

**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 ILLINOIS,	)	PCB 16-14 (Homewood)
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 ILLINOIS,	)	PCB 16-20 (Wilmette)
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 NEW	)	PCB 16-26 (Skokie)
LENOX, NEW LENOX ILLINOIS, CITY OF	)	PCB 16-27 (IDOT)
LOCKPORT, LOCKPORT ILLINOIS, CITY OF	)	PCB 16-29 (MWRDGC)
CREST HILL, CREST HILL ILLINOIS, CITY	)	PCB 16-30 (Richton Park)
OF JOLIET, JOLIET ILLINOIS, MORTON	)	PCB 16-31 (Lincolnwood)
SALT, INC., CITY OF PALOS HEIGHTS,	)	PCB 16-33 (Oak Forest)
PALOS HEIGHTS ILLINOIS, VILLAGE OF	)	PCB 19-7 (Village of Lynwood)
ROMEOVILLE, ROMEOVILLE ILLINOIS,	)	PCB 19-8 (Citgo Holdings)
IMTT ILLINOIS LLC, STEPAN CO., VILLAGE	)	PCB 19-9 (New Lenox)
OF PARK FOREST, PARK FOREST ILLINOIS,	)	PCB 19-10 (Lockport)
OZINGA READY MIX CONCRETE, INC.,	)	PCB 19-12 (Crest Hill)
OZINGA MATERIALS, INC., MIDWEST	)	PCB 19-13 (Joliet)
MARINE TERMINALS LLC, VILLAGE OF	)	PCB 19-14 (Morton Salt)
MOKENA, MOKENA ILLINOIS, VILLAGE OF	)	PCB 19-15 (Palos Heights)
OAK LAWN, OAK LAWN ILLINOIS,	)	PCB 19-16 (Romeoville)
VILLAGE OF DOTON, DOTON ILLINOIS,	)	PCB 19-17 (IMTT Illinois)
VILLAGE OF GLENWOOD, GLENWOOD	)	PCB 19-18 (Stepan)
ILLINOIS, VILLAGE OF MORTON GROVE,	)	PCB 19-19 (Park Forest)
MORTON GROVE ILLINOIS, VILLAGE OF	)	PCB 19-20 (Ozinga Ready Mix)
LANSING, LANSING ILLINOIS, VILLAGE OF	)	PCB 19-21 (Ozinga Materials)
FRANKFORT, FRANKFORT ILLINOIS,	)	PCB 19-22 (Midwest Marine)
VILLAGE OF WINNETKA, WINNETKA	)	PCB 19-23 (Mokena)

ILLINOIS, VILLAGE OF LA GRANGE, LA	)	PCB 19-24 (Oak Lawn)
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CHANNAHON, CHANNAHON ILLINOIS,	)	PCB 19-26 (Glenwood)
COOK COUNTY DEPARTMENT OF	)	PCB 19-27 (Morton Grove)
TRANSPORTATION AND HIGHWAYS,	)	PCB 19-28 (Lansing)
VILLAGE OF NILES, NILES ILLINOIS,	)	PCB 19-29 (Frankfort)
SKYWAY CONCESSION COMPANY LLC,	)	PCB 19-30 (Winnetka)
VILLAGE OF ELWOOD, ELWOOD ILLINOIS,	)	PCB 19-31 (La Grange)
CITY OF CHICAGO, CHICAGO ILLINOIS,	)	PCB 19-33 (Channahon)
VILLAGE OF CRESTWOOD, CRESTWOOD	)	PCB 19-34 (CCDTH)
ILLINOIS and VILLAGE OF RIVERSIDE,	)	PCB 19-35 (Niles)
RIVERSIDE ILLINOIS	)	PCB 19-36 (Skyway)
	)	PCB 19-37 (Elwood)
Petitioners,	)	PCB 19-38 (Chicago)
	)	PCB 19-40 (Crestwood)
v.	)	PCB 19-48 (Riverside)
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	(Time-Limited Water Quality
AGENCY,	)	Standard)
	)	(Consolidated)
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
<b>Via Electronic Mail</b>	<b>Via Electronic Mail</b>
<b>(SEE PERSONS ON ATTACHED SERVICE LIST)</b>	

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board ILLINOIS EPA'S RESPONSES TO THE BOARD'S QUESTIONS FROM JULY 24, 2019, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

Dated: September 23, 2019  
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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	)	(Consolidated)
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	)	

**ILLINOIS EPA’S RESPONSE TO THE BOARD’S QUESTIONS FROM JULY 24, 2019**

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, and submits the following responses with respect to the July 24, 2019 Order.

**1. Orland Park (PCB 16-15)**

**Response:** The “working area” is where the unloading and loading of the trucks takes place. It is the Agency’s intent for the discharger to eliminate or minimize run-off from the working area. The requirement to tarp the trucks should apply to transporting bulk chloride. It is not the intent of the Agency to have the salting truck tarped. The Agency is proposing to change the language for wash water. See BMPSs #4 and D in response to the Board’s question 20 below. The difficulties in pre-wetting for different sized trucks is an issue that should be addressed by the workgroup. However, it should be noted that the salt can be pre-wetted before loading it in the

truck.

**2. MWRDGC (PCB 16-29)**

**Response:** If one is a late joiner and has a de minimis amount of chloride, it is for that discharger to decide if they should seek a time-limited water quality standard. As for the twelve-month requirement, the Agency believes twelve months is enough time for a new discharger covered under a time-limited water quality standard to catch up with the other dischargers since that participant will be getting the benefit of the time-limited water quality standard. If twelve months is not long enough, the discharger should plan ahead before seeking coverage under the time-limited water quality standard.

**3. Oak Forest (PCB 16-33)**

**Response:** The dischargers would have an incentive to reach out and train citizens and private companies concerning the reduction of chloride use. Currently, it is not feasible to establish a grant program. A grant program would need legislation, approval by the General Assembly and a funding source. The MS4 permit does not allow for outside storage. (See General Permit for small MS4s, part IV (B)(6)(c)). The Agency cannot comment on behalf of the Illinois Department of Transportation.

**4. IMMT Illinois (PCB 19-17)**

**Response:** The Agency explained in detail the work group concept on P. 14 of its Recommendation. The work group would oversee the final details of how the workgroup will be structured. The decision to participate is the ultimately up to the discharger. However, one needs to participate in a work group to receive a time-limited water quality standard. Also, it is the Agency's understanding a workgroup is needed, so that USEPA will approve the time-limited water quality standard.

Below are specific comments the Agency will address from IMMT Illinois on P. 4-5 of IMMT's comments.

- 1) The Agency agrees that storage indoors or in a container that ensures stormwater does not come into contact with the salt is within the spirit of the BMP. Salt stored indoors will be on an impermeable pad. The Agency proposes the following change: "Store all salt on an impermeable pad that must be constructed to ensure that minimal stormwater is coming into contact with salt unless the salt is stored in a container that ensures stormwater does not come into contact with the salt."
- 2) For BMPs #4 and #D, the Agency proposes to strike "~~proper disposal of was water from trucks/spreaders,~~" and proposes the following language: "evaluate the opportunity to reduce or reuse the wash water". The Agency used the language "cleanup of salt at the end of each day or conclusion of a storm event". If this language is not sufficient, the petitioners should propose some alternate language.
- 3) The Agency proposes to change the language for BMP #7 from "Purchase" to "Use".
- 4) This is a good topic for the workgroup to address.

**5. Glenwood (PCB 19-26)**

**Response:** The Agency has proposed to change BMP #4 and #D to clarify that tarps should be used for transportation for bulk chloride and not for trucks that are spreading salt. The language should be changed to "tarping of trucks for transportation of bulk chloride,". The Agency has also proposed to strike "~~proper disposal of was water from trucks/spreaders,~~" and proposes the following language: "evaluate the opportunity to reduce or reuse the wash water".

**6. Winnetka (PCB 19-30)**

**Response:** See P. 24 and 25 of the Agency's Recommendation, which discusses re-evaluation and it specifies the work groups responsibilities. According to BMP #13 proposed by the Agency, each MS4 would develop an annual report. Also, the Agency has proposed that a discharger explain what is preventing them from implementation in the annual report. Yes, financial limitations would be considered when evaluating new or innovative technologies.

Equipment to measure pavement temperatures should be purchased immediately.

**7. Channahon (PCB 19-33)**

**Response:** No, the trucks do not need to be tarped during salting operations.

**8. Cook County (PCB 19-34)**

**Response:** It was the Agency's intent that a discharger should participate in one of the work groups. The participant is free to choose which workgroup it would like to participate in if it discharges to both watersheds. The Agency's recommendation should have used "or" instead of "and".

The Agency's intent with BMP #16 was to minimize the amount of stormwater that comes into contact with the salt that is in the working area. If they cannot minimize the stormwater that comes into contact with the working area, they should consider channeling the water to a collection point such as a sump, holding tank or lined basin for collection. The Agency's proposed language does not proscribe one solution. If this language is not sufficient, the petitioners should propose some alternate language.

**9. Board's questions from July 24, 2019 Order**

**Question:** Measures the workgroup must implement for inclusion in the language proposed in Question #20.

**Response:** The Agency believes this question is better suited to be addressed by the Petitioners. The Agency included in its Recommendation when various reports were due.

**Question:** Comment on including a provision in the list of Eligibility Criteria that would require the IEPA to act on the submission and thereby formally include or preclude the discharger from the dischargers covered under the chloride TLWQS.

**Response:** This is addressed in Section 104.575(a) of the rules for time-limited water quality standards.

**Question:** What types of guidelines does the IEPA envision for offsets?

**Response:** The ultimate goal of the chloride TLWQS is to achieve the chloride water quality standard in the CAWS and LDPR watersheds. The Petitioners are implementing chloride BMPs to attempt to make incremental improvements in the receiving waters. IEPA recognizes that new contributions from new or existing sources is a reasonable possibility and the offsets are a mechanism to address increases from new sources in this TLWQS. Thus, the Agency stated, “[A]ny discharger with a new source of chloride must offset at least their additional loading before receiving coverage under the TLWQS.” The Agency is not suggesting or proposing a trading system. As to ultimately achieve the chloride WQS, new contributions from new and existing sources must be offset by equal reductions elsewhere. In other words, the new and existing sources must achieve no net loading of chloride in the CAWS and LDPR watersheds. The new contribution from an existing or new source could be offset by one of many ways:

- Innovative approaches/controls.
- Non-chloride based de-icing chemicals.
- Non-chloride treatment controls to minimize loading.
- Contribution to, or hosting training programs for:
  - o Professionals
  - o Salt contractors
  - o Home owner Associations
  - o Private building owners
  - o Individuals
- Controls of chlorides.
- Reduction from sources, practices, and controls not part of Board’s established categories as part of the TLWQS.
- Upstream reductions outside of the watershed.



If a new source cannot offset any increased loading, the source can seek an individual TLWQS.

**Question:** Would these discharges be able to receive offsets from dischargers currently covered under the TLWQS that made quantifiable and verifiable reductions?

**Response:** No. Dischargers will not be able to receive offsets from dischargers currently covered by the TLWQS. This would impact the available reductions that someone currently covered by the TLWQS would be able to make in the next round of BMPs mandated by the TLWQS.

**Question:** How would IEPA and the discharges establish a trading system for such offsets.

**Response:** The Agency would not be setting up a trading system, rather, the offsets would be based on a site-specific basis and could contain one of the offsets mentioned above.

10. **Comments with respect to language proposed by the Board in #20.**

-1(i): The Agency will not be able to meet the 90-day time limit that the Board has imposed. The NPDES permits are given 15-day notice to the facility and a 30-day public notice before they are effective.

-2(a): Table 4 needs a column for the Workgroup.

-3(b)(5)- Agency proposes the following: “salt usage ~~on~~ in the past”

-3(b)(8) -The Board should also add application rates for parking lots such as “lbs./1000 square foot” or “gallons/1000 square foot”.

-5(e)- The Agency is unsure what the Board is trying to convey in this paragraph. Clarification is needed before they Agency can respond to this paragraph.

-The Board references Total Dissolved Solids (TDS) in the introductory paragraphs for #20 and in Table 1. However, the only TDS water quality standard that exists is for Bubbly Creek located at 35 Ill. Adm. Code 302.407(h) (which is not listed in Table 1). No one has asked for relief from the TDS standard.

-For BMP #2 “Store all salt on an impermeable pad that must be constructed to ensure that minimal stormwater is coming into contact with salt unless the salt is stored in a container that ensures stormwater does not come into contact with the salt.”

-For BMPs #4 and #D, says “tarping of trucks”. The Agency wants to ensure that “tarping of trucks” is for transportation of the salt and not winter deicing and proposes to change the language to “tarping of truck for transportation of bulk chloride,”

-For BMPs #4 and #D, the Agency proposes adding “where appropriate”. The proposed language would now state that “annual inspection and repairs completed prior to winter season where appropriate.”

-For BMPs #4 and #D, the Agency proposes to strike “~~proper disposal of was water from trucks/spreaders,~~” and proposes the following language: “evaluate the opportunity to reduce or reuse the wash water”.

-For BMP #7, the Agency would like to change the language from “Purchase” to “Use”. ~~Purchase~~ Use equipment to measure the pavement temperature unless such equipment has already been installed on road salt spreading vehicles.

-For BMPs #13 and #F, the Agency would like to remove the requirement “to be submitted through IEPA’s website” from the proposed language.

-Also, the Agency would like to make a correction to BMP #I, “taper” should be replaced with “tarp over”.

## 11. Morton Salt

**Comment:** Retention ponds are not feasible, practical, or effective in every situation.

**Response:** The Agency’s language acknowledges this. BMP #H states, “In some cases, it may be necessary to channel water to a collection point such as a sump, holding tank or lined basin for collection.” And BMP #J states, “The Permittee should consider the retention ...”. The Agency acknowledges that retention ponds are not feasible in every situation and has worded the language to allow for consideration in using language “In some cases” and “should consider”.

**Comment:** Outdoor salt piles cannot be covered “at all times except when in active use” because there is a period of time between when the salt is loaded and when the pile is constructed and ready to be tarped.

**Response:** The Agency considers the building of the salt pile as active use. If this language is not sufficient, the Petitioner should propose some alternate language.

**Comment:** Berms should not be a prescriptive requirement since they can be counterproductive to the goal of reducing contact between salt and stormwater. Salt piles will occasionally be smaller than the total area of the salt storage facility, especially late in the winter season or when a new storage pile is being constructed. Berms can actually “trap” stormwater and prevent it from being directed away from a pile. Also, tarping around berms can provide a pathway for stormwater to seep under the pile.

**Response:** BMP #I states, “The Permittee shall make use of fixed and mobile berms where appropriate to redirect flow and tarp over the edge of the pad where possible to minimize stormwater contact.” If the berm is trapping stormwater and preventing it from being directed away from the pile, it is not appropriate in that situation. It states “... tarp over the edge of the pad where possible to minimize stormwater contact.” If tarping around the berms is providing a pathway for stormwater to seep under the pile, it is not minimizing stormwater contact.

**Comment:** Tarping of all trucks is very difficult for a salt storage facility to enforce, since their customers include DOTs, municipalities, and private companies. The type of equipment used by these entities varies significantly – not all trucks are equipped with tarps.

**Response:** The Agency expects that trucks that are used for the transportation of bulk chloride will be fitted with tarps as part of the BMPs.

**Comment:** Requirements to remove surplus materials from the site when winter activity is finished and to complete inspections and repairs prior to the winter season do not make sense for salt storage facilities, like Morton’s Calumet Site, that provide salt to customers year-round or receive deliveries outside the winter months in preparation for the next winter season. The timing of repairs should not be prescribed. In some cases, it may be most feasible to complete repairs in the winter.

**Response.** The Agency agrees that removal of all salt at the end of the

winter season is not appropriate. The condition states” removing surplus materials from the site when winter activity is finished where applicable”. The Agency also agrees that it may be necessary to complete repairs at other times and has proposed a change to the wording of BMP #D to include “where applicable”.

**Comment:** Stormwater retention can be considered but should not be a prescriptive requirement at any site. Retention can be an effective solution for managing flooding and settling suspended solids, but it will not be effective for removing chloride from stormwater. Retention within the berm will expose the salt pile to flooding when a storm event more significant than a 25-year/24-hour event occurs. Additionally, “impacted stormwater” will not have sufficient processing that includes adding salt to the water.

**Response:** BMP #J states that the Permittee “should consider”.

Additionally, stormwater retention may not decrease the loading into the streams; however, it may delay the chlorides from getting into the stream and reduce the chloride peaks that are happening in the stream currently.

WHEREFORE, Illinois EPA respectfully submits its Response to the Board's Questions from July 24, 2019.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

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

Date: September 23, 2019  
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 the RESPONSES TO THE BOARD'S QUESTIONS FROM JULY 24, 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 (21 pages) in an e-mail transmission on or before 5:00 pm on September 23, 2019.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

DATED: September 23, 2019

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