

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,)	PCB 16-29 (MWRDGC)
CATERPILLAR, INC., CITY OF CREST HILL,)	PCB 16-30 (Richton Park)
CREST HILL ILLINOIS, CITY OF JOLIET,)	PCB 16-31 (Lincolnwood)
JOLIET ILLINOIS, MORTON SALT, INC.,)	PCB 16-33 (Oak Forest)
CITY OF PALOS HEIGHTS, PALOS HEIGHTS)	PCB 19-7 (Village of Lynwood)
ILLINOIS, VILLAGE OF ROMEOVILLE,)	PCB 19-8 (Citgo Holdings)
ROMEOVILLE ILLINOIS, IMTT ILLINOIS)	PCB 19-9 (New Lenox)
LLC, STEPAN CO., VILLAGE OF PARK)	PCB 19-10 (Lockport)
FOREST, PARK FOREST ILLINOIS, OZINGA)	PCB 19-11 (Caterpillar)
READY MIX CONCRETE, INC., OZINGA)	PCB 19-12 (Crest Hill)
MATERIALS, INC., MIDWEST MARINE)	PCB 19-13 (Joliet)
TERMINALS LLC, VILLAGE OF MOKENA,)	PCB 19-14 (Morton Salt)
MOKENA ILLINOIS, VILLAGE OF OAK)	PCB 19-15 (Palos Heights)
LAWN, OAK LAWN ILLINOIS, VILLAGE OF)	PCB 19-16 (Romeoville)
DOTON, DOTON ILLINOIS, VILLAGE OF)	PCB 19-17 (IMTT Illinois)
GLENWOOD, GLENWOOD ILLINOIS,)	PCB 19-18 (Stepan)
VILLAGE OF MORTON GROVE, MORTON)	PCB 19-19 (Park Forest)
GROVE ILLINOIS, VILLAGE OF LANSING,)	PCB 19-20 (Ozinga Ready Mix)
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)
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:	Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 Via Electronic Mail	Brad Halloran, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 Via Electronic Mail
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(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **PETITIONER, COOK COUNTY DEPARTMENT OF TRANSPORTATION AND HIGHWAYS', POST-HEARING BRIEF**, a copy of which is herewith served upon you.

Respectfully submitted,

COOK COUNTY DEPARTMENT OF
TRANSPORTATION AND HIGHWAYS

By: /s/ Jeffrey M. Fronczak
Jeffrey M. Fronczak

DATE: April 21, 2020

Jeffrey M. Fronczak
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Chicago, IL 60602
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CERTIFICATE OF SERVICE

I, Jeffrey M. Fronczak, the undersigned, hereby certify that I have served the attached **PETITIONER, COOK COUNTY DEPARTMENT OF TRANSPORTATION AND HIGHWAYS', POST-HEARING BRIEF** upon the parties on the attached service list via electronic mail on April 21, 2020.

Respectfully submitted,

By: /s/ Jeffrey M. Fronczak
Jeffrey M. Fronczak

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ILLINOIS ENVIRONMENTAL PROTECTION)	(Time-Limited Water Quality
AGENCY,)	Standard)
)	(Consolidated)
Respondent.))

PETITIONER, COOK COUNTY DEPARTMENT OF TRANSPORTATION AND HIGHWAYS', POST-HEARING BRIEF

Petitioner, Cook County Department of Transportation and Highways (CCDTH), by and through its attorney, Jeffrey M. Fronczak, pursuant to the Hearing Report dated February 27, 2020, and the Hearing Officer Order dated March 26, 2020, submits the following post-hearing comments:

1. CCDTH incorporates and adopts the Post-Hearing Brief filed by the Metropolitan Water Reclamation District of Greater Chicago.

2. CCDTH continues to have concerns regarding the Illinois Environmental Protection Agency's proposed BMP #16 and respectfully requests that the Board adopt the following alternate language proposed by CCDTH in the pre-filed testimony of Adam James:

“Working areas should be bermed and/or sloped to the extent practicable to minimize the amount of snow melt and stormwater that comes into contact with the working area.”

The IEPA's proposed BMP #16 would require “all working areas [to] be bermed and/or

sloped to allow snow melt and stormwater to drain away from the area,” and “may require the discharger to channel water to a collection point such as a sump, holding tank or lined basin for collection.”

CCDTH’s major concern with the proposed BMP #16, as currently worded, is the reference to channeling water for collection. Apart from being technically infeasible and economically unreasonable, it is not clear from the language of the BMP when channeling water to a collection point would be required, how and by whom that determination would be made, and how dischargers would be informed of such a determination.

At the hearing, in explaining why CCDTH’s alternate language for BMP #16 was not acceptable, the IEPA’s witness, Scott Twait, stated that “it’s appropriate to consider channeling water to a collection point on a site-specific basis.” When asked by CCDTH how the Agency will determine when a discharger needs to channel water to a collection point and when and how that determination would be made known to the dischargers, Mr. Twait replied that “[i]t’s going to be something that the discharger will consider. And the Agency is not making it a specific requirement that it’s channeled, but it should be something that each facility considers.”

In light of the IEPA’s hearing testimony, CCDTH believes that the reference to channeling water to a collection point should be removed from the proposed BMP #16 or, at the very least, the language should be revised to make it clear that it is not a requirement and that the decision to do so is left to the dischargers’ discretion.

Respectfully submitted,

COOK COUNTY DEPARTMENT OF
TRANSPORTATION AND HIGHWAYS

By: /s/ Jeffrey M. Fronczak

Jeffrey M. Fronczak

DATE: April 21, 2020

Jeffrey M. Fronczak

Cook County Department of Transportation and Highways

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<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>

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