

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

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 PROTECTION  
AGENCY,

Respondent.

) PCB 19-29 (Frankfort)  
) PCB 19-30 (Winnetka)  
) PCB 19-31 (La Grange)  
) PCB 19-32 (Ingredion)  
) PCB 19-33 (Channahon)  
) PCB 19-34 (CCDTH)  
) PCB 19-35 (Niles)  
) PCB 19-36 (Skyway)  
) PCB 19-37 (Elwood)  
) PCB 19-38 (Chicago)  
) PCB 19-40 (Crestwood)  
) PCB 19-48 (Riverside)  
)  
)  
)

**NOTICE OF FILING**

**TO:** See Attached Service List

**PLEASE TAKE NOTICE** that on August 21, 2020, Petitioner, Metropolitan Water Reclamation District of Greater Chicago ("MWRD" or "the District") electronically filed with the Office of the Clerk of the Illinois Pollution Control Board its **POST-HEARING REPLY BRIEF OF METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**, a copy of which are hereby served upon you.

Dated: August 21, 2020

Respectfully submitted,

Metropolitan Water Reclamation District of Greater  
Chicago

/s/ Fredric P. Andes

One of its Attorneys

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BARNES & THORNBURG LLP  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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VILLAGE OF WILMETTE, WILMETTE	)	
ILLINOIS, CITY OF COUNTRY CLUB HILLS,	)	
COUNTRY CLUB HILLS ILLINOIS, NORAMCO-	)	
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ILLINOIS, COOK COUNTY DEPARTMENT	)	PCB 19-26 (Glenwood)

OF 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,

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)  
)  
)

**POST HEARING REPLY BRIEF OF METROPOLITAN WATER  
RECLAMATION DISTRICT OF GREATER CHICAGO**

Based on all of the information submitted to date in this rulemaking, MWRD and the other Petitioners have met their burden to show that the requested Time-Limited Water Quality Standard (TLWQS) should be approved by the Board. This reply brief is intended to address one specific issue raised by the environmental groups (filing as River Advocates) in their post-hearing brief, regarding the possibility of increased monitoring beyond the conditions that were proposed in the Joint Petition. This issue was addressed initially in MWRD's Post-Hearing brief, which stated MWRD's commitment to continue certain existing monitoring procedures in the Chicago Area Waterways System (CAWS), and to have this monitoring included as a requirement in the final Board Order approving the TLWQS, subject to certain conditions. In this brief, MWRD provides additional detail concerning these proposed monitoring requirements, including by specifying the locations and frequency for that monitoring. We believe that this proposal addresses the concerns raised by River Advocates in their Post-Hearing Brief.

Currently, MWRD collects chloride data on a monthly basis at 14 stations in the CAWS that are part of its Ambient Water Quality Monitoring (AWQM) program. It also collects data on a weekly basis at one AWQM station, located at Lockport. (These 15 stations are identified as AWQM stations on the attached map.) In addition, MWRD collects conductivity data on an hourly basis at a series of Continuous Dissolved Oxygen Monitoring (CDOM) stations. 9 of these CDOM stations are located near an AWQM station that collects chloride data. (These 9 CDOM stations are identified on the attached map with an asterisk.) For these 9 stations, MWRD can derive hourly chloride estimates, by using the hourly conductivity data, the chloride data from the nearby AWQM stations, and a linear regression model.

MWRD will commit (subject to certain conditions, specified below) to continue conducting those tests and deriving those estimates during the term of the TLWQS, and to include that information in its Annual Report filed under the TLWQS. As stated in MWRD's Post-Hearing Brief, it is important to note that there are some unusual circumstances in which this sampling may not occur. Weather, mechanical issues, or safety issues may prevent sampling. On occasion, a sampling location may need to be moved to a new location, due to construction of a bridge or some other logistical issue, and sampling may need to be reduced temporarily due to extreme financial concerns. MWRD will commit to continuing these tests, and is willing to have the Board include that requirement in its final Order approving the TLWQS, as long as flexibility is provided for those situations (outlined in this paragraph) in which the sampling regimen may need to be modified. We suggest that to implement this commitment, the Board include the following language in its Order:

In its Annual Report, MWRD will include the following information: (1) chloride data that it collects on a monthly basis at 14 stations in the CAWS that are part of

its Ambient Water Quality Monitoring (AWQM) program; (2) chloride data that it collects on a weekly basis at one AWQM station, located at Lockport; and (3) hourly chloride estimates, based on conductivity data that it collects on an hourly basis at 9 Continuous Dissolved Oxygen Monitoring (CDOM) stations. The relevant AWQM and CDOM stations are indicated on the attached map (with an asterisk identifying the relevant CDOM stations). This requirement is subject to the following conditions: Weather, mechanical issues, or safety issues may prevent sampling; a sampling location may need to be moved to a new location, due to construction of a bridge or some other logistical issue; and sampling may need to be reduced temporarily due to extreme financial concerns. If any of those situations occurs, MWRD shall notify IEPA, and the issue will be noted in the Annual Report. Summaries of the chloride information provided by MWRD in its Annual Reports will be included in the Status Reports submitted by the Chloride Workgroups.

MWRD believes that this commitment will provide the information that River Advocates are requesting concerning chloride levels in various reaches of the CAWS.

Dated: August 21, 2020

Respectfully submitted,

Metropolitan Water Reclamation District of Greater  
Chicago

/s/ Fredric P. Andes

One of its Attorneys

Fredric P. Andes  
BARNES & THORNBURG LLP  
One North Wacker Drive  
Suite 4400  
Chicago, IL 60606-2833  
P: (312) 214-8310  
F: (312) 759-5646  
[Fredric.Andes@btlaw.com](mailto:Fredric.Andes@btlaw.com)

**CERTIFICATE OF SERVICE**

The undersigned attorney certified, under the penalties of perjury pursuant to 735 ILCS 5/1-109, that he caused a copy of the foregoing **POST-HEARING BRIEF OF METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO** to be served via electronic mail (from Fredric.Andes@btlaw.com) the 21st day of August, 2020 to the individuals listed on the attached service list.

/s/ Fredric P. Andes

Fredric P. Andes

**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	Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601
PCB 2016-014 Stefanie N. Diers Sara Terranova Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	PCB 2016-014 Christopher J. Cummings Christopher J. Cummings, P.C. 2014 Hickory Road Suite 205 Homewood, IL 60430
PCB 2016-014 Albert Ettinger Law Firm of Albert Ettinger 53 W. Jackson Suite 1664 Chicago, IL 60604	PCB 2016-015 Dennis Walsh E. Kenneth Friker Klein, Thorpe & Jenkins 15010 S. Ravinia Avenue Suite 17 Orland Park, IL 60477
PCB 2016-016 David J. Freeman Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd 631 E. Boughton Road Suite 200 Bolingbrook, IL 60440	PCB 2016-016 Peter Murphy 11800 S. 75 <sup>th</sup> Avenue Suite 101 Palos Heights, IL 60463
PCB 2016-017 Dennis Walsh Klein, Thorpe & Jenkins 15010 S. Ravinia Avenue Suite 17 Orland Park, IL 60477	PCB 2016-018 Michael P. Murphy Heplerbroom, LLC 4340 Acer Grove Drive Springfield, IL 62711
PCB 2016-020 Dennis Walsh Erin K. Lavery Klein, Thorpe & Jenkins 15010 S. Ravinia Avenue Suite 17 Orland Park, IL 60477	PCB 2016-021 Amber M. Samuelson Peter D. Coblentz Rosenthal, Murphey, Coblentz & Donahue 30 N. LaSalle Street, Suite 1624 Chicago, IL 60602

<p>PCB 2016-022  John P. Antonopoulos  Antonopoulos &amp; Virtel, PC  15419 127<sup>th</sup> Street  Suite 100  Lemont, IL 60439</p>	<p>PCB 2016-023  Michael P. Murphy  Alec Messina  Heplerbroom, LLC  4340 Acer Grove Drive  Springfield, IL 62711</p>
<p>PCB 2016-025  David Stoneback  Lindsey Ott  City of Evanston  555 Lincoln Street  Evanston, IL 60201</p>	<p>PCB 2016-025  Alexandra B. Ruggie  Hugh DuBose  City of Evanston  2100 Ridge Road  Evanston, IL 60201</p>
<p>PCB 2016-026  James G. McCarthy  Michael M. Lorge  Village of Skokie  5127 Oakton Street  Skokie, IL 60077</p>	<p>PCB 2016-027  Matthew D. Dougherty  Special Assistant Attorney General  Illinois Dept. of Transportation  2300 S. Dirksen Parkway  Springfield, IL 62764</p>
<p>PCB 2016-029  Margaret T. Conway  Metropolitan Water Reclamation District  100 E. Erie Street  Chicago, IL 60611</p>	<p>PCB 2016-030  Amber M. Samuelson  Peter D. Coblentz  Rosenthal, Murphey, Coblentz &amp; Donahue  30 N. LaSalle Street  Suite 1624  Chicago, IL 60602</p>
<p>PCB 2016-031  Andrew N. Fiske  Hart M. Passman  Steven M. Elrod  Holland &amp; Knight LC  131 S. Dearborn Street  30<sup>th</sup> Floor  Chicago, IL 60603</p>	<p>PCB 2016-033  Erin K. Lavery  Scott F. Uhler  Dennis G. Walsh  Klein, Thorpe &amp; Jenkins, Ltd.  20 N. Wacker Drive  Suite 1660  Chicago, IL 60606</p>
<p>PCB 2019-7  Michael J. Marovich,  Hiskes Dillner O Donnell Marovich Lapp Ltd  10759 W. 159th Street.  Suite 201  Orland Park, IL 60467</p>	<p>PCB 2019-8  Jeffrey C. Fort  Dentons US LLP  233 South Wacker Driver  Suite 7800  Chicago, IL 60606-6404</p>

<p>PCB 2019-9  Michael R. Stiff  Spesia and Taylor  1415 Black Road  Joliet, IL 60435</p>	<p>PCB 2019-10  Sonni Choi Williams  City of Lockport  222 East 9th Street  Lockport , IL 60441</p>
<p>PCB 2019-11  Chuck Anthony  Caterpillar Inc.  100 NE Adams St  Peoria, IL 61629</p>	<p>PCB 2019-12  Michael R. Stiff  Spesia and Taylor  1415 Black Road  Joliet, IL 60435</p>
<p>PCB 2019-13  Sabrina Spano  City of Joliet  150 West Jefferson Street  Joliet, IL 60432</p>	<p>PCB 2019-14  Eric E. Boyd  Tim Briscoe  Thompson Coburn LLP  55 East Monroe Street  Chicago, IL 60603</p>
<p>PCB 2019-15  Dennis G. Walsh  Klein, Thorpe &amp; Jenkins, Ltd.  20 N. Wacker Drive,  Suite 1660  Chicago, IL 60606</p>	<p>PCB 2019-16  Dennis G. Walsh  Klein, Thorpe &amp; Jenkins, Ltd.  20 N. Wacker Drive,  Suite 1660  Chicago, IL 60606</p>
<p>PCB 2019-17  David L. Rieser  K &amp; L Gates, LLP  70 W. Madison Street  Ste. 3100  Chicago, IL 60602</p>	<p>PCB 2019-18  Peter Etienne  Stepan Company  1135 Skokie Boulevard  Northbrook, IL 60062</p>
<p>PCB 2019-19  Felicia L. Frazier  Odelson &amp; Sterk, Ltd.  3318 West 95th Street  Evergreen Park, IL 60642</p>	<p>PCB 2019-20  Richard S. Porter  Hinshaw &amp; Culbertson LLC  100 Park Ave.  PO Box 1389  Rockford, IL 61105</p>

<p>PCB 2019-21  Richard S. Porter  Hinshaw &amp; Culbertson LLC  100 Park Ave.  PO Box 1389  Rockford, IL 61105</p>	<p>PCB 2019-22  Richard S. Porter  Hinshaw &amp; Culbertson LLC  100 Park Ave.  PO Box 1389  Rockford, IL 61105</p>
<p>PCB 2019-23  Carl R. Buck  Rathbun, Cservenyak &amp; Kozol, LLC  3260 Executive Drive  Joliet, IL 60431</p>	<p>PCB 2019-24  Thomas J. Condon, Jr.  Peterson Johnson and Murray Chicago LLC  200 W. Adams  Suite 2125  Chicago, IL 60606</p>
<p>PCB 2019-25  Amber M. Samuelson  Rosenthal, Murphey, Coblenz &amp; Donahue  30 North LaSalle St.  Suite 1624  Chicago, IL 60602</p>	<p>PCB 2019-26  John F. Donahue  Rosenthal, Murphey, Coblenz &amp; Donahue  30 North LaSalle St.  Suite 1624  Chicago, IL 60602</p>
<p>PCB 2019-27  Teresa Hoffman Liston  Village of Morton Grove  6101 Capulina Avenue  Morton Grove, IL 60053</p>	<p>PCB 2019-28  Matthew M. Welch  Montana and Welch LLC  11950 South Harlem Avenue  Suite 102  Palos Heights, IL 60463</p>
<p>PCB 2019-29  George F. Mahoney III  Mahoney, Silverman &amp; Cross, Ltd.  822 Infantry Drive  Suite 100  Joliet, IL 60435</p>	<p>PCB 2019-30  Benjamin L. Schuster  Holland &amp; Knight LLC  150 North Riverside Plaza  Suite 2700  Chicago, IL 60606</p>
<p>PCB 2019-31  Mark E. Burkland  Holland &amp; Knight LLC  150 North Riverside Plaza  Suite 2700  Chicago, IL 60606</p>	<p>PCB 2019-32  Michael P. Murphy  Heplerbroom, LLC  4340 Acer Grove Drive  Springfield, IL 62711</p>

PCB 2019-33 Marron Mahoney Mahoney, Silverman & Cross, Ltd. 822 Infantry Drive Suite 100 Joliet, IL 60435	PCB 2019-34 Jeffrey M. Fronczak Cook County Department of Transportation and Highways 69 W. Washington Street 24th Floor Chicago, IL 60602
PCB 2019-35 D. Danielle Grecic Village of Niles 1000 Civic Center Drive Niles, IL 60714	PCB 2019-36 Brett D. Heinrich Dana B. Mehlman Vedder Price 222 North LaSalle Street Suite 2600 Chicago, IL 60601
PCB 2019-37 David J. Silverman Mahoney, Silverman & Cross, Ltd. 822 Infantry Drive Suite 100 Joliet, IL 60435	PCB 2019-38 Jared Policicchio City Of Chicago Department of Law 30 N. LaSalle Street Suite 1400 Chicago, IL 60602
PCB 2019-40 David B. Sosin Sosin Arnold and Schoenbeck Ltd. 9501 W. 144th Place Suite 205 Orland Park, IL 60462	PCB 2019-48 Edward J. Bailey Village of Riverside 3860 Columbus Boulevard Riverside, IL 60546
PCB 2019-48 Dennis G. Walsh Klein, Thorpe & Jenkins, Ltd. 20 N. Wacker Drive, Suite 1660 Chicago, IL 60606	

**EXHIBIT A**

