

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

METROPOLITAN WATER RECLAMATION)	
DISTRICT OF GREATER CHICAGO,)	
)	
Petitioner,)	
)	
v.)	PCB No. 2016-028
)	(Time-Limited Water
)	Quality Standard)
)	
ILLINOIS ENVIROMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Don Brown, Clerk of the Board	Brad Halloran, Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	James R. Thompson Center
100 West Randolph, Suite 11-500	100 West Randolph, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
Via Electronic Mail	Via Electronic Mail
(SEE PERSONS ON ATTACHED SERVICE LIST)	

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board ILLINOIS EPA'S RESPONSE TO THE BOARD'S NOVEMBER 27, 2019 ORDER, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: March 13, 2020
1021 North Grand Avenue East
PO Box 19276
Springfield, Illinois 62794

By: /s/ Stefanie N. Diers
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO,**

Petitioner,

V.

**ILLINOIS ENVIROMENTAL PROTECTION
AGENCY,**

Respondent.

PCB No. 2016-028
(Time-Limited Water
Quality Standard)

ILLINOIS EPA'S RESPONSE TO THE BOARD'S NOVEMBER 27, 2019 ORDER

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, and provides the following responses to the Board's Questions:

- 1a) No
- 1b) Not applicable.
- 1c) The District will need to evaluate the CSOs now that TARP is complete and determine if they are in compliance with USEPA's CSO policy.
- 1d) Based on the District's evaluation of compliance with the CSO policy, the District will need to determine the next steps.
- 2) The Agency looked Amended Petition P. 9, 11 and 13. Also, Exhibits I and J.

3) The Agency does not believe the District has met the burden regarding Factor 6 and that the Board should not rely on Factor 6. However, the Agency does believe the District has met the burden regarding Factor 3 (Human Caused Conditions).

4a) The Board is correct, the HAC can be found at 104.565(d)(4)(A).

4b) Yes

4c) The language serves the same purpose of defining the highest attainable condition. For a single discharge or multiple discharger TLWQS, the HAC is defined for the effluent. For a watershed, waterbody or waterbody segment TLWQS, the HAC is defined for the watershed, waterbody or waterbody segment.

4d) The Agency believes that the District has made its demonstration under Section 104.560(a)(3). Until McCook-Phase 2 is complete, there is no additional feasible pollutant control technology identified.

5a) No. The Board can institute a PMP, which the Agency proposed. See Attachment 1 of the Agency's Recommendation.

5b) There will not be an interim dissolved oxygen criterion.

6a) Attachment 2 of the Agency's recommendation covers all the CSOs, owned by MWRD, and covered by the O'Brien, Stickney and Calumet facilities.

6b) There are CSOs owned by the communities that discharge to TARP. They are listed in Special Condition #13 of the Stickney permit (IL0028053) and Special Condition #8 of the O'Brien permit (IL0028088) that are impacted by McCook Reservoir. The communities affected by the McCook Reservoir are Chicago, Summit, Brookfield, LaGrange, LaGrange Park, Des Plaines, Forest Park, Franklin Park, Lyons, Maywood, Melrose Park, North Riverside, Park

Ridge, River Forest, River Grove, Riverside, Schiller Park, Evanston, Skokie, Wilmette, Niles, and Morton Grove.

Additionally, Special Condition #13 of the Calumet permit (IL0028061) has the CSOs that are tributary to Thornton Reservoir. The communities affected by the Thornton Reservoir are Blue Island, Posen, Calumet Park, Chicago, Calumet City, Dixmoor, Dolton, Harvey, Lansing, Phoenix, Riverdale, South Holland, Burnham, and Markham.

6c) The Agency tried to make this into a multiple discharger variance (MDV), however, no other communities came forward. If others want to take advantage of the TLWQS, they will need to seek relief from the Board as an individual TLQWS or as an MDV. The city of Chicago has expressed a desire to seek relief.

7a) Mostly, the Agency filed a few questions to fully develop the record for the Calumet region relating to TARP.

7b) Based on the new information and responses to the Agency's pre-filed questions, the Agency anticipates being supportive of the dissolved oxygen TLWQS.

7c) The Board's Order should reflect that the Thornton Reservoir is complete and the Calumet TARP system is fully operational.

7d) The Agency supports a reopener clause of the Calumet CSOs from the TLWQS.

8) In 3.a. where the Board requires MWRD to ensure that habitat improvement projects in the CAWS are implemented to attain the long-term designated use goal; the Agency is not sure that MWRD has any ability to ensure that habitat improvement projects in the CAWS are implemented. It is the Agency's understanding that IDNR administers the program.

9) They were approved by the Board on June 24, 2019. The Agency has attached the approval to this submission as Attachment A.

10a) Yes, the Agency has engaged in discussions with USEPA.

10b) The Agency has been in communication with USEPA. USEPA's raised a concern about the need for relief for the Calumet system, since the Thornton Reservoir is complete. To help resolve the issue, the Agency submitted pre-filed questions to the District to assist in developing the hearing record with regards to the Calumet system.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: /s/Stefanie N. Diers

Stefanie N. Diers

Assistant Counsel

Division of Legal Counsel

Date: March 13, 2020

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

CERTIFICATE OF SERVICE

I, STEFANIE N. DIERS, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING and ILLINOIS EPA'S RESPONSE TO THE BAORD ORDER OF NOVEMBER 27, 2019 , upon persons listed on the Service List, by sending an email from my email account (Stefanie.diers@illinois.gov) to the email addresses designated below with the following attached as a PDF document in an e-mail transmission on or before 5:00 pm on March 13, 2020.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
Stefanie Diers
Assistant Counsel
Division of Legal Counsel

DATED: November 13, 2020

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