

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**NOTICE OF FILING**

To: John Therriault, Clerk  
 Illinois Pollution Control Board  
 James R. Thompson Center  
 100 West Randolph Street - Suite 11-500  
 Chicago, IL 60601

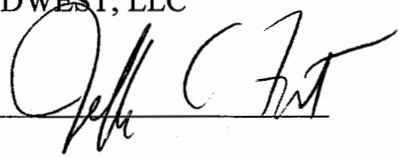
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 Illinois Pollution Control Board  
 James R. Thompson Center  
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Persons included on the attached  
 Service List

Please take notice that on February 13, 2014, we filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached Response to the "Status for Subdocket D" filed by the Illinois Environmental Protection Agency on January 31, 2014, a copy of which is served upon you.

CITGO PETROLEUM CORPORATION, and  
 PDV MIDWEST, LLC

By: 

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**RESPONSE BY LEMONT REFINERY TO "STATUS FOR SUBDOCKET D"**

On January 31, 2014, the Agency submitted a "Status for Subdocket D" as requested by the Hearing Officer at the December 17, 2013 hearing. The Hearing Officer issued an Order on February 5, 2014, stating that the Board would consider the Status as a motion and ruled that any responses to the Status should be filed by February 14, 2014. This Response is submitted on behalf of the Lemont Refinery, which is operated by Citgo Petroleum, Inc. and owned by PDV Midwest, LLC. The Lemont Refinery has been a participant in this proceeding since its initiation, particularly with respect to the issues relating to the Regulated Navigation Area, the Aquatic Life Uses of the Lower Ship Canal in Docket C and the appropriate water quality standards in Docket D for Use B Waters.

1. The Agency has requested the Board set another subdocket "for the issue of chlorides." The Agency asserts that such "will allow the various participants the necessary time to address the issues without delaying other standards from moving forward."

2. Citgo is very disappointed in the Agency request. The Lemont Refinery has been pursuing regulatory relief for nine years, which began due to the consent decree between Citgo, USEPA, Illinois EPA and the states of Louisiana and Texas in 2004. Under that Consent Decree, Citgo installed certain pollution control equipment, including a Wet Gas Scrubber, at the Lemont Refinery. That action created the need for an increased discharge of sulfates into the Refinery wastewater treatment system and hence into the Chicago Sanitary and Ship Canal. Because of the increased sulfate loadings, the Agency advised Citgo that it should obtain a variance from the TDS standard in the Ship Canal, because of elevated TDS level upstream of the Citgo discharge. Citgo followed the Agency's recommendation and filed such a variance

(PCB 05-85), and subsequent variances (PCB 08-33, PCB 12-94 and PCB 14-4) to secure relief from the TDS standard and evaluate compliance alternatives. More than once, Citgo tried to obtain relief by changing the sulfate or the TDS standard, first by asking that the Board and the Agency consider applying the same approach to the Ship Canal as was being proposed for General Use waters in R07-09. Then the expected filing of the UAA (this proceeding) was cited as a justification to defer that request. Of course, this proceeding has now extended for over six years.

3. Therefore, Citgo viewed the most recent hearings in Docket D as “the time” that it could present evidence on the appropriate chloride standard for Use B waters. Citgo did that. On December 17, 2013 Citgo presented a panel of witnesses, and particularly with respect to the chloride standard for Use B waters. That testimony took the Aquatic Life Use designations proposed by the Board in Docket C and applied those uses to the aquatic life uses of the Ship Canal, and the Black Safety zone. We proposed a seasonal (winter) standard for chlorides based on the aquatic life which could be expected to be present in the Ship Canal, and particularly the Black Safety Zone into which the Refinery discharges.

4. Citgo responded to the questions asked and has provided additional information on the items requested. It is fair to say that no one at the hearing, not the environmentalists, not the Agency and not industrial representatives, mounted any challenge in questioning of the Citgo witnesses.

5. We see no reason to further delay the decisions in Docket D with respect to Use B waters, including the chloride standard. Not only did Citgo propose a seasonal standard for chlorides, backed by a careful analysis of the species present, we also proposed an amendment to the mixing zone rule to provide a tool for implementing the standard and reducing the chloride run-off during snow melt conditions. The Agency has not indicated what standard or approach it might propose for this new subdocket.

6. We do not object to the Board further delaying this proceeding for other segments of the CAWS. If the Brandon Pool or the Lower Des Plaines River needs more analysis and input, we do not object to that. But we do object to further delay with respect to the water quality standards for the Ship Canal.

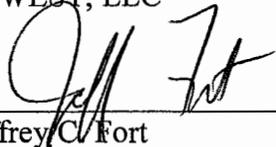
Finally, we note that the Agency continues to seek to get USEPA to make a commitment or consent to a particular course of action. In the meantime, we respectfully submit that the Board should proceed to decide the WQS as proposed for Docket D for Use B waters. If the Agency wishes to do more with respect to chlorides only and for lower Pools in the Lower Des Plaines River, that is fine. But, we see no reason for further delay in this docket or any reason the Board should not proceed in Docket D.

Dated: February 13, 2014

Respectfully submitted,

CITGO PETROLEUM CORPORATION, and  
PDV MIDWEST, LLC

By: \_\_\_\_\_

  
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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on February 13, 2014, I have served electronically the attached **Response by Lemont Refinery to "Status for Subdocket D"** and Notice of Filing upon the following person:

John Therriault, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street - Suite 11-500  
Chicago, IL 60601

and by U.S. Mail, first class postage prepaid, to the following persons:

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