

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD,)
HOMWOOD ILLINOIS, VILLIAGE)
OF ORLAND PARK, ORLAND PARK, ILLINOIS	) PCB 16-14 (Homewood)
VILLAGE OF MIDLOTHIAN, MIDLOTHIAN,	) PCB 16-15 (Orland Park)
ILLINOIS, VILLAGE OF TINELY PARK, TINLEY PARK,	) PCB 16-16 (Midlothian)
ILLINOIS, EXXONMOBIL OIL CORPORATION,	) PCB 16-17 (Tinley Park)
VILLAGE OF WILMETTE, CITY OF COUNTRY	) PCB 16-18 (ExxonMobil)
CLUB HILLS, COUNRTY CLUB HILLS, ILLINOIS,	) PCB 16-20 (Wilmette)
NORAMCO-CHICAGO, INC., FLINT HILLS,	) PCB 16-21 (Country Club Hills)
RESOURCES JOLIET, LLC, CITY OF EVANSTON,	) PCB 16-22 (Noramco-Chicago)
VILLAGE OF SKOKIE, ILLINOIS DEPARTMENT OF,	) PCB 16-23 (Flint Hill Resources)
TRANSPORTATION, METROPOLITAN WATER	) PCB 16-25 (Evanston)
RECLAMATION OF GREATER CHICAGO, VILLAGE	) PCB 16-26 (Skokie)
OF RICHTON PARK, VILLAGE OF LINCOLNWOOD	) PCB 16-27 IDOT)
And CITY OF OAK FOREST, OAK FOREST, ILLINOIS,	) PCB 16-29 (MWRDGC)
	) PCB 16-30 (Richton Park)
	) PCB 16-31 (Lincolnwood)
	) PCB 16-33 (Oak Forest)
Petitioners,	) (Variance-Water)
	) (Consolidated)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.	

NOTICE OF FILING

To: Don Brown, Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Via Electronic Mail

Brad Halloran, Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Via Electronic Mail

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the ILLINOIS EPA'S RESPONSE TO THE VARIANCE PETITION for the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
Stefanie Diers
Assistant Counsel
Division of Legal Counsel

DATED: March 16, 2017
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF HOMEWOOD,)
HOMEWOOD ILLINOIS, VILLIAGE)
OF ORLAND PARK, ORLAND PARK, ILLINOIS	) PCB 16-14 (Homewood)
VILLAGE OF MIDLOTHIAN, MIDLOTHIAN,	) PCB 16-15 (Orland Park)
ILLINOIS, VILLAGE OF TINELY PARK, TINLEY PARK,	) PCB 16-16 (Midlothian)
ILLINOIS, EXXONMOBIL OIL CORPORATION,	) PCB 16-17 (Tinley Park)
VILLAGE OF WILMETTE, CITY OF COUNTRY	) PCB 16-18 (ExxonMobil)
CLUB HILLS, COUNRTY CLUB HILLS, ILLINOIS,	) PCB 16-20 (Wilmette)
NORAMCO-CHICAGO, INC., FLINT HILLS,	) PCB 16-21 (Country Club Hills)
RESOURCES JOLIET, LLC, CITY OF EVANSTON,	) PCB 16-22 (Noramco-Chicago)
VILLAGE OF SKOKIE, ILLINOIS DEPARTMENT OF,	) PCB 16-23 (Flint Hill Resources)
TRANSPORTATION, METROPOLITAN WATER	) PCB 16-25 (Evanston)
RECLAMATION OF GREATER CHICAGO, VILLAGE	) PCB 16-26 (Skokie)
OF RICHTON PARK, VILLAGE OF LINCOLNWOOD	) PCB 16-27 IDOT)
And CITY OF OAK FOREST, OAK FOREST, ILLINOIS,	) PCB 16-29 (MWRDGC)
	) PCB 16-30 (Richton Park)
	) PCB 16-31 (Lincolnwood)
	) PCB 16-33 (Oak Forest)
Petitioners,	) (Variance-Water)
	) (Consolidated)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.	

ILLINOIS EPA’S RESPONSE TO THE VARIANCE PETITION

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Response to the Variance Petition pursuant to 415 ILCS 5/38.5(e)(1-4). In support thereof, the Illinois EPA states as follows:

1. On July 21, 2015, the Petitioner filed its Variance Petition from the chloride water quality standards recently adopted by the Illinois Pollution Control Board (“Board”) in *In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway*

System and Lower Des Plaines River: Proposed Amendments to 301, 302 and 304, R-08-09

(Subdocket D) slip op. June 18, 2015.

2. Since the filing of the Petition, legislative changes have been made with respect to water quality standard variances. On February 24, 2017, P.A. 99-937 was signed into law. This legislation creates a new Section 5/38 of the Illinois Environmental Protection Act, which gives the Illinois Pollution Control Board (“Board”) the authority to adopt time-limited water quality standards.

3. Under Section 38.5(e), the Agency is required to submit a response to the Petition that identifies the discharger or classes of dischargers, identifies the watershed, water bodies, or waterbody segments affected, identifies the appropriate type of time-limited water quality, and recommends prompt deadlines. 415 ILCS 5/38.5

4. The Agency identifies the discharger or classes of dischargers affected by the water quality standard from which relief is being sought as:

The petitions were filed as individual variances by the following petitioners:

Oak Forest (PCB 16-33)
Lincolnwood (PCB 16-31)
Richton Park (PCB 16-30)
MWRD (PCB 16-29)
IDOT (PCB 16-27)
Skokie (PCB 16-26)
Evanston (PCB 16-25)
Flint Hills (PCB 16-23)
Noramco (PCB 16-22)
Country Club Hills (PCB 16-21)
Wilmette (PCB 16-20)
Exxon Mobil (PCB 16-18)
Tinley Park (PCB 16-17)
Midlothian (PCB 16-16)
Orland Park (PCB 16-15)
Homewood (PCB 16-14)

The Agency recommends changing the individual variances to a watershed time-limited water quality standard. Other communities could join the above petitioners to reduce chloride use through the use of best management practices (BMPs). The time-limited water quality standard should have the following classes of dischargers:

POTWs

Communities with CSO Outfalls

Industrial Sources

MS4s

IDOT / Tollway

Salt Storage Facilities

5. The Agency identifies the watershed, water bodies, or waterbody segments affected by the water quality standard from which relief is sought in Attachment 1.

Map for the watershed

6. The Agency identifies the appropriate type of time-limited water quality standard, based on factors, such as the nature of the pollutant, the conditions of the affected water body, and the number of and type of dischargers as:

These individual variances should be consolidated into a watershed time-limited water quality standard. The Agency determined that the watershed time-limited water quality standard was appropriate since all of the municipalities in the watershed use salt on the roads and sidewalks for public safety, which affects the downstream waters.

7. The Agency recommends, for purposes of 415 ILCS 5/38.5(h), prompt deadlines for the classes of dischargers to file a substantially compliant petition as:

The stays should only be for waters that were included in the R2008-009 proceeding and not the waters that were not part of that rulemaking. The Agency suggests that an amended petition should be filed with Board no later than 90 days after the adoption of the rules the Agency will be proposing pursuant to 415 ILCS 5/38.5(k).

WHEREFORE, the Agency respectfully submits its Response.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

By: /s/ Stefanie N. Diers
Stefanie N. Diers
Assistance Counsel
Division of Legal Counsel

DATED: March 16, 2017

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached Notice for Filing and Illinois EPA's Response to the Variance Petition for the Illinois Environmental Protection Agency upon the person to whom it is directed, by sending it electronic email, to the following persons:

Don Brown, Clerk of the Board
Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

And electronically served those on the attached Service list.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
Stefanie Diers
Assistant Counsel
Division of Legal Counsel

DATED: March 16, 2017

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

Service List

Dennis Walsh
15010 S. Ravinia Avenue, Suite 17
Orland Park, Illinois 60477

Stephen T. Grossmark
233 S. Wacker Drive
22nd Floor
Chicago, IL 60606

Albert Ettinger
53 W. Jackson, Suite 1664
Chicago, IL 60604

Christopher Cummings
2014 Hickory Road
Suite 205 Homewood, IL 60430

Peter Coblentz
30 N. LaSalle Street, Suite 1624
Chicago, IL 60602

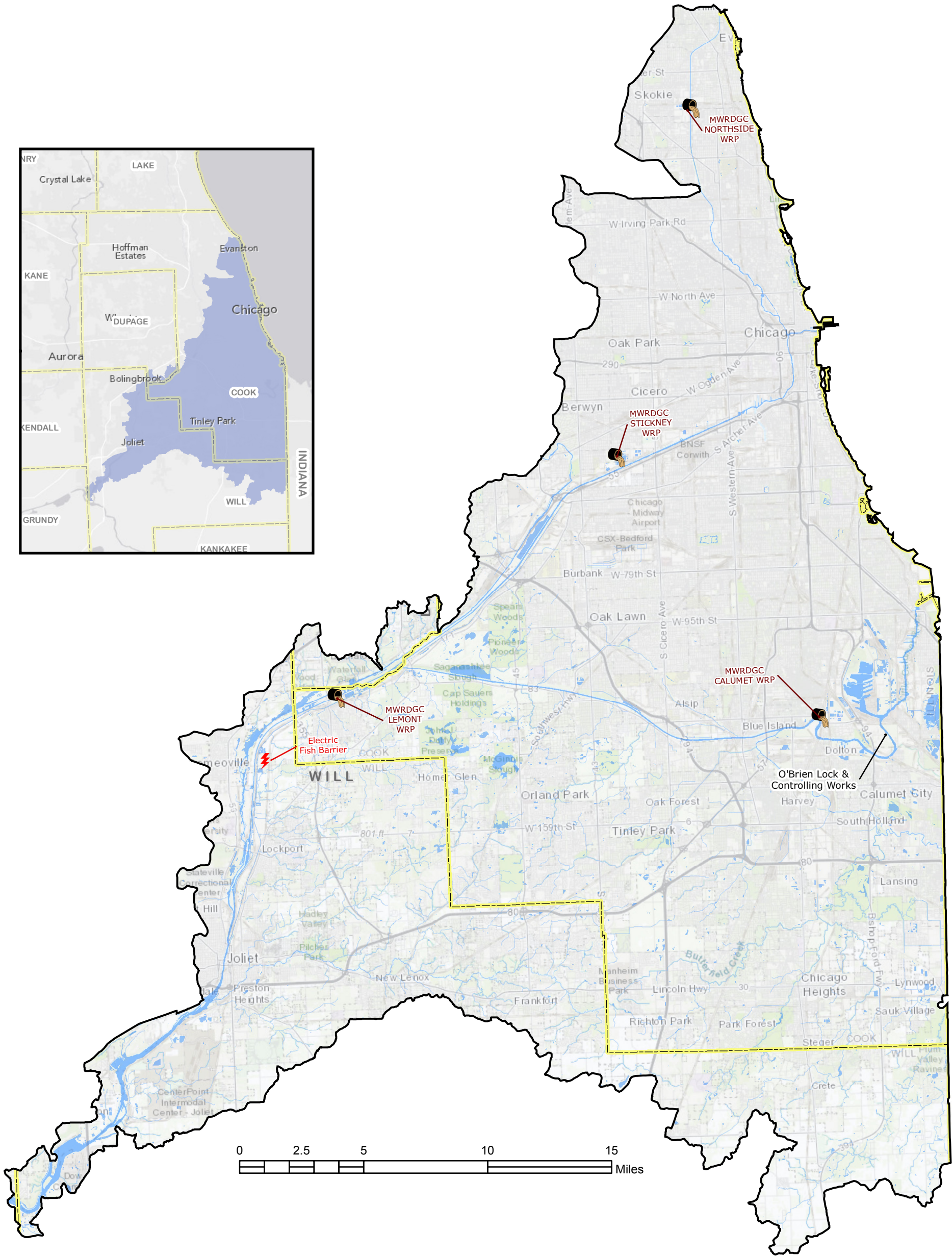
Fred Andes
1 N. Wacker Drive
Suite 440
Chicago, IL 60606

John Antonopoulos
15419 127th Street
Suite 100
Lemont, Illinois 60439

Mathew D. Dougherty
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764

Steven Elrod 131
S. Dearborn Street
30th Floor
Chicago, IL 60603

Katherine Hodge and Joshua Houser
3150 Roland Ave.
Springfield, IL 62703



**ILLINOIS EPA
BUREAU OF WATER
2017**

SOURCE INFORMATION
Watershed boundaries created by combining data from Three Rivers Manufacturers' Association and existing Illinois EPA data. NHD Hydrography obtained from the USGS. County boundary's obtained from the ISGS, and NPDES data from Illinois EPA, WPC. Basemap, Copyright: ©2012 Esri, DeLorme, NAVTEQ Sources: Esri, HERE, DeLorme, Map compiled and created by the Illinois EPA, Groundwater Section, March 2017.

Legend

WRP

Stream

Water Body

Proposed Watersheds

County Boundary

