

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

INGREDION INCORPORATED	)	
Petitioner,	)	
	)	
v.	)	PCB 19 – 32
	)	(Time-Limited Water Quality Standard)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Don Brown	Brad Halloran
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500	100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA ELECTRONIC MAIL)

**(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 a **MOTION FOR VOLUNTARY DISMISSAL**, a copy of which is herewith served upon you.

Respectfully submitted,

INGREDION INCORPORATED,  
Petitioner,

Dated: November 22, 2022

By:     /s/ Michael P. Murphy      
    One of Its Attorneys

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**MOTION FOR VOLUNTARY DISMISSAL**

Petitioner, INGREDION INCORPORATED (“Ingredion” or “Petitioner”), by and through its attorneys, HEPLERBROOM, LLC, hereby moves the Illinois Pollution Control Board (“Board”) to dismiss the above-captioned proceeding. In support of this motion, Ingredion states as follows:

1. On July 26, 2018, pursuant to Section 38.5 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/38.5, and 35 ILL. ADM. CODE Section 104.100 *et seq.*, Ingredion petitioned the Board for a single discharger TLWQS from the temperature standard adopted by the Board at 35 ILL. ADM. CODE Sections 302.408(b), (c), (d), (e), (f), and (h) (Use B temperature standards) for thermal discharges from Ingredion’s Argo Plant in Bedford Park, Illinois, into a portion of the Chicago Area Waterway System known as the Chicago Sanitary & Ship Canal.
2. On September 20, 2018, the Board issued an Order finding that Ingredion timely filed its Petition and that the temperature water quality standard is stayed as to Ingredion. On July 25, 2019, the Board ruled that Ingredion’s Petition substantially complied with the substantial or essential content requirements of 40 C.F.R. § 131.14, 415 ILCS 5/38.5, and 35 ILL. ADM. CODE 104.530.

3. On September 9, 2019, Ingredion, together with Illinois EPA, filed a Joint Motion to Stay Proceedings (“Motion”). The Motion explained that “in light of the available data regarding Ingredion’s thermal effluent, the Agency cannot make an appropriate recommendation until it receives temperature data from Ingredion encompassing two more winter seasons,” specifically, the winter of 2019 and the winter of 2020. Motion, ¶ 6. Ingredion and the Agency therefore jointly requested the Board to stay these proceedings for 18 months, until March 10, 2021, so that the additional data could be gathered and analyzed. *Id.* ¶ 7.

4. In an Order dated September 19, 2019, the Board granted the Motion, staying these proceedings until March 10, 2021. The Board also directed Ingredion to file a status report every six months during the stay. The status reports were timely filed on March 10, 2020, September 10, 2020, and March 10, 2021.

5. On March 31, 2021, Ingredion, together with Illinois EPA, filed a Second Joint Motion to Stay Proceedings (“Second Motion”). The Second Motion explained that the parties believe that with additional data and analysis, “the issue of Ingredion’s thermal discharge can be addressed through appropriate permit language in the pending NPDES permit renewal,” and that “if the temperature limits are adequately addressed in the reissued NPDES permit, then relief by way of a TLWQS may be unnecessary.” Second Motion, ¶ 13. In a Hearing Officer Order dated April 8, 2021, the Second Motion was granted, these proceedings were stayed until December 1, 2021.

6. Status Reports were timely filed on July 15, 2021 and November 29, 2021 and it was reported that the NPDES permit renewal remains pending.

7. On November 30, 2021, Ingredion, together with Illinois EPA, filed a Third Joint Motion to Stay Proceedings (“Third Motion”). The Third Motion explained that the

the NPDES permit renewal had taken longer than expected and a draft permit had not yet been provided to Ingredion for review. Third Motion, ¶ 12. In a Hearing Officer Order dated December 6, 2021, the Third Motion was granted, these proceedings were stayed until December 1, 2022, and Ingredion was directed to file a status report on or before June 1, 2022.

8. On May 31, 2022, Ingredion timely filed a Status Report, reporting that the NPDES permit renewal remained pending, but was to go out to Public Notice in the near future.

9. On August 30, 2022, Illinois EPA issued the NPDES permit renewal, in which Ingredion's thermal discharge was adequately addressed through appropriate permit language.

10. Because Ingredion's thermal discharge has been adequately addressed in the NPDES permit renewal, Ingredion no longer requires the relief requested in its TLWQS Petition.

11. Ingredion therefore requests that the Board dismiss this proceeding and close the docket.

12. Counsel for Respondent has indicated that Respondent does not object to the granting of this Motion.

WHEREFORE, Petitioner, INGREDION INCORPORATED, respectfully requests that the Illinois Pollution Control Board dismiss this proceeding and close the docket.

Respectfully submitted,

INGREDION INCORPORATED,  
Petitioner,

Dated: November 22, 2022

By: /s/ Michael P. Murphy  
Michael P. Murphy

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