

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)	
ILLINOIS, VILLAGE OF SKOKIE, SKOKIE)	PCB 16-14 (Homewood)
ILLINOIS, ILLINOIS DEPARTMENT OF)	PCB 16-15 (Orland Park)
TRANSPORTATION, METROPOLITAN)	PCB 16-16 (Midlothian)
WATER RECLAMATION DISTRICT OF)	PCB 16-17 (Tinley Park)
GREATER CHICAGO, VILLAGE OF)	PCB 16-18 (ExxonMobil)
RICHTON PARK, RICHTON PARK)	PCB 16-20 (Wilmette)
ILLINOIS, VILLAGE OF LINCOLNWOOD,)	PCB 16-21 (Country Club Hills)
LINCOLNWOOD ILLINOIS, CITY OF OAK)	PCB 16-22 (Noramco-Chicago)
FOREST, OAK FOREST ILLINOIS, VILLAGE)	PCB 16-23 (Flint Hills Resources)
OF LYNWOOD, LYNWOOD ILLINOIS,)	PCB 16-25 (Evanston)
CITGO HOLDINGS, INC., VILLAGE OF)	PCB 16-26 (Skokie)
NEW LENOX, NEW LENOX ILLINOIS, CITY)	PCB 16-27 (IDOT)
OF LOCKPORT, LOCKPORT ILLINOIS,)	PCB 16-29 (MWRDGC)
CATERPILLAR, INC., CITY OF CREST)	PCB 16-30 (Richton Park)
HILL, CREST HILL ILLINOIS, CITY OF)	PCB 16-31 (Lincolnwood)
JOLIET, JOLIET ILLINOIS, MORTON SALT,)	PCB 16-33 (Oak Forest)
INC., CITY OF PALOS HEIGHTS, PALOS)	PCB 19-7 (Village of Lynwood)
HEIGHTS ILLINOIS, VILLAGE OF)	PCB 19-8 (Citgo Holdings)
ROMEOVILLE, ROMEOVILLE ILLINOIS,)	PCB 19-9 (New Lenox)
IMTT ILLINOIS LLC, STEPAN CO.,)	PCB 19-10 (Lockport)
VILLAGE OF PARK FOREST, PARK)	PCB 19-11 (Caterpillar)
FOREST ILLINOIS, OZINGA READY MIX)	PCB 19-12 (Crest Hill)
CONCRETE, INC., OZINGA MATERIALS,)	PCB 19-13 (Joliet)
INC., MIDWEST MARINE TERMINALS LLC,)	PCB 19-14 (Morton Salt)
VILLAGE OF MOKENA, MOKENA)	PCB 19-15 (Palos Heights)
ILLINOIS, VILLAGE OF OAK LAWN, OAK)	PCB 19-16 (Romeoville)
LAWN ILLINOIS, VILLAGE OF DOTON,)	PCB 19-17 (IMTT Illinois)
DOTON ILLINOIS, VILLAGE OF)	PCB 19-18 (Stepan)
GLENWOOD, GLENWOOD ILLINOIS,)	PCB 19-19 (Park Forest)
VILLAGE OF MORTON GROVE, MORTON)	PCB 19-20 (Ozinga Ready Mix)
GROVE ILLINOIS, VILLAGE OF LANSING,)	PCB 19-21 (Ozinga Materials)
LANSING ILLINOIS, VILLAGE OF)	PCB 19-22 (Midwest Marine)

FRANKFORT, FRANKFORT ILLINOIS,	)	PCB 19-23 (Mokena)
VILLAGE OF WINNETKA, WINNETKA	)	PCB 19-24 (Oak Lawn)
ILLINOIS, VILLAGE OF LA GRANGE, LA	)	PCB 19-25 (Dolton)
GRANGE ILLINOIS, VILLAGE OF	)	PCB 19-26 (Glenwood)
CHANNAHON, CHANNAHON ILLINOIS,	)	PCB 19-27 (Morton Grove)
COOK COUNTY DEPARTMENT OF	)	PCB 19-28 (Lansing)
TRANSPORTATION AND HIGHWAYS,	)	PCB 19-29 (Frankfort)
VILLAGE OF NILES, NILES ILLINOIS,	)	PCB 19-30 (Winnetka)
SKYWAY CONCESSION COMPANY LLC,	)	PCB 19-31 (La Grange)
VILLAGE OF ELWOOD, ELWOOD	)	PCB 19-33 (Channahon)
ILLINOIS, CITY OF CHICAGO, CHICAGO	)	PCB 19-34 (CCDTH)
ILLINOIS, VILLAGE OF CRESTWOOD,	)	PCB 19-35 (Niles)
CRESTWOOD ILLINOIS and VILLAGE OF	)	PCB 19-36 (Skyway)
RIVERSIDE, RIVERSIDE ILLINOIS	)	PCB 19-37 (Elwood)
	)	PCB 19-38 (Chicago)
Petitioners,	)	PCB 19-40 (Crestwood)
	)	PCB 19-48 (Riverside)
v.)	
	)	(Time-Limited Water Quality
ILLINOIS ENVIRONMENTAL PROTECTION	)	Standard)
AGENCY,	)	(Consolidated)
)	
Respondent.)	

NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that on August 21, 2020 IMTT Illinois, LLC electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, its Reply to Post Hearing Comments, a copy of which is hereby served upon you.

Dated: August 21, 2020

IMTT Illinois, LLC

By: /s/ David L. Rieser
One of Its Attorneys

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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 foregoing **Reply to Post Hearing Comments** to be served by sending an email to the email addresses designated in the attached Service List on or before 5:00 pm on August 21, 2020.

/s/ David L. Rieser

One of Its Attorneys

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

ILLINOIS, VILLAGE OF DOLTON,	)	PCB 19-29 (Frankfort)
DOLTON ILLINOIS, VILLAGE OF	)	PCB 19-30 (Winnetka)
GLENWOOD, GLENWOOD ILLINOIS,	)	PCB 19-31 (La Grange)
VILLAGE OF MORTON GROVE,	)	PCB 19-33 (Channahon)
MORTON GROVE ILLINOIS, VILLAGE	)	PCB 19-34 (CCDTH)
OF LANSING, LANSING ILLINOIS,	)	PCB 19-35 (Niles)
VILLAGE OF FRANKFORT,	)	PCB 19-36 (Skyway)
FRANKFORT ILLINOIS, VILLAGE OF	)	PCB 19-37 (Elwood)
WINNETKA, WINNETKA ILLINOIS,	)	PCB 19-38 (Chicago)
VILLAGE OF LA GRANGE, LA GRANGE	)	PCB 19-40 (Crestwood)
ILLINOIS, VILLAGE OF CHANNAHON,	)	PCB 19-48 (Riverside)
CHANNAHON ILLINOIS, COOK	)	(Time-Limited Water Quality
COUNTY DEPARTMENT OF	)	Standard)
TRANSPORTATION AND HIGHWAYS,	)	(Consolidated)
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)	
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

PETITIONER IMTT’S REPLY TO POST HEARING COMMENTS

IMTT Illinois, LLC (“IMTT”) by and through its attorneys, K&L Gates, LLP, submits this Reply to Post-Hearing Comments.

While remaining an apparent voice in the wilderness on the issue, IMTT continues to object to the permit requirement that Petitioners join watershed groups. IMTT reasserts the objections it has raised throughout this process. IMTT also points out that the new requirements included in the revised variance language only increase these concerns. For example, IEPA has

added a requirement that the Groups' Annual Report to include an evaluation of whether individual members' participation in the Group was "adequate." While apparently intended to address an anticipated free rider problem, no standards are provided for what would constitute adequate participation nor for who will make this decision. Despite the lack of standards and process this report may form the basis for petitioners to be excluded from groups and face enforcement actions for not being members. This underlines the dangers of the Board delegating power to an entity without statutory support and without much guidance as to what it is supposed to do or how it is supposed to do it.

Repeating our conclusion from the original post hearing comments, no one has made the case for why workgroups are necessary and why participation should be mandated by variance and permit conditions. In this proceeding, Petitioners worked cooperatively without a mandated structure and there is no reason why that cannot work in the future. In the absence of specific authority and structure for a workgroup, the Board should use the actual experience of this proceeding to determine whether a work group is necessary.

As always, IMTT appreciates the opportunity to submit these comments.

Dated: August 21, 2020

Respectfully submitted,
IMTT Illinois, LLC

By: /s/ David L. Rieser
One of Its Attorneys

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