

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
WATER QUALITY STANDARDS AND)	R08-9
EFFLUENT LIMITATIONS FOR THE)	(Rulemaking - Water)
CHICAGO AREA WATERWAY SYSTEM)	
AND THE LOWER DES PLAINES RIVER:)	Subdocket D
PROPOSED AMENDMENTS TO 35 Ill.)	
Adm. Code Parts 301, 302, 303 and 304)	

NOTICE OF FILING

To: ALL COUNSEL OF RECORD
(Service List Attached)

PLEASE TAKE NOTICE that on the 24th Day of June, 2013, I, on behalf of the Metropolitan Water Reclamation District of Greater Chicago (the "District"), electronically filed **METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S TESTIMONY QUESTIONS FOR SCOTT TWAIT** with the Office of the Clerk of the Illinois Pollution Control Board.

Dated: June 24, 2013

**METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO**

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

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PROOF OF SERVICE

The undersigned, a non-attorney, certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that I caused a copy of the forgoing, the **METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S TESTIMONY QUESTIONS FOR SCOTT TWAIT**, to be served via First Class Mail, postage paid, from One North Wacker Drive, Chicago, Illinois, on the 24th Day of June, 2013, upon the attorneys of record on the attached Service List.

/s/ Jeaninne Roraff

Jeaninne Roraff

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
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WATER QUALITY STANDARDS AND) R08-9
EFFLUENT LIMITATIONS FOR THE) (Rulemaking - Water)
CHICAGO AREA WATERWAY)
SYSTEM AND THE LOWER DES) Subdocket D
PLAINES RIVER: PROPOSED)
AMENDMENTS TO 35 Ill. Adm. Code)
Parts 301, 302, 303 and 304

**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER
CHICAGO'S TESTIMONY QUESTIONS FOR SCOTT TWAIT**

1. Proposed sections 302.408(b) and (c) include periods that range from 15 to 31 days. Was the length of each period considered in calculating the corresponding period average temperature value? If so, how?
2. Page 8: What was the basis for the Illinois Environmental Protection Agency's (the Agency's) agreement with the U.S. Environmental Protection Agency (USEPA) to use the "less impacted station (Cal-Sag Channel – Route 83)" as representative of the background temperature of the system?
3. Page 8: You indicated that the Agency "did not expect that the period average would be violated at the Chicago Sanitary and Ship Canal," and that the Agency "has proposed using the 90th percentile of the temperature from the background station as the period average." Does the choice of the 90th percentile indicate that the Agency anticipates that the period average temperature value will be exceeded approximately ten percent of the time based on historical data? If so, how does the Agency consider the period average temperature values to be attainable in the system?
4. Proposed sections 302.48(b) and (c) indicate that the water temperature "shall not exceed the period average limits in the following table during any period." Does this language prohibit exceedances of the period average temperature value up to ten percent of the time?
5. Page 8: If future temperature data are consistent with the historical data used by the Agency to establish the proposed period average temperature values, how will the Agency address the exceedances that will be expected to occur at least ten percent of the time, even at the "less impacted" Cal-Sag Channel – Route 83? Will the Agency designate the affected water as impaired on the Clean Water Act (CWA) Section 303(d) List? Will the Agency impose additional or more stringent temperature limits in dischargers' National Pollutant Discharge Elimination System (NPDES) permits? Will the Agency develop a total maximum daily load (TMDL)?

6. Page 8: How does the Agency expect existing dischargers to reduce current effluent temperatures sufficient to achieve the proposed period average temperature values 100 percent of the time?
7. Page 9: You indicated that, "To the Agency's knowledge, this system has not had trouble with fish kills due to cold shock." If that is the case, what is the basis for the Agency's proposal of a new narrative standard for cold shock?
8. Pages 9-10: You indicated that, "The Agency intends to interpret this standard in a similar manner as explained by Wisconsin in development of its cold shock standard." What is your understanding of how Wisconsin interprets its cold shock standard?
9. Pages 9-10: How does the Agency intend to define "cold shock?"
10. Pages 9-10: Does the Agency expect the proposed new narrative standard for cold shock to result in any new conditions being imposed in dischargers' NPDES permits? If so, what new conditions will be imposed?
11. Pages 9-10: Does the Agency expect the proposed new narrative standard for cold shock to result in any new or more stringent effluent temperature limitations in dischargers' NPDES permits? If so, how will those limitations be calculated?
12. Pages 9-10: Does the Agency expect the proposed new narrative standard for cold shock to result in any additional waters being designated as impaired on the CWA Section 303(d) List?

Dated: June 24, 2013

Respectfully submitted,

**METROPOLITAN WATER
RECLAMATION DISTRICT OF
GREATER CHICAGO**

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One of Its Attorneys

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