

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

VILLAGE OF WINNETKA, WINNETKA	)	PCB 19-23 (Mokena)
ILLINOIS, VILLAGE OF LA GRANGE, LA	)	PCB 19-24 (Oak Lawn)
GRANGE ILLINOIS, VILLAGE OF	)	PCB 19-25 (Dolton)
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: See Attached Service List

PLEASE TAKE NOTICE that on September 23, 2019, CITGO HOLDINGS, INC. electronically filed with the Office of the Clerk of Illinois Pollution Control Board its RESPONSE TO QUESTIONS POSED BY HEARING OFFICER ORDER DATED JULY 24, 2019, a copy of which is hereby served upon you.

CITGO HOLDINGS, INC.

By: /s/ Jeffrey C. Fort
One of its Attorneys

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**RESPONSE OF CITGO HOLDINGS, INC. TO QUESTIONS POSED
BY HEARING OFFICER ORDER DATED JULY 24, 2019**

Citgo Holdings, Inc. ("Citgo") submits these responses to certain of the Board Questions attached to the Hearing Officer Order dated July 24, 2019. In particular, we wish to address the issue of how will success be determined.

1. One of the most important topics posed by the Board in the July 24 Order is:

"Petitioners do not propose a strategy for eventual compliance, such as performing studies to collect new or additional information to propose a revision to the underlying designated use and/or criterion during the course of the requested 15 years." Para 19(a), page 9.¹ We cannot speak for all the other participants in this matter, many of which did not participate in the R08-09

¹ We understand that most of the questions posed by the Board relate to the Initial Petition and that the Metropolitan Water Reclamation District of Greater Chicago ("District") is taking the lead on responding to those questions posed by the Board. We would caution the Board that the District's approach to using very general monitoring, such as use of a weekly maximum average at two District locations is not equivalent to the specific sampling which would be required by NPDES permits.

Subdocket D, which adopted the chloride standards and the “Site Specific Water Quality Standard” which comprise a key reference point in this innovative proceeding. However, the Citgo Lemont Refinery submits that the existing seasonal water quality standard for chloride does provide one such guide for “eventual compliance.” We respectfully suggest that the strategy for eventual compliance will vary among stream segments and dischargers, as well as the surrounding conditions. However, we would point out that Citgo has already done essentially what the Board is inquiring -- during the UAA proceeding. We acknowledge that, in its effort to address the entire CAWS and LDPR water way system, the Joint Petition could not practically list each and every compliance strategy for each discharger.

2. The Citgo Lemont Refinery² has been a frequent participant before the Board on a variety of water quality proceedings, both rulemakings and variances, relating to Total Dissolved Solids and Chlorides.³ The Lemont Refinery has participated because it takes a large portion of its cooling water supply from the Chicago Sanitary and Ship Canal and hence is affected by the chlorides and dissolved solids in that source. Elevated levels of chlorides and TDS have been found and associated with snow melt conditions. In those proceedings, and in negotiations with the Illinois Environmental Protection Agency, the Lemont Refinery has provided extensive data on the conditions in the Chicago Sanitary and Ship Canal, and particularly those reaches near the Lemont Refinery and the “electric fish barrier.” (which lies downstream of the Refinery and upstream of the Lockport locks). We wish to remind the Board of the extensive testimony provided in the UAA, and the Docket D for water quality standards for TDS and chlorides in light of the uses and extant conditions in the CSSC at the Refinery. The Refinery, with the support of

² Citgo Holdings, Inc. is the current Owner and Operator of the Lemont Refinery.

³ The District has left to other Petitioners to provide certain location specific information. The Citgo Lemont Refinery, as the Board already knows, is on the lower Chicago Sanitary and Ship Canal, identified as Watershed Group 19 (though it is on the CAWS). This corresponds to HUC12 code 71200040705 and IEPA Segment Zone Gi-02, -03 and/or -06.

James Huff and Roger Klocek, presented extensive testimony which took the USEPA guidance for water quality standards [the same guidance which we expect to be presented in this proceeding] and calculated a winter time acute and chronic water quality standard for chlorides.

3. The Board heard that testimony and arguments from IEPA and USEPA. The IEPA and USEPA comments did not calculate another criteria but Jim Huff responded to those comments. The Board elected to accept the Huff testimony and set a winter time acute water quality standard of 990 mg/L and 620 mg/L for a chronic criteria.⁴

4. After completion of the UAA, another proceeding was begun to further address chlorides in the Secondary Contact and General Use waters. That petition, authored by James Huff, contained further information on possible effects of various other ions which were related to chlorides. In addition to the evaluations previously submitted by Huff, new information was developed and submitted. As a result, the Petition found that a higher chloride levels was justified for the CSSC during winter months.⁵ Based this further study, and the prior rulemaking testimony, it would appear that the extant acute and chronic winter-time chloride regulations which were just adopted by the Board in R08-09 Docket D are protective.⁶

5. The District submitted an “Attachment to Petitioners’ Responses to Board Question 20...” That language, and the language of Board Question 20 may cause confusion. Use of terms such as “Criteria Measurement and Compliance Demonstration” is not the same as those terms when used to describe compliance with a water quality standard or an NPDES permit. As used in Question 20, we believe that phrase refers ONLY to making progress to reduce chloride levels in the affected waterways in a manner that justifies a Time Limited Water Quality variance process

⁴ See Opinion and Order of the Board at Second Notice in R08-09 (Docket D) at 11-14, 30-36, 81-91, 100, 114-115, 130 (March 19, 2015).

⁵ See R18-32, filed May 21, 2018, which proposed additional chloride standards ranging for winter months to 1,010 mg/L as an acute criteria and a 640 mg/L as a chronic criteria. [at page 4].

⁶ Regardless of how that rulemaking proceeding turns out, the test data presented will be relevant in considering acceptable chloride levels in the future.

such as this. The “interim winter criterion ... is 280 mg/L” is NOT the same kind of requirement as a Board regulation or water quality standard, such as the “Site Specific Water Quality Standard” adopted by the Board for the CSSC in R08-09 Docket D. Instead, this “criterion” is a tool by which improvements from BMPs can be assessed.⁷ We would suggest a clarifying phrase be added as noted below.⁸

6. At this time, the Lemont Refinery is not aware of any scientific justification for a lower acute or chronic criteria for chloride during the winter months for the Lower CSSC. Perhaps such information will be presented at some time in the future. However, at the present time it would appear that certain waters in the Chicago Area Waterway System, and particularly the Lower Chicago Sanitary and Ship Canal can achieve the extant chloride standard adopted by the Board. Whenever a further criteria or target for the Lower CSSC is proposed, we would expect to have an opportunity to respond.

7. In the meantime, the Lemont Refinery continues to implement the BMP program for control of TDS which the Agency included in its NPDES permit⁹. The Lemont Refinery recommended such measures to the Board and the Agency during the UAA proceedings and has shared the ongoing results and improvements resulting from that BMP program. To date, the Lemont Refinery has reduced its chloride dischargers substantially for the two years recorded to date. The Lemont Refinery would suggest that these measures are useful and instructive for other dischargers, particularly industrial dischargers into the waters within the scope of this proceeding.

⁷ The undersigned counsel for Citgo confirmed this understanding with Mr. Fred Andes, counsel for the District in a call on September 19, 2019.

⁸ “The interim winter criterion to be used to assess progress for the chloride TMWQS for the months of December through April is 280 mg/L. Progress-Compliancee is to be assessed as an average of the measurements....”

⁹ See “Best Management Practice Manual For Ice Control Measures...” (December 2016), submitted with the Individual Submittal in PCB 19-8.

8. The Lemont Refinery has discussed with the Agency and U.S.EPA the possibility that a trading program might be a useful tool for compliance for the Chicago Area Waterway System. Our experience with the BMP program may be a useful tool for such a credit trading program. However, we are not prepared to make recommendations at this time. We would suggest more experience is needed with BMP programs and more water quality information is required before such a trading program is created.

9. The Lemont Refinery chose to participate in this proceeding for many reasons, not the least of which is to have a voice in deciding what would be compliance. Many of the issues raised in this proceeding are based on assumption that "fishable swimmable" is the attainable use condition. That does not seem to be the case for the CSSC under existing law and EPA regulations. Uses of this man made channel, a key to the Chicago development and to prevent migration of invasive species into Lake Michigan, are factors which must be considered and which the Clean Water Act, EPA regulations, and the Illinois laws require be considered.

The Lemont Refinery appreciates the opportunity to participate in this proceeding.

Respectfully Submitted,

CITGO HOLDINGS, INC.

/s/ Jeffrey C. Fort

One of its Attorneys

Dated: September 23, 2019

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing RESPONSE OF CITGO HOLDINGS, INC. TO QUESTIONS POSED BY HEARING OFFICER ORDER DATED JULY 24, 2019 was electronically filed on September 23, 2019 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500|
100 W. Randolph St.
Chicago, IL 60601

And that copies were sent via email on September 23, 2019 to all parties on the service list attached.

/s/ Jeffrey C. Fort

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