF CHICAGO,)	
CHICAGO, ILLINOIS, VILLAGE OF)	
CRESTWOOD, CRESTWOOD,)	
ILLINOIS, and VILLAGE OF)	
RIVERSIDE, RIVERSIDE, ILLINOIS,)	
)	
Petitioners,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL	)	(Time-Limited Water Quality Standard)
PROTECTION AGENCY,	)	(Consolidated)
)	
Respondent.)	

**PETITIONER VILLAGE OF NEW LENOX'S RESPONSE TO THE ILLINOIS EPA'S
RECOMMENDATION FILED ON APRIL 5, 2019**

Pursuant to 35 Ill. Adm. Code 104.220, Petitioner Village of New Lenox (PCB 19-9) ("Village") submits the following Response to the Recommendation of Illinois Environmental Protection Agency ("Recommendation") to the Illinois Pollution Control Board ("Board") regarding the Village's Petition for Chloride Time-Limited Water Quality Standard for the Defined Chicago Area Waterway System/Des Plaines River Watershed.

INTRODUCTION

The Village of New Lenox generally agrees with the “procedural background” as outlined by the Illinois EPA in the first section of its recommendations. In addition, the Village is generally in agreement with the summary and description of the “requested relief” contained in that section of the Illinois EPA’s recommendation.

PETITIONERS’ SUBMISSION

The PCB has already determined that the Amended Petition, filed on July 24, 2018, which includes the Joint Petition and the individual submittals with discharger specific information, is in substantial compliance. See PCB 16-14 at pg. 5, December 20, 2018.

In addition, the Illinois EPA, after a thorough analysis, outlined at pgs. 5-9 of its Recommendation, agrees that the Petitioners have demonstrated that the designated use and chloride water quality standard is not feasible because of human caused conditions (factor 3) and that more stringent controls would result in substantial and wide spread negative economic and social impact on the public (factor 6).

The Petitioners have identified the interim use and the interim criterion that reflects the greatest reduction achievable with the currently installed technologies and the adoption and implementation of a pollutant minimization program. The Illinois EPA further agrees that the Petitioners’ characterization and that the proposed highest attainable condition will not conflict with the attainment of downstream water quality standards for chlorides, and recommends only that the Petitioners clearly identify the sampling locations and sampling frequencies in a sampling plan. The agency also recommends that the Petitioners use a 4-year seasonal average for the first re-evaluation period.

Ultimately, the agency recommends an “adaptive management” approach under which the Petitioners must continually adjust their salt application practices as directed by the Board in the re-evaluation process. Most importantly, the Illinois EPA believes that at least 15 years (as requested by Petitioners) will be necessary for the benefits of the adaptive management approach to be measurable in the water bodies. The Village is in agreement with this approach.

BEST MANAGEMENT PRACTICES AND POLLUTION MINIMIZATION PROGRAMS

The agency has also agreed with the Petitioners “Suite of BMPs” which can be reasonably implemented by the dischargers to the watershed and should lead, over the long-term, to significant progress toward compliance with the chloride standards. The agency also concurs with the proposition that implementation of the BMPs must be done across the watershed by as many dischargers as possible to eventually achieve compliance with the water quality standard. The Petitioners have proposed lists of BMPs for each class of discharger, which are generally acceptable to the Illinois EPA, with only minor changes.

The agency's recommendations for modification of the Petitioners' BMPs for POTW and MS4/CSO communities (as outlined in attachment 3 to the EPA Recommendation) are generally acceptable to the Village. However, the Village joins in and adopts the suggestions and requests for clarification as outlined in the responses of the City of Oak Forest (PCB 16-33) and the Village of Orland Park (PCB 16-15).

Given the Illinois EPA's agreement with the 15-year term, no specific response or comments are made thereto. The Village is in agreement, however, that the participation by as many dischargers as possible will be important to making a meaningful chloride reduction possible, and that new participants not only should be encouraged to participate, but allowed to participate, provided that they meet the best management practices that have been implemented or are being implemented at the time additional dischargers join in the process.

ADDITIONAL CLARIFICATION

In discussing this case with its Co-Petitioners, the Village of New Lenox, has learned that the Co-Petitioner MWRD, has indicated to the Illinois EPA that clarification needs to be made to the eligibility criteria, specifically item 5 regarding late joiners to the chloride workgroup and their status as a Petitioner. The Village therefore joins in the Response filed by the MWRD.

The Village appreciates the opportunity to respond to Illinois EPA's Recommendation.

Respectfully submitted,

VILLAGE OF NEW LENOX

By: /s/ MICHAEL R. STIFF

Michael R. Stiff #06198327
Christian G. Spesia #06226155
SPESIA & TAYLOR
1415 Black Road
Joliet, Illinois 60435
815-726-4311
mstiff@spesia-taylor.com
cspesia@spesia-taylor.com