

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

GRANGE ILLINOIS, INGREDION, INC.,	)	PCB 19-27 (Morton Grove)
VILLAGE OF CHANNAHON, CHANNAHON	)	PCB 19-28 (Lansing)
ILLINOIS, COOK COUNTY DEPARTMENT	)	PCB 19-29 (Frankfort)
OF TRANSPORTATION AND HIGHWAYS,	)	PCB 19-30 (Winnetka)
VILLAGE OF NILES, NILES ILLINOIS,	)	PCB 19-31 (La Grange)
SKYWAY CONCESSION COMPANY LLC,	)	PCB 19-32 (Ingredion)
VILLAGE OF ELWOOD, ELWOOD	)	PCB 19-33 (Channahon)
ILLINOIS, CITY OF CHICAGO, CHICAGO	)	PCB 19-34 (CCDTH)
ILLINOIS, VILLAGE OF CRESTWOOD,	)	PCB 19-35 (Niles)
CRESTWOOD ILLINOIS and VILLAGE OF	)	PCB 19-36 (Skyway)
RIVERSIDE, RIVERSIDE ILLINOIS	)	PCB 19-37 (Elwood)
	)	PCB 19-38 (Chicago)
Petitioners,	)	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
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov
(Via Electronic Mail)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that on January 17, 2020, Morton Salt, Inc. electronically filed with the Office of the Clerk of the Illinois Pollution Control Board APPEARANCE of Tim Briscoe and PETITIONER MORTON SALT'S PRE-FILED TESTIMONY, copies of which are hereby served upon you.

MORTON SALT, INC.

By: /s/ Eric E. Boyd
Attorney for Morton Salt, Inc.

Eric E. Boyd
THOMPSON COBURN LLP
55 East Monroe Street
Chicago, Illinois 60603
Telephone: (312) 346-7500
eboyd@thompsoncoburn.com
Firm I.D. No. 48614

CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies that he served copies of the foregoing **APPEARANCE** of Tim Briscoe and **PETITIONER MORTON SALT'S PRE-FILED TESTIMONY** to the parties on the attached Service List, by sending a copy to the email addresses designated in the list on or before 4:30 p.m. on January 17, 2020.

/s/ Eric E. Boyd

Attorney for Morton Salt, Inc.

SERVICE LIST

Bradley P. Halloran	Brad.Halloran@illinois.gov
Sara Terranova	sara.terranova@illinois.gov
Christopher J. Cummings	chris@CJCummingsLaw.com
Stefanie N. Diers	Stefanie.diers@illinois.gov
Albert Ettinger	ettinger.albert@gmail.com
E. Kenneth Friker	ekfriker@ktjlaw.com
Peter Murphy	pmmlawyer@aol.com
David J. Freeman	dfreeman@robbins-schwartz.com
Dennis Walsh	dgwalsh@ktjlaw.com
Katherine D. Hodge	Katherine.Hodge@heplerbroom.com
Amber M. Samuelson	ASamuelson@rmcj.com
Peter D. Coblentz	pcoblentz@rmcj.com
John P. Antonopoulos	john@avlawoffice.net
Joshua Houser	Joshua.Houser@heplerbroom.com
David Stoneback, Director	dstoneback@cityofevanston.org
Mario Treto	mtreto@cityofevanston.org
Lindsey Ott	Lott@cityofevanston.org
James G. McCarthy	james.mccarthy@skokie.org
Michael M. Lorge	mml@skokie.org
Matthew D. Dougherty	Matthew.Dougherty@illinois.gov
Margaret T. Conway	Margaret.conway@mwrdr.org
Fredric P. Andes	fandes@btlaw.com
Andrew N. Fiske	andrew.fiske@hklaw.com
Hart M. Passman	hart.passman@hklaw.com
Richard Rinchich	rrinchich@oak-forest.org
Scott F. Uhler	suhler@ktjlaw.com
Erin K. Lavery	eklavery@ktjlaw.com
Lindsey Birt	Lindsey.birt@gza.com
David Pfeifer	Pfeifer.david@epa.gov
Stacy Meyers	smeyers@openlands.org
Michael P. Murphy	mpm@heplerbroom.com
Alexandra B. Ruggie	aruggie@cityofevanston.org
Hugh DuBose	hdubose@cityofevanston.org
Alexandra Wyss	awyss@jolietcity.org

Electronic Filing: Received, Clerk's Office 01/17/2020

Mark D. Goldrich	mdgoldich@KTJLAW.com
Sonni Williams	swilliams@lockport.org
Joanne Olson	Joanne.olson@illinois.gov
Benjamin Schuster	Benjamin.schuster@hklaw.com
B. Heinrich	bheinrich@vedderprice.com
Carl R. Buck	cbuck@rcklawfirm.com
Anthony Charles	Anthony.charles.R@cat.com
Daniel Siegfried	Daniel.siegfried@heplerbroom.com
Dana B. Mehlman	dmehlman@msclawfirm.com
David Rieser	David.rieser@klgates.com
David J. Silverman	dsilverman@msclawfirm.com
D. Sosin	Dsosin@sosinarnold.com
Edward J. Bailey	ebailey@riverside.il.us
Felicia L. Frazier	ffrazier@odelsonsterk.com
Jared Policicchio	Jared.policicchio@cityofchicago.org
Jeffrey C. Fort	Jeffrey.fort@dentons.com
Jeff Fronczak	Jeff.fronczak@cookcountyil.gov
Mark Burkland	Mark.burkland@hklaw.com
Marron Mahoney	mmahoney@msclawfirm.com
Michael J. Shanahan	mshanahan@jolietcity.org
M. Welch	mwelch@montanawelch.com
Melanie Pettway	Melanie.pettway@skokie.org
Michael J. Marovich	marovich@hdoml.com
Michael R. Stiff	mstiff@spesia-taylor.com
Richard S. Porter	rporter@hinshawlaw.com
Steven Elrod	Steven.elrod@hklaw.com
D. Danielle Grecic	dg@vniles.com
E. Lynn Grayson	lg@nijmanfranzetti.com
Kristen L. Gale	kg@nijmanfranzetti.com
Teresa Hoffman Liston	tliston@mortongroveil.org
George F. Mahoney	gmahoney@msclawfirm.com
Thomas J. Condon, Jr.	tcondon@pjmchicago.com
John F. Donahue	jdonahue@rmcj.com
Peter Etienne	petienne@stepan.com

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

FRANKFORT, FRANKFORT ILLINOIS,	)	PCB 19-24 (Oak Lawn)
VILLAGE OF WINNETKA, WINNETKA	)	PCB 19-25 (Dolton)
ILLINOIS, VILLAGE OF LA GRANGE, LA	)	PCB 19-26 (Glenwood)
GRANGE ILLINOIS, INGREDION, INC.,	)	PCB 19-27 (Morton Grove)
VILLAGE OF CHANNAHON, CHANNAHON	)	PCB 19-28 (Lansing)
ILLINOIS, COOK COUNTY DEPARTMENT	)	PCB 19-29 (Frankfort)
OF TRANSPORTATION AND HIGHWAYS,	)	PCB 19-30 (Winnetka)
VILLAGE OF NILES, NILES ILLINOIS,	)	PCB 19-31 (La Grange)
SKYWAY CONCESSION COMPANY LLC,	)	PCB 19-32 (Ingredion)
VILLAGE OF ELWOOD, ELWOOD	)	PCB 19-33 (Channahon)
ILLINOIS, CITY OF CHICAGO, CHICAGO	)	PCB 19-34 (CCDTH)
ILLINOIS, VILLAGE OF CRESTWOOD,	)	PCB 19-35 (Niles)
CRESTWOOD ILLINOIS and VILLAGE OF	)	PCB 19-36 (Skyway)
RIVERSIDE, RIVERSIDE ILLINOIS	)	PCB 19-37 (Elwood)
	)	PCB 19-38 (Chicago)
Petitioners,	)	PCB 19-40 (Crestwood)
	)	PCB 19-48 (Riverside)
v.)	
)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	(Time-Limited Water Quality
AGENCY,	)	Standard)
	)	(Consolidated)
Respondent.)	

PETITIONER MORTON SALT’S PRE-FILED TESTIMONY

Petitioner Morton Salt, Inc. (“Morton”), by and through its attorneys, and pursuant to the Order of the Illinois Pollution Control Board and its Hearing Officer dated December 17, 2019, provides the following Pre-Filed Testimony to be presented at the hearing on or about February 18-20, 2019, by Morton’s witness, Kim Peterson.

Pre-Filed Testimony

Good morning,

My name is Kim Peterson and I am the Director of Environmental & Sustainability Programs at Morton Salt, Inc.—one of many Petitioners that supports and is committed to the implementation of a Time-Limited Water Quality Standard for the Defined Chicago Area Waterway System and Des Plaines River Watershed. Morton appreciates the opportunity to participate in today’s hearing and is grateful for the efforts of the Board, the IEPA, and the other Petitioners in this important matter.

For over 20 years, Morton has owned a bulk salt storage facility and marine terminal adjacent to the Calumet River known as the Calumet Site. Morton typically stores about 500,000 tons of bulk deicing salt at this Site year-round, most of which arrives at the Site by ships. After the ships unload the salt at the Site, the salt is then distributed by trucks to Morton’s customers,

which include municipalities in the Chicagoland area, along with the Illinois and Indiana Departments of Transportation. Morton is one of just two Salt Storage Facilities that are involved in this Petition and will be subject to the Time-Limited Water Quality Standard.

Because some salt enters the Calumet River from Morton's Calumet Site – usually because of significant rain and stormwater events – Morton operates the Site pursuant to a general discharge permit for industrial activities. Morton also implements a set of Best Management Practices to control its salt runoff and discharges. Some of those BMPs that Morton currently uses at the site are: (i) conveying stormwater away from the salt stockpile when it is fully constructed; (ii) maintaining the areas where salt is unloaded, transported, stored, and loaded onto trucks with asphalt pavement; (iii) covering the stockpile with tarps; (iv) cleaning spilled or misplaced salt; and (v) completing regular monitoring, inspections, and reporting to assess Morton's compliance with its discharge permit and applicable Best Management Practices.

By joining the July 24, 2018 Joint Submittal as well as filing its own Individual Submittal in Support of the Petition, Morton has committed to further improving its operations. BMPs proposed in those documents, including the BMPs listed in Chapter 2 of the Joint Submittal, include: (i) securing salt piles with tarps at all times except when the piles are in active use; (ii) conducting enhanced annual training; and (iii) filing an annual report as detailed in Chapter 9 of the Joint Submittal.

Additionally, in accordance with Chapter 7 of the Joint Submittal Report, Morton will develop a Pollutant Minimization Plan within six (6) months of the effective date of the Time-Limited Water Quality Standard. The PMP will contain specific details regarding planned-BMP improvements and how they will be implemented at the Calumet Site.

Lastly, Morton has also committed to implement the BMPs outlined in detail in Morton's April 19, 2019 Response to the Recommendation of the IEPA and Morton's September 23, 2019 Response to the Questions of the Board. Those two documents make several important points about the applicability of proposed BMPs to salt stockpilers such as Morton.

For example, the BMPs ultimately adopted by the Board should take into account that any requirements distinguishing among the seasons of the year do not make sense for year-round salt stockpilers such as Morton. The BMPs should also make clear that constructed mechanisms such as berms and retention ponds are not prescriptive requirements for all Salt Storage Facilities because they may not be feasible, practical, or effective – and can even be counterproductive – depending on each Facility's unique circumstances. Similarly, BMPs pertaining to the tarping of trucks must account for the fact that Salt Storage Facilities such as Morton's Calumet Site are visited by trucks from a variety of entities whose operations are not within Morton's control. The type of equipment used by those companies and agencies varies significantly, and not all of their trucks are equipped with tarps.

Morton included these and other points in its Response to the Recommendation of the IEPA and also offered modifications to the language of the IEPA's recommended BMPs. However, in pages 10 through 12 of its Response to the Board's questions, the IEPA responded

only partially to Morton's comments and did not acknowledge or consider adopting *any* of Morton's proposed modifications to the wording of the BMPs. It is important to note that the language of the BMPs will ultimately be incorporated into the discharge permits to which Morton and other Petitioners are subject, so their precise language matters tremendously. The edits that Morton proposed were modest and intended to clarify the requirements under which Salt Storage Facilities will operate to achieve compliance.

In sum, Morton respectfully requests that the Board adopt the Best Management Practices detailed in Morton's April 19, 2019 Response to the Recommendation of the IEPA as well as Morton's September 23, 2019 Response to the Questions of the Board. Those proposed BMPs account for the unique challenges confronted by Salt Storage Facilities such as Morton to ensure their compliance with the Time-Limited Water Quality Standard.

Thank you.

Respectfully submitted,

By: /s/ Eric E. Boyd
One of the Attorneys for Morton Salt, Inc.

Eric E. Boyd
THOMPSON COBURN LLP
55 East Monroe Street
Chicago, Illinois 60603
Telephone: (312) 346-7500
eboyd@thompsoncoburn.com
Firm I.D. No. 48614

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

MORTON SALT, INC.)	
)	
Petitioner,	)	PCB 2019-014
)	
v.	)	(Time-Limited Water Quality
	)	Standard)
ILLINOIS ENVIRONMENTAL	)	(Consolidated)
PROTECTION AGENCY,)	
)	
Respondent.)	

APPEARANCE

I, Tim Briscoe, hereby file my appearance in this proceeding on behalf of Petitioner,
Morton Salt, Inc.

DATED: January 17, 2020

Respectfully submitted,

By: /s/ Tim Briscoe
One of the Attorneys for Morton Salt, Inc.

Eric E. Boyd
THOMPSON COBURN LLP
55 East Monroe Street
Chicago, Illinois 60603
Telephone: (312) 346-7500
eboyd@thompsoncoburn.com
Firm I.D. No. 48614

Tim Briscoe
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101
Telephone: (314) 552-6448
tbriscoe@thompsoncoburn.com
Firm I.D. No. 48614