

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>METROPOLITAN WATER RECLAMATION</b>	)	
<b>DISTRICT OF GREATER CHICAGO,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No. 2016-028</b>
	)	<b>(Time-Limited Water Quality</b>
	)	<b>Standard)</b>
<b>ILLINOIS ENVIRONMENTAL PROTECTION</b>	)	
<b>AGENCY,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING**

To: See Attached Service List

**PLEASE TAKE NOTICE** that on November 13, 2020, the **Metropolitan Water Reclamation District of Greater Chicago** electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the **Post-Hearing Reply Brief of Metropolitan Water Reclamation District of Greater Chicago**, a copy of which is hereby served upon you.

Dated: November 13, 2020

**METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO**

By: /s/ Fredric P. Andes  
One of Its Attorneys

Fredric P. Andes  
**BARNES & THORNBURG LLP**  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313 (General)  
(312)214-8310 (Direct)  
(312)759-5646 (Fax)  
[fredric.andes@btlaw.com](mailto:fredric.andes@btlaw.com)

**PROOF OF SERVICE**

The undersigned attorney certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that he caused a copy of the foregoing **Post-Hearing Reply Brief of Metropolitan Water Reclamation District of Greater Chicago** to be served via electronic mail to all parties listed on the attached Service List on this 13<sup>th</sup> day of November, 2020.

*/s/ Fredric P. Andes*

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One of Its Attorneys

**SERVICE LIST**

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, IL 60601  
Email: Brad.Halloran@illinois.gov

Albert Ettinger  
53 W. Jackson, Suite 1664  
Chicago, IL 60604  
Email: ettinger.albert@gmail.com

Stefanie N. Diers  
Rex L. Gradeless  
IEPA  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
Email: Stefanie.diers@illinois.gov  
Email: Rex.Gradeless@Illinois.gov

Stacy Meyers  
Openlands  
25 East Washington Street, Suite 1650  
Chicago, IL 60602  
Email: smeyers@openlands.org

Jared Policicchio  
City of Chicago  
Department of Law  
30 N. LaSalle Street  
Suite 1400  
Chicago, IL 60602  
Email: jared.policicchio@cityofchicago.org

Dave Pfeifer  
USEPA  
77 W. Jackson  
Chicago, IL 60604  
Email: pfeifer.david@epa.gov

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	)	
<b>Respondent.</b>	)	

**POST-HEARING REPLY BRIEF OF METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO**

Petitioner Metropolitan Water Reclamation District of Greater Chicago (“MWRD” or the “District”) files this post-hearing reply brief to address outstanding issues related to the conditions to be included in a Board order approving its Petition for a Time-Limited Water Quality Standard (“TLWQS”) for dissolved oxygen as to the District’s combined sewer overflow (“CSO”) discharges.

The outstanding issues, which have been noted in the Illinois EPA’s initial post-hearing brief and in a comment letter filed by U.S. EPA, relate to CSO discharges in the Calumet portion of the Chicago Area Waterways System (“CAWS”). On September 3, 2020, U.S. EPA stated that as to the Calumet CSO discharges, the TLWQS should include conditions necessary to collect information to address the following issues:

1. Whether, and to what extent, there will still be CSOs now that Thornton Reservoir is in full operation;
2. If additional CSOs are expected, to what extent those CSOs will still be contributing to low dissolved oxygen levels;

3. If additional CSOs are expected, the potential alternatives to reduce or eliminate the number of CSOs or to provide additional aeration to mitigate the effects of CSOs on dissolved oxygen;
4. The feasibility of implementing each potential alternative; and
5. What other conditions exist that contribute to low dissolved oxygen levels and what activities could be implemented to mitigate those conditions or otherwise improve aquatic life.

On September 30, 2020, MWRD filed its post-hearing brief in this matter. On the Calumet issue, MWRD noted the conditions proposed in the U.S. EPA letter, and stated that it was amenable to including those conditions in the TLWQS. Also on September 30, 2020, Illinois EPA filed its reply brief, and that brief stated that Illinois EPA “agrees with USEPA and believes over the term of the TLWQS, MWRD should work to address” the issues raised by the U.S. EPA letter.

The remaining question, then, concerning the Calumet issues is the specific language that should be used in the Board’s order to implement a requirement that MWRD collect information to address those five issues. In the Illinois EPA brief, the Agency suggests (in Attachment 1 to that brief), a series of conditions that it believes should be included. Those conditions are as follows:

1. Conditions currently in the permits for Calumet, Stickney and O’Brien.
2. Suggested Conditions in the Amended Petition in Par I.E.1. (Amended Petition, P.16-20)
3. A requirement that MWRD will analyze the instream dissolved oxygen data and make modification and adjustments to improve DO levels in the CAWS
4. Follow actions and achieve milestones set forth in the Consent Decree detailed in Part I.E.1 of the Amended Petition. (Amended Petition, P. 20-21)

MWRD has no objection to the proposed conditions 1, 2 and 4 in the Illinois EPA recommendations. However, we believe that condition 3 needs revision and clarification.

As written, Illinois EPA's condition 3 is not limited to the Calumet discharges, is not focused on a specific timeframe, and does not clearly specify the issues that MWRD is required to assess. To clarify this condition, MWRD believes that it should be revised to read as follows:

During the term of the TLWQS, MWRD will assess the issues listed below, and six months before the end of the TLWQS term, shall file a report with the Board that contains its assessment of these issues. The information in this Report will be used in the Board's review of any petition for another TLWQS that is filed by MWRD as to dissolved oxygen for its CSO discharges.

1. MWRD will assess whether, and to what extent, there will still be CSOs in the Calumet System now that Thornton Reservoir is in full operation;
2. If additional CSOs are expected in the Calumet System, MWRD will assess to what extent those CSOs will still be contributing to low dissolved oxygen levels;
3. If additional CSOs are expected in the Calumet System, MWRD will assess the potential alternatives to reduce or eliminate the number of CSOs in the Calumet System, including additional aeration to mitigate the effects of CSOs in the Calumet System on dissolved oxygen;
4. MWRD will assess the feasibility of implementing each of those potential alternatives; and
5. MWRD will assess what other conditions exist that contribute to low dissolved oxygen levels in the Calumet System and will assess what activities could be implemented to mitigate those conditions or otherwise improve aquatic life in the Calumet System.

We believe that this proposed condition adequately addresses the issues as to the Calumet CSO discharges that have been raised by U.S. EPA and Illinois EPA, and MWRD agrees to implement this condition if it is included in a Board order approving the TLWQS.

Dated: November 13, 2020

Respectfully submitted,

Metropolitan Water Reclamation District of  
Greater Chicago

*/s/ Fredric P. Andes*

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One of its Attorneys

Fredric P. Andes  
BARNES & THORNBURG LLP  
One North Wacker Drive  
Suite 4400  
Chicago, IL 60606-2833  
P: (312) 214-8310  
F: (312) 759-5646  
[Fredric.Andes@btlaw.com](mailto:Fredric.Andes@btlaw.com)