

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)
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	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
	Via Electronic Mail	Via Electronic Mail
	(SEE PERSONS ON ATTACHED SERVICE LIST)	

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board IEPA'S MOTION FOR EXTENSION OF TIME, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: June 1, 2020
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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ILLINOIS EPA’S MOTION FOR EXTENSION OF TIME

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, and submits the following with respect to its Motion for an Extension of Time.

1. This proceeding involves approximately 49 Petitioners who are seeking a watershed time-limited water quality standard (TLWQS) for chlorides from the Illinois Pollution Control Board (Board). Initially, in 2015, sixteen Petitioners had individually sought a variance from the recently adopted chloride water quality standard. The Board consolidated these petitions, and they were converted to TLWQS petitions by operation of law in February 2017.

2. Shortly thereafter, the Board established the following classes of dischargers that may be covered by the TLWQS: publicly owned treatment works (POTWs), communities with combined sewer overflow (CSO) outfalls, industrial sources; municipal separate storm sewer

systems (MS4s); Illinois Department of Transportation (IDOT) and Illinois Tollway discharges, and salt storage facilities. Village of Homewood, PCB 16-14 (cons.) slip op. at 2 (April 12, 2017). The class of dischargers includes those that discharge into the Des Plaines River watershed from the Kankakee River to the Will County Line (except for the DuPage River watershed) and the Chicago Area Waterways System watershed (except the North Branch Chicago River watershed upstream of the North Shore Channel and those portions of the watershed located in Indiana). Homewood, PCB 16-14 (cons.) slip op. at 2 (June 8, 2017).

3. The Board determined that the previously filed petitions for a variance were not in substantial compliance with the requirements for TLWQS. Homewood, PCB 16-14 (cons.) slip op. at 3 (June 8, 2017). The Board granted those 16 Petitioners and any other member of the discharger classes until July 26, 2018, to file an amended petition. *Id.* Approximately thirty-three other Petitioners have joined in seeking a watershed TLWQS.

4. The amended petition in this TLWQS proceeding, filed on July 24, 2018, consists of two components: the Joint Submittal in Support of Petition for Chloride Time Limited Water Quality Standard for the Defined Chicago Area Water System/Des Plaines River Watershed (Joint Petition), and individual submittals for all 49 petitioners that include discharger specific information.

5. On December 20, 2018, the Board found the Joint Petition to be in substantial compliance. *See* PCB 16-14 at 5, December 20, 2018.

6. The Petitioners are seeking a watershed TLWQS from the Board's chloride water quality standard in 35 Ill. Adm. Code 302.407(g)(3) within the Lower Des Plaines River (LDPR) watershed and portions of the Chicago Area Waterway System (CAWS) watershed. The Board established the chlorides water quality standard at issue here pursuant Section 303 of the federal

Clean Water Act (CWA), 33 USC §1251(a)(2), which requires states to adopt water quality standards that include designated uses and the criteria to protect such uses. 40 CFR §131.2 (2018). The water quality criteria “represents the conditions (e.g. concentrations of particular chemicals, levels of certain parameters) sufficient to restore and maintain the chemical, physical, and biological integrity of the water bodies and protect applicable designated uses.” Water Quality Standards Handbook: Second Edition, Chapter 3: Water Quality Criteria, p.1 (EPA-823-B-17-001). The chlorides water quality standard at issue in this petition is 500 mg/l. J. Sub. at 1.3; *See* 35 Ill. Adm. Code 302.407(g)(3).

7. Post hearing comments were due in this matter on April 21, 2020 and replies to those comments are due on June 5, 2020.

8. All participants timely filed comments with the Board on April 21, 2020. Based on those comments, the participants are currently discussing issues raised from the April 21, 2020 filings.

9. The participants believe that these discussions may result in agreements and clarifications that will expedite and focus the Board’s consideration of the TLWQS .

10. Participants have agreed that because of these ongoing discussions reply briefs should now be due on July 8, 2020.

11. Participants have informed the Agency they do not object to extending the reply deadline to July 8, 2020. Therefore, there would be no prejudice in allowing this extension.

WHEREFORE, the Agency respectfully requests the Board to grant its Motion for an Extension of Time to file reply briefs until July 8, 2020.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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

Date: June 1, 2020

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, certify that I have served a copy of the foregoing NOTICE OF FILING and the IEPA'S MOTION FOR AN EXTENSION OF TIME, 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 in an e-mail transmission on or before 5:00 pm on June 1, 2020.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

DATED: June 1, 2020

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