

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)

NOTICE OF FILING

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

Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Via Electronic Mail

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board ILLINOIS EPA's SECOND POST HEARING COMMENTS, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: November 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

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ILLINOIS EPA'S SECOND POST HEARING COMMENTS

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, provides its second post hearing comments for a Dissolved Oxygen Time-Limited Water Quality Standard (TLWQS). The Agency states as follows:

- 1) This proceeding involves the MWRD requests of for a TLWQS for those Combined Sewer Overflows (CSO) outfalls potentially impacting the Chicago Area Waterway System (CAWS), governed by National Pollutant Discharge Elimination System (NPDES) permits issued to its O'Brien, Calumet and Stickney Wastewater treatment plants in the CAWS.

2) Initially, in 2015, the Petitioner sought a variance from the recently adopted dissolved oxygen standard. (35 Ill. Adm. Code 302.405 (c) and (d))¹. The Board converted the petitioner to TLWQS petitions by operation of law in February 2017.

3) On June 22, 2017, the Board determined that the previously filed petition for a variance was not in substantial compliance with the requirements for TLWQS.

¹ The Amended Petition incorrectly cites to 35 Ill. Admin. Code 302.206 as the standard they are seeking a TLWQS from.

4) On April 12, 2017, the Board granted the Petitioner and any other potential member of the discharger classes 90 days from its Order to file an amended petition. At this time no other participants have come forward, so this will proceed as an individual TLWQS.

5) The amended petition in this TLWQS proceeding was filed on July 26, 2018. On March 28, 2019, the Board found the amended petition to be in substantial compliance. Therefore, the Agency's recommendation was due on May 13, 2019.

6) The Agency believes the Board should adopt the proposed dissolved oxygen TLWQS with conditions for the O'Brien and Stickney CSO discharges and the conditions suggested by the Agency in its September 30, 2020 Post Hearing Comments.

7) With respect to Calumet CSO discharges, the Agency agreed with USEPA and suggested that over the term of this TLWQS, MWRD should work to address the following:

- A) Whether, and to what extent, there will still be CSOs now that Thornton Reservoir is in full operation;
- B) If additional CSOs are expected, to what extent those CSOs will still be contributing to low dissolved oxygen levels;
- C) If additional CSOs are expected, the potential alternatives to reduce or eliminate the number of CSOs or to provide additional aeration to mitigate the effects of CSOs on dissolved oxygen;
- D) The feasibility of implementing each potential alternative; and
- E) What other conditions exist that contribute to low dissolved oxygen levels and what activities could be implemented to mitigate those conditions or otherwise improve aquatic life. See, USEPA September 2020 Letter filed with the IPCB.

8) The Agency has been in discussions with MWRD and supports the conditions and language proposed by MWRD to address the concerns raised for the Calumet System. See MWRD's Post Hearing Comments November 13, 2020.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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

Date: November 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 POST HEARING COMMENTS , 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 4:30 pm on November 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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