

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
 Clerk of the Board
 Illinois Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, Illinois 60601
VIA ELECTRONIC MAIL

Brad Halloran
 Hearing Officer
 Illinois Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, Illinois 60601
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 **Joint Motion to Stay Proceedings**, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Sara Terranova
 Sara Terranova
 Assistant Counsel
 Division of Legal Counsel

DATED: September 9, 2019

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

INGREDION INCORPORATED)
Petitioner,)
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v.) PCB 19 – 32
) (Time-Limited Water Quality Standard)
ILLINOIS ENVIRONMENTAL)
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JOINT MOTION TO STAY PROCEEDINGS

Respondent, Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through one of its attorneys, and Petitioner, Ingridion Incorporated (“Ingridion”), by and through its attorneys, HeplerBroom, LLC, jointly and respectfully request, pursuant to 35 Ill. Adm. Code 101.500 and 101.514, that the Illinois Pollution Control Board (“Board”) stay the proceedings in this thermal time-limited water quality standard (“TLWQS”) matter. In support of this Joint Motion to Stay Proceedings (“Motion”), Illinois EPA and Ingridion state 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., Ingridion 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 Ingridion’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 Ingridion timely filed its Petition and that the temperature water quality standard is stayed as to Ingridion.

3. 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.

4. The Board also ordered the Agency to submit a Recommendation regarding the Petition by September 9, 2019. *See* 35 Ill. Adm. Code 104.545(b), 104.550(a).

5. The Agency has had recent discussions with U.S. EPA and Ingredion and has been diligently reviewing the available information in relation to its recommendation, but the Agency needs more time to have further discussions and analyze additional data and information in order to allow it to prepare its recommendation. Specifically, additional information and data is being sought by U.S. EPA regarding the nature and extent of the present or anticipated failure to meet the thermal water quality standard, the source that contributes to a potential violation of the thermal water quality standard, the proposed highest attainable condition, and the human-caused conditions or sources of pollution that prevent the attainment of the designated use, including review of why these conditions or sources cannot be remedied and the feasibility of potential remedies. *See* 35 Ill. Adm. Code 104.530(a)(6), (7), (10), (11); 104.560(a)(3).

6. In addition, 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 number of temperature exceedances was greatly reduced in 2018 and 2019, indicating that perhaps other factors have resulted in less need (or no need) for coverage under a TLWQS. To fully determine whether relief will be recommended by the Agency, additional data is needed to see if the more recent trends continue. Thus, the Agency needs to consider temperature data from the winter of 2019 and the winter of 2020 prior to being able to make an appropriate recommendation.

7. In light of the above, the Agency and Ingredion jointly request the Board to stay these proceedings for a period of 18 months, until March 10, 2021, so that the above-described information and data can be gathered and analyzed. The stay of the temperature water quality standard as to Ingredion should remain in effect during the stay of these proceedings.

8. If the Board grants the request for a stay of the proceedings, the petitioner is willing to provide status updates should the Board desire periodic updates, perhaps every six months, and will file a status report at the close of the stay pursuant to 35 Ill. Adm. Code 101.514(b).

WHEREFORE, Petitioner, Ingredion, and Respondent, Illinois EPA, jointly and respectfully request that the Board enter an Order granting their Joint Motion to Stay Proceedings, and staying these proceedings until March 10, 2021, with the petitioner to provide progress reports on March 10, 2020, September 10, 2020, and March 10, 2021, and with the stay of the temperature water quality standard as to Ingredion remaining in effect during the stay of these proceedings.

Respectfully and jointly submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: September 9, 2019
1021 North Grand Avenue East
PO Box 19276
Springfield, Illinois 62794

By: /s/ Sara G. Terranova
Sara G. Terranova
Assistant Counsel
Division of Legal Counsel

Dated: August 28, 2019
Michael P. Murphy
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(217) 528-3674

INGREDION INCORPORATED,
Petitioner

By: /s/ Michael P. Murphy
One of its attorneys

CERTIFICATE OF SERVICE

I, the undersigned, on affirmation state the following:

That I have served the attached **NOTICE OF FILING AND JOINT MOTION TO STAY PROCEEDINGS** via electronic mail upon:

Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
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Don.Brown@illinois.gov

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That my e-mail address is Sara.Terranova@illinois.gov.

That the number of pages in the e-mail transmission is five (5).

That the e-mail transmission took place before 5:00 p.m. on the date of September 9, 2019.

[/s/Sara G. Terranova](#)
Sara G. Terranova

Date: September 9, 2019