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IEPA HEARING

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Metropolitan Water Reclamation District

6

of Greater Chicago,

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James Kirie Water Reclamation Plant

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Report of proceedings had for the Illinois

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Environmental Protection Agency hearing held at State of

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Illinois, Suburban North Regional Office, 9511 West

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Harrison Street, LGI Room, Des Plaines, Illinois, on the

14

16th day of December, A.D., 2013, commencing at the hour

15

of 6:30 p.m.

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17

PANEL:

18

MR. DEAN STUDER

MS. AMY DRAGOVICH

19

MR. SCOTT TWAIT

MS. STEFANIE DIERS

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1 MR. STUDER: Okay. We are going to go ahead and go
2 on the record.

3 Good evening. My name is Dean Studer, and I am
4 the hearing officer for the Illinois Environmental
5 Protection Agency. On behalf of Director Lisa Bonnett
6 and Bureau of Water Chief Marcia Willhite, I welcome you
7 to tonight's hearing. My purpose here is to ensure that
8 this proceeding runs properly and according to rules. To
9 that end, I will not be responding to technical issues
10 but will assist those making comments to ensure that we
11 stay with issues under the purview of the Illinois
12 Environmental Protection Agency, otherwise referred to as
13 Illinois EPA, and the issues are appropriate for this
14 hearing.

15 This is an informational hearing before the
16 Illinois EPA. Let me turn this down.

17 This is an informational hearing before the
18 Illinois EPA in the matter of a reissued National
19 Pollutant Discharge Elimination System, NPDES, permit for
20 the Metropolitan Water Reclamation District of Greater
21 Chicago, MWRDGC, the James Kirie Water Reclamation Plant.
22 And you will hear us use a lot of acronyms tonight. The
23 Water Reclamation Plant will also be referred to by WRP.
24 The discharges from the WRP are into Higgins Creek, an

1 unnamed tributary of Higgins Creek, and to Weller's
2 Creek.

3 The Illinois EPA believes that the public
4 hearings that we hold are a crucial part of the permit
5 review process. Issues relevant to this hearing include
6 compliance with the requirements of the Federal Clean
7 Water Act and the rules set forth in 35 Illinois
8 Administrative Code 309 and 35 Illinois Administrative
9 Code, Subtitle C. Other relevant issues include the
10 potential impacts to receiving waters from the discharge
11 and water quality in the receiving waters. The Illinois
12 EPA has made a preliminary determination that the
13 applicant has met the requirements for obtaining a permit
14 and has prepared a draft reissued permit for review.

15 The Illinois EPA is holding this hearing for
16 the purpose of accepting comments from the public on the
17 draft permit. This public hearing is being held under
18 the provisions of the Illinois EPA's procedure for permit
19 and closure plan hearings, which can be found in
20 35 Illinois Administrative Code, Part 166, Subpart A and
21 also under the provisions of 35 Illinois Administrative
22 Code, Part 309. Copies of these regulations are
23 available at the Illinois Pollution Control Board website
24 at www.ipcb.state.il.us. Or if you do not have easy

1 access to the Web, you can contact me and I will obtain a
2 copy for you.

3 An informational public hearing means exactly
4 that. This is strictly an informational hearing. It is
5 an opportunity for you to provide information to the
6 Illinois EPA concerning this permit action. This is not
7 a contested case hearing.

8 I'd like to explain how tonight's hearing is
9 going to proceed. First, I will have the Illinois EPA
10 panel introduce themselves and provide a sentence or two
11 regarding their involvement in this permit process. Then
12 Amy Dragovich, Unit Manager for the Northern Municipal
13 Unit in the Permit Section of the Division of Water
14 Pollution Control at the Illinois EPA, will give a brief
15 overview of the draft NPDES permit. This will be
16 followed by more specific instructions of how comments
17 will be made at this hearing and on appropriate conduct
18 for this hearing. Following this, I will begin taking
19 comments from the public, starting with the permit
20 applicant, the Metropolitan Water Reclamation District of
21 Greater Chicago, making a brief statement.

22 If you have not signed a registration card at
23 this time, please see Barb Lieberoff at the registration
24 table and she can provide you with a card. You may

1 indicate on the card that you would like to make oral
2 comments. Everyone legibly completing a registration
3 card or submitting written comments during the comment
4 period will be notified when the Illinois EPA reaches a
5 final decision in this matter. A responsiveness summary
6 will be made available at that time.

7 In the responsiveness summary the Illinois EPA
8 will answer all relevant and significant questions and
9 issues that were raised at this hearing or submitted to
10 me prior to the close of the comment period. The
11 responsiveness summary will also be posted on the
12 Illinois EPA website in the same place where the hearing
13 notice and draft permit have been posted. I will also
14 arrange for the transcript of this hearing to be posted
15 on that Web page. Hopefully that will be in about three
16 weeks, but it will depend largely on when I get the
17 transcript back from the court reporter.

18 The written record in this matter is scheduled
19 to close on January 15th, 2014. I will accept written
20 comments as long as they are postmarked by January 15th.
21 E-mail comments will be accepted provided the following
22 three conditions are met: One, that they are sent to
23 epa.publichearingcom@illinois.gov. And that is E P A,
24 dot, P U B L I C H E A R I N G C O M at I L L I N O I S,

1 dot, G O V; and, two, they are to be received by the
2 close of the comment period. And, again, that date is
3 January 15th, 2014; and, three, the subject line of the
4 e-mail should contain the words "MWRDGC Kirie WRP" or the
5 permit number, which is capital I, capital L, 0047741.
6 Note that I will not be accepting e-mails originating on
7 third-party systems or servers intended for submittal of
8 multiple e-mails of the same or nearly the same content
9 without my prior approval. We do have some technical
10 issues with the e-mail systems, so we are trying to work
11 on that.

12 Illinois EPA is committed to resolving
13 outstanding issues and reaching a final decision in this
14 matter in an expeditious manner. However, the actual
15 decision date will depend on a number of factors
16 including the number of comments received, the
17 substantive content of those comments, and other factors.

18 During the hearing and comment period, relevant
19 comments, documents, and data will be placed into the
20 hearing record as exhibits. Please send all written
21 comments or data to my attention. That is Dean Studer,
22 Hearing Officer, regarding MWRDGC Kirie WRP. And that is
23 at Illinois EPA, 1021 North Grand Avenue East, P.O.
24 Box 19276, Springfield, Illinois 62794. This address is

1 also listed on the public notice for the hearing tonight.

2 And, again, please indicate "MWRDGC Kirie WRP" or the
3 permit number "IL0047741" on your comments to ensure that
4 they become part of this hearing record.

5 I will now ask the Illinois EPA panel to
6 introduce themselves. And following these introductions,
7 Amy Dragovich will give a brief overview of the
8 permit.

9 MS. DIERS: Stefanie Diers, legal counsel.

10 MR. TWAIT: Scott Twait. I work for the Water
11 Quality Standards section.

12 MS. DRAGOVICH: Amy Dragovich. I'm the Unit Manager
13 for the Northern Municipal Unit of Permit Section of the
14 Division of Water Pollution Control, and I supervised the
15 drafting of the Kirie NPDES permit.

16 The Kirie draft permit was public noticed on
17 April 25th, 2013. It identifies the permittee as the
18 Metropolitan Water Reclamation District of Greater
19 Chicago, also referred to as MWRDGC or the District.
20 Once this permit is issued, it will be in effect for five
21 years. The receiving stream is identified as Higgins
22 Creek, which has a general use stream classification.

23 The design average flow rate for this facility
24 from Discharge 001 is 52 million gallons per day. The

1 design maximum flow is 110 million gallons per day. This
2 permit also authorizes the discharge from one combined
3 sewer overflow, or CSO, to Weller's Creek. This CSO is
4 only allowed to discharge when precipitation events,
5 including snow melt, cause the available capacity of the
6 Tunnel and Reservoir Plan, also known as TARP, to be
7 exceeded. The permit recognizes that TARP has been
8 completed for the Kirie service area.

9 Page 2 of Public Notice/Fact Sheet provides the
10 location of the outfalls and a list of parameters that
11 have been identified as the pollutants causing impairment
12 in the receiving stream.

13 Page 3 of the Public Notice/Fact Sheet
14 identifies effluent parameters and limits for
15 Outfall 001. These limits are effective when monthly
16 average flows are 52 million gallons per day or less.
17 Parameters include carbonaceous biochemical oxygen
18 demand, suspended solids, pH, fecal coliform, chlorine
19 residual, ammonia nitrogen, total nitrogen, phosphorus,
20 and dissolved oxygen. Load limits are calculated using
21 the formula provided beneath the discharge limits. Each
22 load limit is calculated by multiplying the concentration
23 limit times the design flow times the conversion factor
24 to obtain the load limit in pounds per day.

1 Page 4 of the Public Notice/Fact Sheet
2 identifies effluent parameters and limits for Outfall 001
3 when the monthly average flows are greater than
4 52 million gallons per day.

5 Page 5 of the Public Notice/Fact Sheet
6 identifies monitoring parameters for Outfall 111, the CSO
7 located at Central Road. Parameters include biochemical
8 oxygen demand, suspended solids, and fecal coliform.
9 Page 5 also provides a summary of the special conditions
10 included in the draft permit.

11 Page 6 of the Public Notice/Fact Sheet provides
12 a map showing the location of the facility.

13 Page 1 of the draft permit identifies the
14 facility and the permittee and identifies the receiving
15 waters Higgins Creek. The issue date, effective date,
16 and expiration date will be added to the final permit.
17 The final permits, upon the effective date, will
18 authorize the facility to discharge in accordance with
19 the requirements of the permit.

20 Page 2 of the draft permit has the final
21 effluent limitations for Discharge 001, which is the main
22 wastewater discharge. The design average flow is
23 52 million gallons per day. The design maximum flow is
24 110 million gallons per day. These limits are effective

1 when monthly average flows are 52 million gallons per day
2 or less.

3 The parameters of the permit limits include
4 carbonaceous biochemical oxygen demand, CBOD, with a
5 monthly average concentration limit of 4 milligrams per
6 liter and a daily maximum concentration limit of
7 20 milligrams per liter. Suspended solids limits are
8 5 milligrams per liter on a monthly average basis and
9 24 milligrams per liter on a daily maximum basis. The
10 permit includes effluent limits for pH, fecal coliform,
11 chlorine residual, ammonia nitrogen, phosphorus, and
12 dissolved oxygen. Monitoring for total nitrogen is also
13 required at this outfall. The sample frequency for CBOD
14 and suspended solids is three days per week. The sample
15 frequency for pH, fecal coliform, chlorine residual,
16 ammonia, and dissolved oxygen is five days per week. And
17 the sample frequency for total nitrogen and phosphorus is
18 one day per week. The sample types are composite except
19 for pH, fecal coliform, chlorine residual, and dissolved
20 oxygen, which are to be taken as grab samples.

21 Page 3 of the draft permit has the final
22 effluent limitations for Discharge 001 when the monthly
23 average flows are greater than 52 million gallons per
24 day. Carbonaceous biochemical oxygen demand has a

1 monthly average concentration limit of 10 milligrams per
2 liter and a daily maximum concentration limit of 20
3 milligrams per liter. Suspended solids limits are 12
4 milligrams per liter on a monthly average basis and 24
5 milligrams per liter on a daily maximum basis. Effluent
6 limits are included for pH, fecal coliform, chlorine
7 residual, ammonia nitrogen, phosphorus, and dissolved
8 oxygen. Monitoring for total nitrogen is also required
9 at this outfall.

10 Page 4 of the draft permit has monitoring
11 requirements for the CSO discharge, Outfall 111 at
12 Central Road. Monitoring is required for the total flow,
13 biochemical oxygen demand, suspended solids, and fecal
14 coliform.

15 Page 5 of the draft permit is the influent
16 monitoring page. The influent must be monitored
17 continuously for flow and three days a week for
18 biochemical oxygen demand and suspended solids.

19 Page 6 of the draft permit begins special
20 conditions of the permit.

21 Special Condition 1 allows the Agency to modify
22 the permit to include different final effluent limits as
23 needed.

24 Special Condition 2 requires that the treatment

1 plant be operated by a Certified Class 1 Operator.

2 And Special Condition 3 allows the Agency to
3 request additional information concerning any of the
4 operations.

5 Special Condition 4 allows the Agency to
6 request more frequent monitoring if there are any
7 operational or maintenance problems that might result in
8 effluent deterioration.

9 Special Condition 5 states that the effluent
10 cannot cause any violation of any water quality standards
11 in the regulations.

12 Special Condition 6 requires that samples taken
13 for compliance of this permit must be representative of
14 the discharge.

15 Special Condition 7 allows the Agency to modify
16 the permit to address sources of infiltration and inflow
17 into the sewer system.

18 Special Condition 8 indicates that the fecal
19 coliform effluent limit for Outfall 001 is effective May
20 through October. The total residual chlorine limit is
21 applicable at all times.

22 Special Condition 9, which begins on page 6 of
23 the draft permit and continues to page 10, is the
24 pretreatment condition. The District's pretreatment

1 program was approved on November 18, 1985. The District
2 must maintain inventories of industrial users, review
3 self-monitoring, and conduct a technical re-evaluation of
4 its local limitations within one year from the effective
5 date of the permit. This condition also requires annual
6 reporting. Page 9 of the draft permit identifies the
7 monitoring requirements. Influent and effluent samples
8 must be taken at weekly intervals, and sludge samples
9 must be taken monthly. The 110 organic priority
10 pollutants that are identified in 40 CFR 122 must also be
11 analyzed on an annual basis.

12 Special Condition 10 requires the District to
13 submit annual financial reports to the Agency.

14 Special Condition 11 includes the requirements
15 for biomonitoring of the effluent.

16 Special Condition 12 identifies the high level
17 emergency overflow, Discharge No. 002.

18 Special Condition 13 is the general sludge
19 condition.

20 Special Condition 14 begins on page 12 of the
21 draft permit and continues to the top of page 17. This
22 is the combined sewer overflow special condition. The
23 permit includes one CSO at Central Road to Weller's
24 Creek. This condition incorporates both the requirements

1 of state law and the federal CSO policy. Overflows
2 during dry weather are prohibited.

3 Page 13 lists the nine minimum controls.

4 Page 14 requires the facility to complete a sensitive
5 area analysis and present the CSO operational and
6 maintenance plan to the general public at a public
7 information meeting. Page 15 incorporates the
8 requirements of the Sewer Summit Agreement. Additional
9 remedies may be needed to reduce excessive infiltration
10 and inflow. Page 15 also includes monitoring
11 requirements to ensure that any discharges are not
12 causing or contributing to violations of water quality
13 standards or causing use impairment in the receiving
14 water. Page 16 of the draft permit provides the
15 monitoring, reporting, and notification requirements and
16 summarizes the compliance dates in this special
17 condition.

18 Special Condition 15 requires the District to
19 submit records of their monitoring results on Discharge
20 Monitoring Report, DMR, Forms on a monthly basis.

21 Special Condition 16 recognizes the Tunnel and
22 Reservoir Plan as the control plan for the Chicago
23 metropolitan area.

24 Special Condition 17 incorporates into the

1 permit the bypass and upset provisions of 40 CFR
2 Section 122.41(m) and (n).

3 Special Condition 18 requires the District to
4 implement a Capacity, Management, Operations, and
5 Maintenance (CMOM) Plan.

6 Special Condition 19 indicates the permit may
7 be modified to include alternative or additional final
8 effluent limitations pursuant to an approved Total
9 Maximum Daily Load, (TMDL), Study.

10 Special Condition 20 allows the District to
11 develop site-specific effluent limitations for ammonia
12 nitrogen. The monitoring plan would need to be approved
13 by the Agency.

14 Special Condition 21 provides the District two
15 years to come into compliance with the ammonia nitrogen
16 effluent limits. The proposed weekly average
17 concentration limits are more stringent than the limits
18 in the existing permit. The District has indicated that
19 they will need to make adjustments to standard operating
20 procedures and possibly some equipment modifications or
21 upgrades to consistently comply with the proposed limits
22 during wet weather conditions.

23 Special Condition 22 provides the District five
24 years to come into compliance with the phosphorus

1 effluent limits of 1 milligram per liter. Additional
2 construction will include a centrate treatment system,
3 rehabilitation of the filters, and the conversion of
4 Aeration Battery A and B for biological phosphorus
5 removal.

6 That completes my overview of the draft permit.

7 MR. STUDER: Thank you, Amy.

8 For the record, there were a couple acronyms
9 used. One that jumped out at me was TARP, T A R P, all
10 capital letters. And that is for the Tunnel and
11 Reservoir Project, what that actually stands for.

12 There was also -- I believe it was -- CMOM was
13 mentioned, which is Capacity, Management, Operations, and
14 Maintenance.

15 Okay. As hearing officer, I intend to treat
16 everyone here tonight with respect and in a professional
17 manner. I ask that the same respect be shown by the
18 hearing panel and members of the audience. You may
19 disagree with or object to some of the statements and
20 comments made. But this is a public hearing, and
21 everyone has a right to express their comments on the
22 draft permit and issues related to it. Arguing or
23 prolonged dialogue with others will not be permitted at
24 this hearing.

1 I remind everyone that we have a court reporter
2 here making a verbatim record of this hearing. For her
3 sake and in the interest of obtaining an accurate
4 transcript of this hearing, I ask that noise levels in
5 the room be kept to a minimum. If you have a cell phone
6 or pager, please silence them at this point, if you have
7 not already done so.

8 Written comments may be submitted to the
9 Illinois EPA at any time within the public comment
10 period. And, again, that ends on January 15th, 2014.
11 This hearing is the only time that Illinois EPA will
12 accept oral comments.

13 If you have lengthy oral comments, it will be
14 helpful to submit them to me in writing before the close
15 of the comment period; and I will ensure that they are
16 included in the record as an exhibit. Please keep your
17 comments relevant to the issues involved with this
18 permit. If your comments fall outside the scope of this
19 hearing, I may ask you to proceed to your next relevant
20 issue. I will allow those making comments seven minutes
21 to make comments. After everyone that has registered to
22 speak has had that opportunity, if time permits, I may
23 allow those who initially did not desire to speak to do
24 so. And if time still permits, I may then return to

1 those who ran out of time initially if they still have
2 comment to make.

3 We want to try to avoid repetition. If anyone
4 before you has already presented a statement or comment
5 that is contained in your comments, please skip over them
6 when it is your turn to speak. If someone has said all
7 that you wanted to say, you may pass when I call your
8 name to come forward. Once a point is made, it makes no
9 difference if that point is made 99 times; it will be
10 considered on its merit and addressed only once in the
11 responsiveness summary. The decision of the Illinois EPA
12 will not be based on the number of people that desire for
13 a certain outcome, but rather will be based on whether or
14 not the permit can be lawfully issued under the existing
15 laws and regulations.

16 The issues that are relevant in the Illinois
17 EPA final decision are those that directly relate to the
18 contents of the permit and the regulations governing the
19 issuance of the permit. Simply stating opposition or
20 support for this permit will not impact the Illinois
21 EPA's decision in this matter. Illinois EPA has only the
22 power given to it by the Illinois Environmental
23 Protection Act and by USEPA. Illinois EPA
24 decision-making is limited to those items associated with

1 environmental issues and other items as determined by
2 state and federal law. In this case, relevant issues
3 must relate to the water discharge permit, otherwise
4 known as the NPDES permit; and it must relate in some
5 way. Please keep this in mind when speaking this evening
6 and filing written comments on the NPDES permit.

7 When it is your turn to speak, I will call your
8 name. Please come forward. When I call your name, if
9 you do not desire to speak or someone has already said
10 what you were prepared to say, you may pass and I will go
11 on to the next person. When the person speaking has
12 completed their comments, I will announce the name of the
13 next person to give their comments and the name of the
14 person to provide comments when the comments are
15 completed.

16 When giving comments, please speak clearly and
17 project your voice into the microphone so that all can
18 hear you. State your name and, if applicable, any
19 governmental body, organization, or association that you
20 represent. If you are not representing a governmental
21 body, an organization, or an association, you may simply
22 indicate that you are a concerned citizen or member of
23 the public. For the benefit of the court reporter, I ask
24 that you spell your last name. If there are alternate

1 spellings of your first name, you may also spell that if
2 you desire.

3 Comments are to be directed to members of the
4 hearing panel. This will help ensure that an accurate
5 transcription of your comments is made for our records.
6 Again, prolonged dialogue with the hearing panel or with
7 others here in attendance will not be permitted this
8 evening.

9 Are there any questions regarding the
10 procedures that I will use in conducting this hearing
11 this evening?

12 Let the record indicate that no one raised
13 their hand.

14 We will go ahead and start. And if Mr. David
15 St. Pierre will come forward to the microphone.

16 And if you would, state your name and spell
17 your last name for the record.

18 MR. ST. PIERRE: I am David St. Pierre. I'm the
19 Executive Director for the Metropolitan Water Reclamation
20 District of Greater Chicago. My last name is S T,
21 period, capital P I E R R E, for the record.

22 I want to thank you for allowing me to comment
23 tonight. And I want to thank you for working with us on
24 this permit. I think there is some very exciting things

1 in this permit.

2 I have been with the District for about two and
3 a half years. I was here for about three months when I
4 called up Marcia Willhite and asked her if she would mind
5 if we volunteered for a 1 permit for phosphorus. She
6 said she would be delighted if we would go ahead and take
7 that on. And this is the first plant now that we're
8 receiving that permit for phosphorus.

9 I think that it is extremely important for
10 utilities leaders throughout the state to take a
11 leadership role in, really, the important issue of
12 addressing the nutrients that we have in our waterways.
13 And because of that belief, it really led me to this
14 action. You worked with us to get there.

15 Coming from a state that had phosphorus limits,
16 I just want to comment a little bit on what that means
17 for an organization. It is the ability of the treatment
18 plant to treat phosphorus and to take phosphorus to low
19 levels. A lot of people think that 1 is too high of a
20 level. I just want to make a brief comment on that.

21 We believe that we're going to be able to
22 achieve levels below .5. We look forward to achieving
23 that. This is a platinum plant, meaning that we have not
24 had a violation for at least five years. I don't know

1 how many years it is that tag onto that, Platinum 7 or 8.

2 So we take permits very seriously at the District. We
3 are going to achieve those goals, and we are going to
4 exceed those goals. And I think permit limit -- We try
5 to stay as far away from that limit as possible, so we
6 believe that we are going to go very low on phosphorus.
7 We are going to learn about it as we go, and we are going
8 to be able to achieve a very low output.

9 Having experience in plants that have
10 phosphorus limits, if you have a biological P removal
11 process -- When I was at Atlanta, we had three plants
12 that removed phosphorus. And there is going to be a time
13 that plant gets hit. And even though 360 days out of the
14 year those plants operated below .1 or at a .1, that one
15 day where you do not get your biological process, we
16 always had one plant every year that busted permit.
17 Permit limit there was .64. So we are going to do our
18 very best. We are going to implement bio-P. We are
19 going to be very successful at that. I have full
20 confidence in my staff, and we look forward to moving
21 down that road.

22 I think even more importantly, we've got three
23 other plants moving forward. And because of the
24 leadership example of taking a voluntary limit on, I know

1 that there is other cities in the state of Illinois that
2 I've talked to that are willing to do that. I think it's
3 right for us to get in this business. I applaud the EPA
4 for moving in this direction. And certainly my staff are
5 working through the issues that we have had, and we're
6 looking forward to getting started. So thank you.

7 MR. STUDER: Thank you, Mr. St. Pierre.

8 Sabi Horvat, if you would come forward.

9 MR. HORVAT: Pass.

10 MR. STUDER: Pass? Okay.

11 Colleen Smith.

12 MS. SMITH: Good evening. My name is Colleen Smith,
13 S M I T H. And as the clean water organizer for the
14 Illinois Chapter of the Sierra Club, I am here to
15 represent our members throughout the area who use the
16 affected water for recreation and personal enjoyment and
17 who would be negatively impacted by degradation of
18 Higgins Creek and the Des Plaines River.

19 The draft permit fails to adequately prevent
20 degradation of the waterways, as it exposes these waters
21 and their aquatic life to unsuitable levels of nutrient
22 pollution. While I acknowledge the efforts of the
23 District to reduce phosphorus to a limit of 1 milligram
24 per liter, this is not an appropriate limit to prevent

1 impairment. Higgins Creek and the Des Plaines River are
2 already heavily impaired by an excessive presence of
3 phosphorus. A phosphorus limit should be determined and
4 placed on the Kirie Plant so as to not cause or
5 contribute to the nutrient-caused problems already
6 affecting Higgins Creek and the Des Plaines River such as
7 unnatural levels of algae and DO levels below water
8 quality standards. There are six other NPDES discharges
9 listed in proximity to Higgins Creek. And the
10 compounding impact of these discharges should be
11 considered when permitting additional discharges.

12 The IEPA TMDL Stage 1 Report for the
13 Des Plaines River watershed also notes violations of
14 water quality standards for chloride and fecal coliform
15 currently present in Higgins Creek and lists the Kirie
16 Plant as the potential point source. The TMDL target
17 provided in this report that the levels of chloride no
18 greater than 500 milligrams per liter for Higgins Creek,
19 and the draft permit fails to include this target goal
20 and as such provided no guarantee that the current
21 impairment of chloride for the Creek won't be
22 exacerbated. Any additional data or findings provided by
23 the TMDL report for Higgins Creek released in May of 2013
24 following the issuance of the draft permit should be

1 updated and included.

2 The timeframes currently proposed by this draft
3 permit appear to be arbitrary deadlines that will allow
4 the facility to continue to contribute to impairment of
5 these waterways. The permit contains no analysis for
6 determining how a timeframe of two years to meet ammonia
7 limits and five years to meet phosphorus limits is
8 appropriate. And if there was an analysis done to show
9 this, I would be interested in seeing that result.

10 Finally, I believe that the permit fails to
11 properly consider the designation of this area as an
12 Environmental Justice area. Discharges into waterways
13 surrounding communities that are disproportionately low
14 income or minority should be regulated and monitored to a
15 more stringent degree. The limits that have been
16 suggested are needed to adequately protect this
17 community. While this IEPA policy is fairly early, there
18 is precedent of a company engaging with the community and
19 enforcing itself to higher standards than otherwise would
20 be necessary. And for that, I show you the Universal
21 Cement Air Permit materials submitted with this
22 testimony.

23 Thank you.

24 MR. STUDER: Okay. Thank you. I will hand those in

1 as an exhibit.

2 THE COURT REPORTER: Dean, would you like me to take
3 these exhibits? Or are you taking the exhibits?

4 MR. STUDER: Yeah. I will scan them and e-mail them
5 so you have them.

6 Cindy Skrukrud.

7 While Cindy is coming up, just for the record,
8 Sabi had passed. The first name is S A B I. The last
9 name is H O R V A T.

10 MS. SKRUKRUD: Good evening. My name is Cindy
11 Skrukrud, C I N D Y. My last name is spelled
12 S K R U K R U D. I'm the clean water advocate for the
13 Illinois Chapter of the Sierra Club.

14 I think Colleen did an excellent job stating
15 our concerns. I just wanted to ask some questions of the
16 panel.

17 So the discharge from the Kirie Plant, I think,
18 is 30 million gallons per day on average with the daily
19 average flow of 52 million gallons and up to -- The
20 permit allows a daily maximum flow up to 110 million
21 gallons per day, and that is a lot of water going into
22 the very small Higgins Creek and then also -- then also
23 into the Des Plaines River. So I wondered: Has IEPA
24 done any evaluations of the impact of this discharge on

1 downstream waters; for example, how nutrient
2 contributions from the Kirie Plant contribute to any
3 unnatural algae levels downstream or does -- and/or
4 dissolved oxygen levels that fall below the state water
5 quality standards?

6 MR. TWAIT: We have not done that type of analysis.
7 And in this particular case, we are going from a treating
8 plant that doesn't remove phosphorus to one that
9 ultimately will. But we did not look at that.

10 MS. SKRUKRUD: So as, you know, Colleen stated, one
11 of our concerns is -- While we certainly applaud the
12 District for taking the initiative to begin removing
13 phosphorus from this effluence, that we are concerned --
14 is 1 milligram per liter enough to alleviate downstream
15 problems?

16 My second question is: Has IEPA looked at any
17 MWRDGC's continuous DO monitoring performed downstream?

18 MR. TWAIT: I don't believe we looked at it for
19 compliance purposes. At this point I don't know what
20 the -- our field inspectors have accessed, and I did not
21 look at them.

22 MS. SKRUKRUD: Okay. I wondered if you were aware
23 of what the level of chloride is in the effluent from the
24 Kirie Plant? Since Higgins Creek is listed as impaired

1 due to chloride, is there a reasonable potential to
2 exceed water quality standards?

3 MR. TWAIT: The Agency did not perform that
4 analysis. That is something we'll have to look at.

5 MS. SKRUKRUD: Okay. Thank you.

6 So Outfall 111 is the combined sewer overflow.
7 I wonder how many combined sewer overflows are there in a
8 typical year? And maybe there is not a typical year,
9 but ...

10 MS. DRAGOVICH: It's probably part of the record,
11 but I don't know offhand how many overflows per year.

12 MS. SKRUKRUD: And do you know how often Bypass 002
13 is utilized?

14 MS. DRAGOVICH: It's probably part of the record
15 also, but I don't know offhand.

16 MS. SKRUKRUD: Okay. So I think Special Condition
17 20 allows MWRD to collect data to determine alternative
18 ammonia limits. I was just wondering, are you aware
19 that -- does the District plan to undertake such an
20 effort? Or is that something you just typically put in a
21 permit?

22 MR. TWAIT: I believe that would have been something
23 that they asked for in their compliance period. That is
24 typically where it comes from. They look at taking a pH

1 temperature data downstream of the discharge.

2 MS. SKRUKRUD: Okay. And then I had a question of:
3 What analysis did the Agency perform to develop the
4 two-year compliance schedule for compliance with the
5 ammonia, the ammonia standards?

6 MS. DRAGOVICH: That was based on information we
7 received from the District saying they are going to have
8 to make improvements and even make some operational
9 changes to their plant to meet those limits during wet
10 weather flow.

11 MS. SKRUKRUD: And then kind of a similar question
12 on what analysis did the Agency do to determine the
13 five-year compliance schedule for phosphorus -- for the
14 phosphorus limit.

15 MS. DRAGOVICH: Right. That was based on
16 information received from the District on the additional
17 constructions that they would have to do at the plant.
18 They're planning on doing a centrate treatment system and
19 rehabilitating the filters and then redoing the Aeration
20 Basins A and B for biological phosphorus removal.

21 MS. SKRUKRUD: Okay. Thank you. I think those are
22 all my questions for now.

23 MR. STUDER: Thank you.

24 Barbara Hill.

1 MS. HILL: I'm Barbara Hill, H I L L. And I live in
2 Palatine and am a member of the Sierra Club, Northwest
3 Cook County Group. And I am so glad that there is Sierra
4 Club people here who understand what all of these numbers
5 mean because I don't have a clue what limits would be too
6 high or what limits would be too low.

7 You know, I just want to say for myself and --
8 Well, I can't -- Yeah. I guess I'm speaking for myself.
9 I am a longtime member of the Sierra Club. And for me,
10 clean water is a really important thing in the outdoors.
11 I just -- You know, I love canoeing and hiking. And I
12 work as a restoration volunteer, trying to bring -- They
13 have ecosystems, forest preserves around mostly where I
14 work.

15 The Des Plaines -- I understand that it already
16 has more phosphorus, nitrogen, and chloride than it
17 should. So the maximum degree that the Kirie Plant could
18 avoid adding any more, I would be in favor of that.
19 Thank you.

20 MR. STUDER: Thank you, Ms. Hill.

21 Is there anyone in the room that has not spoken
22 that would like to speak this evening?

23 Let the record indicate that no one raised
24 their hand.

1 Is there anyone that has spoken this evening
2 that has additional comments that they would like to make
3 on the record this evening?

4 Okay. We have three hands.

5 Who wants to go first?

6 MR. ST. PIERRE: I have a short comment.

7 The chloride is very low discharge out of the
8 plant, and the level is on our website if you want to
9 look at it. Or we can even e-mail it to you if you like.

10 MR. STUDER: Okay. Colleen or Cindy, do either one
11 of you want to go first?

12 MS. SMITH: This is concerning the draft TMDL Report
13 again.

14 Just to clarify, the report discusses a 6.5 pH
15 limit. I wasn't sure if the effluent discharge needs to
16 meet TMDL's target, if that is -- by law they are
17 required to do so.

18 In the permit it's 6 to 9 instead of 6.5
19 percent. It's targeted.

20 MS. DRAGOVICH: In draft TMDL what?

21 MS. SMITH: It recommended a 6.5 to 9, just that
22 additional change. So I was just wondering if that's
23 something that would -- can be considered as well.

24 MS. DRAGOVICH: I imagine we will take that into

1 consideration. Yeah.

2 MS. SMITH: And then similarly, in the draft permit
3 fecal coliform limit, as I understand, are only limited
4 between May through October and --

5 MS. DRAGOVICH: Right.

6 MS. SMITH: Is there a reason for no limits being
7 imposed or monitoring in the other months?

8 MR. TWAIT: May through October is the recreational
9 season, and so that is when the water needs to be
10 protected. For contact during the non-recreation season,
11 they don't need to be protected for, is the way the water
12 quality standards are set up.

13 MS. SMITH: Thank you. That is all I have.

14 MR. STUDER: Cindy, do you have any comments that
15 you want to make?

16 Okay. Is there anyone else that has any
17 comments they would like to go on the record?

18 Okay. Let the record indicate that no one
19 raised their hand.

20 It's been a relatively short hearing; but I do
21 appreciate everyone coming out, especially in this nasty
22 weather. I remind everyone that the comment period is
23 open until January 15th, I believe. And if you have
24 signed into the building, I do ask that you sign out when

1 you leave as well.

2 This hearing is adjourned.

3 (Hearing adjourned at 7:21 p.m.)

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1 STATE OF ILLINOIS.)

2) SS.

3 COUNTY OF COOK)

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5 LYNN F. BARONE, being first duly sworn, on oath
6 says that she is a Certified Shorthand Reporter doing
7 business in the City of Chicago, County of Cook and the
8 State of Illinois;

9 That she reported in shorthand the proceedings
10 had at the foregoing hearing;

11 And that the foregoing is a true and correct
12 transcript of her shorthand notes so taken as aforesaid
13 and contains all the proceedings had at the said hearing.

14

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LYNN F. BARONE, CSR

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