

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF SKOKIE,
A Municipal Corporation,

Petitioner,

v.

Illinois Environmental
Protection Agency,

Respondent.

PCB 16-26
(Variance – Water)

RECEIVED
CLERK'S OFFICE

AUG 17 2015

STATE OF ILLINOIS
Pollution Control Board



ORIGINAL

NOTICE OF FILING OF PETITION FOR VARIANCE

To: Margaret Conway
MWRD of Greater Chicago
100 East Erie Street
Chicago, IL 60611

Cook County State's Attorney
Civil Actions Bureau
69 W. Washington, Ste. 3200
Chicago, IL 60602

Cook County Board President
Toni Preckwinkle
118 N. Clark Street, Room 537
Chicago, IL 60602

Senator Ira Silverstein
Illinois State Senate
2951 W. Devon
Chicago, IL 60659

Representative Lou Lang
Illinois House of Representatives
4121 Main Street
Skokie, IL 60076

IEPA
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

As required by 415 ILCS 5/37(a) and 35 Ill. Admin. Code 104.214(b), the Village of Skokie (Skokie or Petitioner) is providing you notice that on July 21, 2015, it filed with the Office of the Clerk of the Illinois Pollution Control Board ("Board") a **Petition for Variance from Chlorides Standards**. Below is additional information about the petition:

1) The street address of the facility or pollution source, and if there is no street address, then the legal description or the location with reference to any well-known landmark, highway, road, thoroughfare or intersection.

Combined Sewer discharges specified in the attached list.

2) A description of the requested relief.

The Board has adopted new aquatic life standards for the Chicago Area Waterways System ("CAWS"), including for chlorides. These standards were adopted by an Opinion and Order of the Board in Docket R2008-09, Subdocket D, dated June 18, 2015. The final rules appeared in the Illinois Register on July 10, 2015 (30 Ill. Reg. 9388, 9423, 9433). The chlorides standards, which are in 35 IAC 302.407(g)(2) and (g)(3), are not currently met on a consistent basis and cannot be met on a consistent basis during the term of the variance that is being requested here by Skokie.

Skokie is petitioning the Board for a variance authorizing discharges from the Combined Sewer Overflow ("CSO") outfalls into the CAWS pursuant to the terms and conditions outlined in the Petition for Variance. Over the next 3 years (and longer if necessary), Skokie will continue to work with IEPA, Metropolitan Water Reclamation District of Greater Chicago (MWRD) and other stakeholders, as a participating member of the Chicago Area Waterways Chloride Initiative Work Group. During this process, Skokie will assist the Work Group's efforts to develop an effective Best Management Practices ("BMP") program to reduce chloride loadings to the CAWS, as well as to develop, and secure regulatory adoption and approval of, a compliance mechanism to address chloride issues as presented in NPDES permits for dischargers to the CAWS. During this time period, the MWRD will provide periodic reports to the Board as to the status of the Work Group's discussions. At the conclusion of the Work Group's efforts, the MWRD (with other stakeholders if possible) will provide a final report to the Board, including recommendations and any proposed changes to regulations that are necessary in order to implement the recommendations.

The proposed beginning date for the variance for the discharges would be the date that the Permit for that CSO is modified to include the variance. The term for the variance would be for a maximum of five years, ending no later than the effective date of any regulatory changes that are adopted by the Board to address chloride issues in the CAWS, after submittal of the final report of the Chicago Area Waterways Chloride Initiative Work Group, but in any event no later than the expiration date of the applicable Permit.

3) Any person may request a hearing by filing with the Board a written objection to the grant of the variance within 21 days after the publication of the Petitioner's notice, together with a written request for hearing.

4) The Clerk of the Board's address and phone number is:

Office of the Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601
312-814-3629

The Board's website address is: <http://www.ipcb.state.il.us/>

A copy of the variance petition may be obtained through the Clerk's Office or COOL, located on the Board's website.

5) The Illinois Environmental Protection Agency ("Agency") is preparing a recommendation regarding the petition. The recommendation is to be filed on September 4, 2015, 45 days after the petition was filed.

The Agency employee responsible for the recommendation.

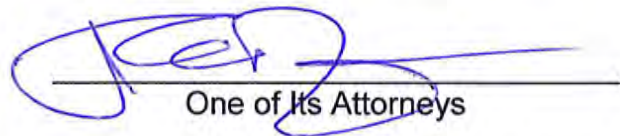
John Kim
IEPA, Division of Legal Counsel, #21
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Tel: 217-782-5544

6) A hearing may be held after the filing of the recommendation and that the record will remain open for written comments for 45 days after filing of the recommendation. The address of the Board to which the comments must be mailed is:

Office of the Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

7) The record in the variance proceeding is available at the Board office for inspection, except those portions that are protected from disclosure under 35 Ill. Adm. Code 130. Procedures are available whereby disclosure may be sought by the public.

8) Variances may be granted pursuant to Section 35 of the Illinois Environmental Protection Act [415 ILCS 5/35] and 35 Ill. Adm. Code 104. As noted above, the Board regulations or order from which a variance is sought are the standards that were adopted by an Opinion and Order of the Board in Docket R2008-09, Subdocket D, dated June 18, 2015. The final rules appeared in the Illinois Register on July 10, 2015 (30 Ill. Reg. 9388, 9423, 9433). The chlorides standards, are in 35 IAC 302.407(g)(2) and (g)(3).



One of Its Attorneys

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August 11, 2015

Combined Sewer Discharges

The O'Brien plant's point of discharge is the 001 Water Reclamation Plant Outfall and the receiving water is the North Shore Channel. In addition, the plant's Permit authorizes the following Combined Sewer discharges:

Discharge Number	Location	Receiving Water
001	Howard Street & McCormick Boulevard	North Shore Channel
002	Greenwood Street & McCormick Blvd	North Shore Channel
003	Emerson Street & McCormick Boulevard	North Shore Channel
004	Lake Street & McCormick Boulevard	North Shore Channel
005	Main Street & McCormick Boulevard	North Shore Channel