

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
WATER QUALITY STANDARDS AND )  
EFFLUENT LIMITATIONS FOR THE ) R08-9(D)  
CHICAGO AREA WATERWAY SYSTEM ) (Rulemaking – Water)  
AND THE LOWER DES PLAINES RIVER )  
PROPOSED AMENDMENTS TO 35 ILL )  
ADM. CODE PARTS 301, 302, 303 and 304 )

**NOTICE OF FILING**

TO: Mr. John T. Therriault	Ms. Marie E. Tipsord
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **EXXONMOBIL OIL CORPORATION'S PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which is herewith served upon you.

Respectfully submitted,

EXXONMOBIL OIL CORPORATION,

Dated: June 24, 2013

By: /s/ Monica T. Rios

Monica T. Rios

Katherine D. Hodge  
Monica T. Rios  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Monica T. Rios, the undersigned, hereby certify that I have served the attached

**EXXONMOBIL OIL CORPORATION'S PRE-FILED QUESTIONS FOR THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** upon:

Mr. John T. Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

via electronic mail on June 24, 2013; and upon:

Ms. Marie E. Tipsord  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Deborah J. Williams, Esq.  
Stefanie N. Diers, Esq.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Matthew J. Dunn, Esq.  
Thomas H. Shepherd, Esq.  
Environmental Enforcement Division  
Office of the Attorney General  
State of Illinois  
69 West Washington, 18th Floor  
Chicago, Illinois 60602

Frederick M. Feldman, Esq.  
Ronald M. Hill, Esq.  
Margaret T. Conway  
Metropolitan Water Reclamation District  
100 East Erie Street  
Chicago, Illinois 60611

Aeril J. Teshler, Esq.  
Jeffrey C. Fort, Esq.  
SNR Denton US LLP  
233 South Wacker Drive, Suite 7800  
Chicago, Illinois 60606-6404

Susan Charles, Esq.  
Thomas W. Dimond, Esq.  
Ice Miller LLP  
200 West Madison, Suite 3500  
Chicago, Illinois 60606

Claire A. Manning, Esq.  
Brown, Hay & Stephens, LLP  
700 First Mercantile Bank Building  
205 South Fifth Street  
Post Office Box 2459  
Springfield, Illinois 62705-2459

Mr. Bernard Sawyer  
Mr. Thomas Granato  
Metropolitan Water Reclamation District  
6001 West Pershing Road  
Cicero, Illinois 60650-4112

Mr. Robert VanGyseghem  
City of Geneva  
1800 South Street  
Geneva, Illinois 60134-2203

Jerry Paulsen, Esq.  
Cindy Skrukrud, Esq.  
Environmental Defenders of  
McHenry County  
110 S. Johnson Street, Suite 106  
Woodstock, Illinois 60098

Mr. James L. Daugherty  
Thorn Creek Basin Sanitary District  
700 West End Avenue  
Chicago Heights, Illinois 60411

Mr. Keith I. Harley, Esq.  
Ms. Elizabeth Schenkler  
Chicago Legal Clinic, Inc.  
211 West Wacker Drive, Suite 750  
Chicago, Illinois 60606

Frederick D. Keady, P.E.  
Vermilion Coal Company  
1979 Johns Drive  
Glenview, Illinois 60025

W.C. Blanton, Esq.  
Husch Blackwell LLP  
4801 Main Street  
Suite 1000  
Kansas City, Missouri 64112

Mr. James E. Eggen  
City of Joliet, Department of Public  
Work and Utilities  
150 W. Jefferson Street  
Joliet, Illinois 60432

Mr. Jack Darin  
Sierra Club  
70 East Lake Street, Suite 1500  
Chicago, Illinois 60601-7447

Ms. Lisa Frede  
Chemical Industry Council of Illinois  
1400 East Touhy Avenue, Suite 110  
Des Plaines, Illinois 60019-3338

Fredric P. Andes, Esq.  
Erika K. Powers, Esq.  
Barnes & Thornburg  
1 North Wacker Drive, Suite 4400  
Chicago, Illinois 60606

John J. Reichart, Esq.  
American Water Company  
727 Craig Road  
St. Louis, Missouri 63141

Mr. Mark Schultz  
Navy Facilities and  
Engineering Command  
201 Decatur Avenue, Bldg. 1A  
Great Lakes, Illinois 60088-2801

Ms. Kay Anderson  
American Bottoms RWTF  
One American Bottoms Road  
Sauget, Illinois 62201

Jessica Dexter, Esq.  
Environmental Law & Policy Center  
35 East Wacker, Suite 1600  
Chicago, Illinois 60601

Ms. Cathy Hudzik  
City of Chicago – Mayor's Office  
of Intergovernmental Affairs  
121 North LaSalle Street  
City Hall – Room 406  
Chicago, Illinois 60602

Dr. Thomas J. Murphy  
2325 North Clifton Street  
Chicago, Illinois 60614

Mr. Bob Carter  
Bloomington Normal Water  
Reclamation District  
Post Office Box 3307  
Bloomington, Illinois 61702-3307

Ms. Olivia Dorothy  
Office of Lt. Governor  
Room 414 State House  
Springfield, Illinois 62706

Mr. Kenneth W. Liss  
Andrews Environmental Engineering  
3300 Ginger Creek Drive  
Springfield, Illinois 62711

Ms. Vicky McKinley  
Evanston Environment Board  
223 Grey Avenue  
Evanston, Illinois 60202

Susan M. Franzetti, Esq.  
Kristen Laughridge Gale, Esq.  
Nijman Franzetti LLP  
10 South LaSalle Street, Suite 3600  
Chicago, Illinois 60603

Mr. Irwin Polls  
Ecological Monitoring and Assessment  
3206 Maple Leaf Drive  
Glenview, Illinois 60025

Stacy Meyers-Glen, Esq.  
Openlands  
25 East Washington Street, Suite 1650  
Chicago, Illinois 60602

Mr. Lyman C. Welch  
Alliance for the Great Lakes  
17 N. State Street, Suite 1390  
Chicago, Illinois 60602

Mr. James Huff  
Huff & Huff, Inc.  
915 Harger Road, Suite 330  
Oak Brook, Illinois 60523

Ann Alexander, Esq.  
Natural Resources Defense Council  
2 North Riverside Plaza, Suite 2250  
Chicago, Illinois 60606

Roy M. Harsch, Esq.  
Drinker Biddle & Reath  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698

Albert Ettinger, Esq.  
53 West Jackson  
Suite 1664  
Chicago, Illinois 60604

Alec M. Davis, Esq.  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, Illinois 62701

Jared Policicchio, Esq.  
Chicago Department of Law  
30 N. LaSalle Street  
Suite 900  
Chicago, Illinois 60602

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on June 24, 2013.

/s/ Monica T. Rios  
Monica T. Rios

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
WATER QUALITY STANDARDS AND )  
EFFLUENT LIMITATIONS FOR THE ) R08-9(D)  
CHICAGO AREA WATERWAY SYSTEM ) (Rulemaking – Water)  
AND THE LOWER DES PLAINES RIVER )  
PROPOSED AMENDMENTS TO 35 ILL )  
ADM. CODE PARTS 301, 302, 303 and 304 )

**EXXONMOBIL OIL CORPORATION'S PRE-FILED QUESTIONS  
FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

NOW COMES EXXONMOBIL OIL CORPORATION ("ExxonMobil"), by and through its attorneys, HODGE DWYER & DRIVER, and submits the following Pre-Filed Questions for the Illinois Environmental Protection Agency ("Illinois EPA") for presentation at the July 29, 2013 hearing scheduled in the above-referenced matter:

1. Where does the Illinois EPA currently collect water samples along the Lower Des Plaines River (LDPR)? What procedure is followed and how often are water samples being collected for the purposes of assessing water quality for the Upper Dresden Island Pool ("UDIP") (Segment IL\_G-12)?
2. The First Notice Opinion and Order in Subdocket C lists five constituents that were reviewed as part of the LDPR Use Attainability Analysis ("UAA") and, at that time, were not meeting the General Use standards. First Notice at 220. Based on current data, what constituents would Illinois EPA conclude are not currently meeting the General Use standards in the LDPR, or that may not meet the standards in the near future due to predicted trends?
  - a. What is the process Illinois EPA envisions by which an existing point-source discharge is transitioned to the new WQS?

b. Are existing sources subjected to a new WQS eligible for allowed mixing or a mixing zone for constituents that do not meet the General Use standards in the LDPR?

3. In the pre-filed testimony of Scott Twait, the “Amendments for Upper Dresden Island Pool” address the Board’s First Notice proposal and deletes the temperature standard at Section 302.408(d). Pre-filed Testimony of S. Twait at 2. However, the Board’s First Notice Opinion also suggests adapting the General Use standards “in the area of temperature.” How does Illinois EPA intend to adapt the UDIP WQSs in Subdocket D “in the area of temperature?”

4. Are there other “areas” or water quality constituents besides temperature that should be adjusted from General Use for the UDIP in Subdocket D?

5. Does Illinois EPA envision any pollutants for which the transition from “secondary indigenous ...” to “General Use” will result in a scenario in which there is a transition from no WQS to a new WQS in which the UDIP is impaired?

a. If so, which pollutants would fall into this category?

b. What is the process Illinois EPA envisions by which an existing point-source discharge is transitioned under the scenario described above?

c. Under this scenario, are existing sources subjected to a new standard eligible for allowed mixing or a mixing zone?

d. Under this scenario, and in light of recent USEPA disapproval of a variance, are relief mechanisms like “variances” and “adjusted standards” available to existing sources?

e. Is it Illinois EPA’s understanding that a variance or an adjusted standard can be granted with CWA 303(c) approval that alters that numerical WQS and yet protects the existing use? Or, does changing a numerical standard always bring with it a use limitation?

6. When adjusted standards and variances are considered/reviewed by Illinois EPA, is the impact to downstream dischargers evaluated? Can you describe this

process? In situations where a single discharger's effluent dominates the river and a variance is granted to that discharger for a particular WQS, how do you envision downstream dischargers complying with that WQS?

7. Will heated effluents subject to the General Use WQSs be subjected to the thermal demonstrations required under 35 Ill. Admin. Code § 302.211(f)?

a. If yes, what will the "effective date" be for purposes of making a timely demonstration to the Board?

b. If yes, are existing heated effluents that are less than 0.5 Bbtu/hr be allowed to retain existing mixing?

Respectfully submitted,

EXXONMOBIL OIL CORPORATION,

Dated: June 24, 2013

By: /s/ Monica T. Rios  
Monica T. Rios

Katherine D. Hodge  
Monica T. Rios  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

MOBO:041/Fil/Pre-Filed Questions