

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

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.

) PCB 19-29 (Frankfort)
) PCB 19-30 (Winnetka)
) PCB 19-31 (La Grange)
) PCB 19-32 (Ingredion)
) PCB 19-33 (Channahon)
) PCB 19-34 (CCDTH)
) PCB 19-35 (Niles)
) PCB 19-36 (Skyway)
) PCB 19-37 (Elwood)
) PCB 19-38 (Chicago)
) PCB 19-40 (Crestwood)
) PCB 19-48 (Riverside)
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NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on December 5, 2019, Petitioner, Metropolitan Water Reclamation District of Greater Chicago ("MWRD" or "the District") electronically filed with the Office of the Clerk of the Illinois Pollution Control Board its **STATEMENT OF METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO REGARDING CONDUCT OF HEARINGS**, copies of which are hereby served upon you.

Respectfully submitted,

Metropolitan Water Reclamation District of Greater
Chicago

/s/ Fredric P. Andes

One of its Attorneys

Fredric P. Andes
BARNES & THORNBURG
One North Wacker Drive
Suite 4400
Chicago, IL 60606-2833
P: (312) 214-8310
F: (312) 759-5646
Fredric.Andes@btlaw.com

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OF TRANSPORTATION AND HIGHWAYS,
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SKYWAY CONCESSION COMPANY LLC,
VILLAGE OF ELWOOD, ELWOOD
ILLINOIS, CITY OF CHICAGO, CHICAGO
ILLINOIS, VILLAGE OF CRESTWOOD,
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RIVERSIDE, RIVERSIDE ILLINOIS

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**STATEMENT OF METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO REGARDING
CONDUCT OF HEARINGS**

In the Hearing Officer Order of November 14, 2019, it was noted that “there may be some confusion on how these hearings will proceed under Section 104.555 of the Board’s procedural rules.” As a result, the parties were given the opportunity to file “a statement addressing this issue.” This filing is the statement of Metropolitan Water Reclamation District of Greater Chicago (MWRD) in response to that Order.

This proceeding concerns the first petition for a watershed Time-Limited Water Quality Standard (TLWQS), and one of the first petitions for a TLWQS of any kind under the Board’s new TLWQS regulations. Therefore, MWRD believes that it would be helpful, before the hearings begin, for the Board to provide some additional detail regarding how the hearings will be conducted. That is especially so given the number of parties who may participate, including 49 petitioners, the regulatory agencies, and other stakeholders.

In determining how the hearings will proceed, it is important to consider the filings that have already been submitted. The petitioners each filed their own Individual Submittal, and each incorporated the information contained in a Joint Submittal that was also filed, including proposed conditions for the Board to include in the adopted TLWQS. The Illinois Environmental Protection Agency (IEPA) then submitted its recommendations as to the petitions, which included proposed changes to the TLWQS conditions that were proposed by the petitioners in the Joint Submittal. Petitioners then submitted responses to the IEPA recommendations. After those responses were submitted, the Board filed questions for the petitioners and for IEPA, which included suggested changes to the TLWQS conditions that were proposed by those parties. The petitioners and IEPA then filed responses to the Board questions, including their proposed changes to the Board's suggested TLWQS conditions.

In the interest of time and efficiency, MWRD believes that the hearings should proceed from where the submitted documents currently stand. There is no need to re-present information that has already been submitted. Rather, each party – including petitioners, IEPA, and other stakeholders – should, in their testimony, be allowed to present any supplemental information that they want the Board to consider. This would include any recommendations as to the conditions that should be included in the TLWQS by the Board when adopted.

Once the testimony is submitted, questions can be filed, on the schedule already provided by the Board. The questions can be regarding the testimony, or regarding any other documents that have been filed in the matter. In the hearing itself, the petitioner witnesses should go first, with questions asked of them. The witnesses could be those who filed

testimony, but they could also be other people – whoever is needed to answer the filed questions. As to the order of those witnesses, they should testify in the order in which the petitions were filed (so the hearing would start with any witnesses for the party who filed the first petition). Then after the petitioners' witnesses, the witnesses from IEPA should testify, then any witnesses from other stakeholders.

We believe that this process would best provide for an effective and useful hearing. It would not change the burdens of proof that are established under Board regulations.

Dated: December 5, 2019

Respectfully submitted,

Metropolitan Water Reclamation District of Greater
Chicago

/s/ Fredric P. Andes

One of its Attorneys

Fredric P. Andes
BARNES & THORNBURG
One North Wacker Drive
Suite 4400
Chicago, IL 60606-2833
P: (312) 214-8310
F: (312) 759-5646
Fredric.Andes@btlaw.com

CERTIFICATE OF SERVICE

The undersigned attorney certified, under the penalties of perjury pursuant to 735 ILCS 5/1-109, that he caused a copy of the foregoing **STATEMENT OF METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO REGARDING CONDUCT OF HEARINGS** to be served via electronic mail (from Fredric.Andes@btlaw.com) the 5th day of December, 2019 to the individuals listed on the attached service list.

/s/ Fred P. Andes

Fredric P. Andes

SERVICE LIST

Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601	Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601
PCB 2016-014 Stefanie N. Diers Sara Terranova Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276	PCB 2016-014 Christopher J. Cummings Christopher J. Cummings, P.C. 2014 Hickory Road Suite 205 Homewood, IL 60430
PCB 2016-014 Albert Ettinger Law Firm of Albert Ettinger 53 W. Jackson Suite 1664 Chicago, IL 60604	PCB 2016-015 Dennis Walsh E. Kenneth Friker Klein, Thorpe & Jenkins 15010 S. Ravinia Avenue Suite 17 Orland Park, IL 60477
PCB 2016-016 David J. Freeman Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd 631 E. Boughton Road Suite 200 Bolingbrook, IL 60440	PCB 2016-016 Peter Murphy 11800 S. 75 th Avenue Suite 101 Palos Heights, IL 60463
PCB 2016-017 Dennis Walsh Klein, Thorpe & Jenkins 15010 S. Ravinia Avenue Suite 17 Orland Park, IL 60477	PCB 2016-018 Michael P. Murphy Heplerbroom, LLC 4340 Acer Grove Drive Springfield, IL 62711
PCB 2016-020 Dennis Walsh Erin K. Lavery Klein, Thorpe & Jenkins 15010 S. Ravinia Avenue Suite 17 Orland Park, IL 60477	PCB 2016-021 Amber M. Samuelson Peter D. Coblentz Rosenthal, Murphey, Coblentz & Donahue 30 N. LaSalle Street, Suite 1624 Chicago, IL 60602

<p>PCB 2016-022 John P. Antonopoulos Antonopoulos & Virtel, PC 15419 127th Street Suite 100 Lemont, IL 60439</p>	<p>PCB 2016-023 Michael P. Murphy Heplerbroom, LLC 4340 Acer Grove Drive Springfield, IL 62711</p>
<p>PCB 2016-025 David Stoneback Lindsey Ott City of Evanston 555 Lincoln Street Evanston, IL 60201</p>	<p>PCB 2016-025 Alexandra B. Ruggie Hugh DuBose City of Evanston 2100 Ridge Road Evanston, IL 60201</p>
<p>PCB 2016-026 James G. McCarthy Michael M. Lorge Village of Skokie 5127 Oakton Street Skokie, IL 60077</p>	<p>PCB 2016-027 Matthew D. Dougherty Special Assistant Attorney General Illinois Dept. of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764</p>
<p>PCB 2016-029 Margaret T. Conway Metropolitan Water Reclamation District 100 E. Erie Street Chicago, IL 60611</p>	<p>PCB 2016-030 Amber M. Samuelson Peter D. Coblentz Rosenthal, Murphey, Coblentz & Donahue 30 N. LaSalle Street Suite 1624 Chicago, IL 60602</p>
<p>PCB 2016-031 Andrew N. Fiske Hart M. Passman Steven M. Elrod Holland & Knight LC 131 S. Dearborn Street 30th Floor Chicago, IL 60603</p>	<p>PCB 2016-033 Erin K. Lavery Scott F. Uhler Dennis G. Walsh Klein, Thorpe & Jenkins, Ltd. 20 N. Wacker Drive Suite 1660 Chicago, IL 60606</p>
<p>PCB 2019-7 Michael J. Marovich, Hiskes Dillner O Donnell Marovich Lapp Ltd 10759 W. 159th Street. Suite 201 Orland Park, IL 60467</p>	<p>PCB 2019-8 Jeffrey C. Fort Dentons US LLP 233 South Wacker Driver Suite 7800 Chicago, IL 60606-6404</p>

<p>PCB 2019-9 Michael R. Stiff Spesia and Taylor 1415 Black Road Joliet, IL 60435</p>	<p>PCB 2019-10 Sonni Choi Williams City of Lockport 222 East 9th Street Lockport , IL 60441</p>
<p>PCB 2019-11 Chuck Anthony Caterpillar Inc. 100 NE Adams St Peoria, IL 61629</p>	<p>PCB 2019-12 Michael R. Stiff Spesia and Taylor 1415 Black Road Joliet, IL 60435</p>
<p>PCB 2019-13 Martin J. Shanahan City of Joliet 150 West Jefferson Street Joliet, IL 60432</p>	<p>PCB 2019-14 Eric E. Boyd Thompson Coburn LLP 55 East Monroe Street Chicago, IL 60603</p>
<p>PCB 2019-15 Dennis G. Walsh Klein, Thorpe & Jenkins, Ltd. 20 N. Wacker Drive, Suite 1660 Chicago, IL 60606</p>	<p>PCB 2019-16 Dennis G. Walsh Klein, Thorpe & Jenkins, Ltd. 20 N. Wacker Drive, Suite 1660 Chicago, IL 60606</p>
<p>PCB 2019-17 David L. Rieser K & L Gates, LLP 70 W. Madison Street Ste. 3100 Chicago, IL 60602</p>	<p>PCB 2019-18 Peter Etienne Stepan Company 1135 Skokie Boulevard Northbrook, IL 60062</p>
<p>PCB 2019-19 Felicia L. Frazier Odelson & Sterk, Ltd. 3318 West 95th Street Evergreen Park, IL 60642</p>	<p>PCB 2019-20 Richard S. Porter Hinshaw & Culbertson LLC 100 Park Ave. PO Box 1389 Rockford, IL 61105</p>
<p>PCB 2019-21 Richard S. Porter Hinshaw & Culbertson LLC 100 Park Ave. PO Box 1389 Rockford, IL 61105</p>	<p>PCB 2019-22 Richard S. Porter Hinshaw & Culbertson LLC 100 Park Ave. PO Box 1389 Rockford, IL 61105</p>

<p>PCB 2019-23 Carl R. Buck Rathbun, Cservenyak & Kozol, LLC 3260 Executive Drive Joliet, IL 60431</p>	<p>PCB 2019-24 Thomas J. Condon, Jr. Peterson Johnson and Murray Chicago LLC 200 W. Adams Suite 2125 Chicago, IL 60606</p>
<p>PCB 2019-25 Amber M. Samuelson Rosenthal, Murphey, Coblenz & Donahue 30 North LaSalle St. Suite 1624 Chicago, IL 60602</p>	<p>PCB 2019-26 John F. Donahue Rosenthal, Murphey, Coblenz & Donahue 30 North LaSalle St. Suite 1624 Chicago, IL 60602</p>
<p>PCB 2019-27 Teresa Hoffman Liston Village of Morton Grove 6101 Capulina Avenue Morton Grove, IL 60053</p>	<p>PCB 2019-28 Matthew M. Welch Montana and Welch LLC 11950 South Harlem Avenue Suite 102 Palos Heights, IL 60463</p>
<p>PCB 2019-29 George F. Mahoney III Mahoney, Silverman & Cross, Ltd. 822 Infantry Drive Suite 100 Joliet, IL 60435</p>	<p>PCB 2019-30 Benjamin L. Schuster Holland & Knight LLC 150 North Riverside Plaza Suite 2700 Chicago, IL 60606</p>
<p>PCB 2019-31 Mark E. Burkland Holland & Knight LLC 150 North Riverside Plaza Suite 2700 Chicago, IL 60606</p>	<p>PCB 2019-32 Michael P. Murphy Heplerbroom, LLC 4340 Acer Grove Drive Springfield, IL 62711</p>
<p>PCB 2019-33 Marron Mahoney Mahoney, Silverman & Cross, Ltd. 822 Infantry Drive Suite 100 Joliet, IL 60435</p>	<p>PCB 2019-34 Jeffrey M. Fronczak Cook County Department of Transportation and Highways 69 W. Washington Street 24th Floor Chicago, IL 60602</p>

PCB 2019-35 D. Danielle Grecic Village of Niles 1000 Civic Center Drive Niles, IL 60714	PCB 2019-36 Brett D. Heinrich Dana B. Mehlman Vedder Price 222 North LaSalle Street Suite 2600 Chicago, IL 60601
PCB 2019-37 David J. Silverman Mahoney, Silverman & Cross, Ltd. 822 Infantry Drive Suite 100 Joliet, IL 60435	PCB 2019-38 Jared Policicchio City Of Chicago Department of Law 30 N. LaSalle Street Suite 1400 Chicago, IL 60602
PCB 2019-40 David B. Sosin Sosin Arnold and Schoenbeck Ltd. 9501 W. 144th Place Suite 205 Orland Park, IL 60462	PCB 2019-48 Edward J. Bailey Village of Riverside 3860 Columbus Boulevard Riverside, IL 60546
PCB 2019-48 Dennis G. Walsh Klein, Thorpe & Jenkins, Ltd. 20 N. Wacker Drive, Suite 1660 Chicago, IL 60606	