

ILLINOIS POLLUTION CONTROL BOARD

July 15, 2020

METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

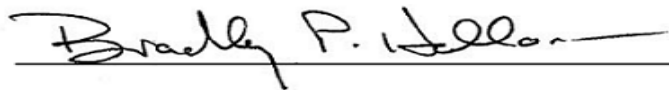
PCB 16-28
(Time-Limited Water Quality Standard)

HEARING OFFICER ORDER

Attached to this Order are the Board's follow-up questions for petitioner MWRD.

I note that the Agency has not filed its answers to the Board's questions attached to the Hearing Officer Order dated November 27, 2019. The Board expects the Agency to answer those questions in writing prior to or at the August 4, 2020, hearing. On June 25, 2020, all parties participated in a telephonic status conference with the hearing officer.

IT IS SO ORDERED.



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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PCB 16-28: Dissolved Oxygen Time Limited Water Quality Standard

Follow-up Questions for MWRD

Board Question 12

1. Please clarify whether the answer to this question is MWRD's answer to IEPA's Question 2.
2. In response to IEPA's Question 2, MWRD states that the construction of a new sewer to route dry weather flow around the TARP connection to the interceptor downstream of the outfall is currently under contract and will be completed in 2020. Given the impact of Covid-19, please comment on whether the construction of new sewer line is still on schedule to be completed in 2020.

Board Question 14(b)

3. MWRD states that green infrastructure measures are being implemented, consistent with the Consent Decree between MWRD, U.S. EPA and the Illinois EPA to address impacts of climate change on storage capacity.
 - a. Please provide information on the types of green infrastructure measures that are being implemented by the District. Submit into the record any technical reports or planning documents MWRD has developed to address green infrastructure measures.
 - b. Comment on how many of green infrastructure projects have been implemented to date and how many are planned during the term of the TLWQS.

Board Question 15

4. MWRD states that it does not have experience operating a TCR without its transitional reservoir. Please elaborate on how MWRD plans to transition operations when the transitional reservoir lease ends. Comment on whether any economically reasonable alternatives other than green infrastructure measures are available to replace the transitional reservoir capacity.

Board Question 20

5. MWRD notes that other sources have had opportunities to join in this request, but none have sought similar relief. Please comment on whether the District would be opposed to other CSO dischargers such as the City of Chicago being extended coverage under this TLWQS.

Board Question 22

6. In response to 22(a)(ii), MWRD responds with a "No". Please explain why the emergency bypass outfall at Stickney (Outfall 003) should not be covered under the proposed TLWQS.

Board Question 24

7. Please comment on whether MWRD considers the changes in water quality conditions in the Calumet River System summarized in the Post-Construction Monitoring Report to be significant. If so, describe these changes and their impact on compliance with applicable DO standards. Also, comment on whether Dr. Zenz's cost estimate to bring CAWS reaches into attainment by installing supplementary aeration stations and flow augmentation stations needs to be updated to reflect these changes.
8. Regarding the use of the Marquette Model, MWRD notes that there is no need to reconfirm and revalidate the model. If so, comment on whether the model could be run with recent data reflecting the changes summarized in the Post-Construction Monitoring Report to evaluate the impact of the changes, particularly in the Calumet System, on construction cost or feasibility of the aeration project.

Board Question 25

9. MWRD states that Sections 104.560(a)(3) (Human caused condition) still applies to the Calumet River System because CSOs can still occur. In this regard, please comment on whether it is MWRD's position that a TLWQS is necessary as long as there is a potential for CSOs to occur in the future or is there a scenario where TLWQS would not be needed.
10. Given the USEPA's expectation that "Completion of the reservoir would mean that CSOs would not be a human-caused source of pollution that prevents attainment of the DO criteria in the Calumet portion of the CAWS." (Am. Pet. Exh. K at 2.), please explain why MWRD has not discussed the CRS Report findings with USEPA.
11. Regarding updating the 2008 cost estimates for compliance with DO standards to current dollars and provide the cost information in terms cost per user, MWRD states that such analysis would be complex and take substantial time and effort. Further, MWRD states the Amended Petition does not claim affordability as a reason for approval of the TLWQS. However, given that the MWRD demonstration relies, in part, on Section 104.560(a)(6) (widespread economic and social impact), please explain why meaningful economic impact information is not relevant for Board consideration, particularly with respect to Calumet System where "human caused condition" may not be the cause of nonattainment of the DO standard.

Board Question 26

12. Regarding the improvement in DO levels in the last several years, MWRD notes that the data are not yet adequate to determine long-term trends. Please comment on how many years of DO data would be needed to determine long-term trends or statistically significant changes in the DO levels. Would such analysis be possible within the 5-year term of the TLWQS?

Board Question 29

13. Regarding deletion of Condition (3)(a), please submit any reports or documentation that MWRD has completed its obligations under the Intergovernmental Agreement.
14. Please comment on whether the proposed TLWQS would be approvable by the USEPA without an interim DO criterion.

IEPA Question 7

15. In its response, MWRD states that it is impossible to guarantee there will not be more CSO events in the Calumet System.
 - a. Has MWRD done any trend analysis to determine the numbers of CSO events that are likely to occur in the future in comparison to what has been seen in the past?
 - b. If not, comment on whether it would be possible perform such an analysis.

IEPA Question 8

16. MWRD states that it does not accept water from other entities connected to TARP when TARP is full.
 - a. Please comment on how often has MWRD closed the gates on other entities during the last 5 years.
 - b. What recourse is available for other entities connected to TARP when MWRD closes the gates to TARP?

IEPA Question 10

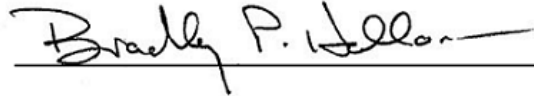
17. MWRD notes that the temporary closure of a SEPA system was the primary cause of DO exceedance.
 - a. Please comment on whether MWRD has implemented any measures to prevent recurrence of such closure.
 - b. If so, describe the implemented measures.

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on July 15, 2020, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on July 15, 2020:

Don Brown
Illinois Pollution Control Board
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Chicago, Illinois 60601

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

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