

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)
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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)
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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)

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CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies that he served a copy of the foregoing **NOTICE OF FILING** and **PETITIONER MORTON SALT'S RESPONSE TO ILLINOIS EPA'S POST HEARING COMMENTS** to the parties on the attached Service List, by sending a copy to the email addresses designated in the list on or before 5:00 p.m. on August 21, 2020.

/s/ Eric E. Boyd

One of the Attorneys for Morton Salt, Inc.

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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 RESPONSE
TO POST HEARING COMMENTS**

Petitioner Morton Salt, Inc. ("Morton"), by and through its attorneys, and pursuant to the Order of the Illinois Pollution Control Board ("Board") and its Hearing Officer dated July 6, 2020, respectfully submits the following Response to Post Hearing Comments ("Response"):

Morton is the owner of a bulk salt storage facility adjacent to the Calumet River, known as the Calumet Site, which will become subject to the best management practices ("BMPS") applicable to Salt Storage Facilities ("SSFs") according to the implementation schedule ultimately adopted by the Board in this Time-Limited Water Quality Standard proceeding.

Morton has participated throughout the proceeding by commenting on and offering revisions to

the BMPs applicable to SSFs proposed by the Board and the IEPA, as well by participating in the hearing of February 18, 2020.

As a result of the efforts of the Board, the IEPA, and the petitioners, the record filings demonstrate that the Board, the IEPA, and Morton have come to agree on the language of almost all of the BMPs applicable to SSFs, which are denoted by the letters A through J. This concurrence is reflected in (i) the Board's iteration of its proposed BMPs for SSFs, which are found on pages 30-32 of the Board's Pre-Filed Questions and Revised Potential Draft Order Language dated February 13, 2020 ("Proposed Order"); and (ii) the IEPA's most recent iteration of its proposed BMPs for SSFs, found in Table 3 of the IEPA's Response to Post Hearing Comments dated August 21, 2020 ("IEPA's Response").

However, two issues remain regarding those BMPs. First, Morton wishes to clarify to the Board that the text of BMPs I and J should not be included in any form in the final TLWQS rule. In both the Proposed Order (page 32) and IEPA's Response (Table 3), the text of BMPs I and J are included but do not have markers associated with them in the column titled "Salt Storage Facilities." The lack of markers expresses IEPA and the Board's apparent intent, in light of the discussions throughout this proceeding, to remove BMPs I and J altogether from the proposed BMPs.¹ Since there are no other BMPs applicable to other types of dischargers that lack any markers, the text of BMPs I and J contained in the Proposed Order and IEPA's Response could cause confusion as to whether they should be included in some form in the final rule. Therefore, Morton respectfully requests that the Board delete BMPs I and J altogether.

¹ For example, Morton advocated for the removal of BMPs I and J during the February 18, 2020 hearing. *See* Transcript of Hearing (filed Feb. 24, 2020) at 45:21-46:2 ("Morton agrees with the Board's draft proposed order where the order does not apply BMPs I and J to salt storage facilities. Those BMPs contain requirements about fixed berms, mobile berms, and retention ponds that are not feasible for the reasons I set forth a moment ago") (testimony of Kim Peterson on behalf of Morton Salt).

Second, Morton requests that the Board modify BMP H to include an element of feasibility regarding the channeling of water to collection points. Below is the text of BMP H (from Table 3 of IEPA's Response) with Morton's proposed modification, which is shown in bold text and highlighted blue.

Proposed BMP H modification

For working areas, provide berms and/or sufficient slope to allow snow melt and stormwater to drain away from the area. If snow melt and stormwater cannot be drained away from the working area, channeling water to a collection point such as a sump, holding tank or lined basin for collection, discharge at a later time, use for prewetting, and/or use for make-up water for brine should be considered **if feasible**.

This modification is necessary because collecting water in sumps, holding tanks, retention ponds, or other collection mechanisms is not feasible for a bulk salt storage operation such as Morton's. For such a mechanism to work at the Calumet Site, an enormous amount of space would be required—space that the Calumet Site does not have and that Morton Salt cannot obtain.² Therefore, Morton respectfully requests that the Board add the two words “if feasible” to BMP H as shown above.

Respectfully submitted,

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

² Morton also expanded on this point during the hearing. *See* Transcript of Hearing (filed Feb. 24, 2020) at 43:17-44:8 (“Morton's site is designed to minimize the amount of water that comes into contact with salt in the first place, and that design cannot be feasibly changed to channel water to a retention pond, even if there was space to build such a pond. There simply is no market-ready technology available to collect and store stormwater on a year-round basis.”) (testimony of Kim Peterson on behalf of Morton Salt).

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