

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
WATER QUALITY STANDARDS AND )  
EFFLUENT LIMITATIONS FOR THE ) R08-09  
CHICAGO AREA WATERWAY SYSTEM ) (Rulemaking – Water)  
AND THE LOWER DES PLAINES RIVER: ) Subdocket D  
PROPOSED AMENDMENTS TO 35 Ill. )  
Adm. Code Parts 301, 302, 303 and 304 )

**NOTICE OF FILING**

To: John Therriault, Clerk  
Marie Tipsord, Hearing Officer  
James R. Thompson Center  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(VIA electronic mail and First Class Mail)

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have filed electronically today with the Illinois Pollution Control Board ILLINOIS EPA'S PRE-FILED QUESTIONS FOR EXXONMOBIL'S WINTSESS, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:/s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel

Dated: December 9, 2013  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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**ILLINOIS EPA’S PRE-FILED QUESTIONS FOR EXXONMOBIL OIL  
CORPORATION WITNESSE**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorneys, herby submits pre-filed questions to EXXONMOBIL CORPORATION, regarding the pre-filed testimony of its witness in the above captioned case. The Agency reserves the right to ask additional follow-up questions if necessary.

1) On page 11, you state that UAA factor 3 states that, “Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place.” Can salt usage be remedied, such as using less salt during winter de-icing?

2) On page 11, you state that, “These states, typically western and mid-western states where natural ambient chloride concentrations exceed the USEPA’s recommended criteria, have based their criteria on statistical analyses of ambient chloride historic data.” What are the natural ambient chloride concentrations in this system?

3) Would you be agreeable to winter months being defined from December – March or November 15-March 15?

4) If the Agency were to propose a salt reduction goal throughout the water shed would EXXON be willing to participate?

5) Do you know if USEPA would approve a chloride standard that is based on the current ambient conditions?

6) Do you know when IEPA articulated the proposed standards for subdocket D?

7) On page 19, you state that, “The Board should assure that its adoption of numeric criteria in Subdocket D do not in any way affect the ability of discharges to obtain compliance schedules ...”. Have you identified any language in the proposal that would affect the discharger’s ability to use compliance schedules?

8) On page 26, you state that “The determination of compliance with AS 96-10 is at the I-55 Bridge and applies to the LDIP.” Are you aware that the Des Plaines River downstream of the I-55 Bridge is General Use waters?

9) You state on P. 21 of your pre-field testimony that the Board should adopt regulations that allow mutli-discharger/water body water quality variances for various constituents. What would such a variance look like? Have you had any discussions with USEPA to see if such an approach would be approvable?

10) On page 26, you state that “The General Use temperature standards, 35 Ill. Adm. Code 302.211, apply in the Illinois River, downstream of the confluence of the LDPR and the Kankakee River.” Are you aware that the General Use

water quality standards apply in the Des Plaines River downstream of the I-55 bridge?

11) On page 32, you state that, "The Board could justify adopting the existing temperature standards on the basis that the existing indigenous aquatic life biota is adequately protected." Are you proposing to protect the species that are there currently or the species that should be there if the heat was absent?

12) In your opinion, are temperatures up to 100 °F protective of the existing aquatic life?

13) On page 37, you state that "USEPA's guidance for developing water quality criteria for toxic chemicals uses a 95 percent protection level". Does the guidance for developing water quality criteria for toxic chemical allow you to choose the 95 percent of the species that you are going to protect?

14) On page 39, you suggest using the 95% to determine the monthly average. Is this recommendation based on page 1 of Appendix E in the Technical Support Document for Water Quality-based Toxics Control, which states, "Monthly average limits are in most cases based on the 95<sup>th</sup> percentile of the distribution of averages of daily values."? Isn't the Technical Support Document for Water Quality-based Toxics Control for guidance for writing NPDES permits and not for water quality standards derivation?

15) Can you explain your statement on page 39, "Selection of a list of fish species on an arbitrary assumption is not a scientific basis for setting a standard."

16) On page 40, you suggest putting in a threshold of 0.5 billion BTU/hour

for application of the Cold Shock provision. What do you believe that ExxonMobil would have to do to comply with the Cold Shock Provision as written?

Respectfully submitted,

Dated: December 9, 2013

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/s/Stefanie N. Diers  
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**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached ILLINOIS EPA'S PRE-FILED QUESTIONS FOR EXXONMOBIL'S WITNESS upon the person to whom it is directed by electronic filing and placing it in an envelope addressed to:

John Therriault, Clerk  
Marie Tipsord, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

and by mailing the document to those listed above and on the attached Service List by  
First Class Mail from Springfield, Illinois on December 9, 2013, with sufficient postage.

/s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**