

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 **STATUS REPORT**, a copy of which is herewith served upon you.

Respectfully submitted,

INGREDION INCORPORATED,
Petitioner,

Dated: July 15, 2021

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

Michael P. Murphy
HEPLERBROOM, LLC
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CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following:

That I have served the attached **STATUS REPORT** via electronic mail upon:

Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Brad Halloran
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That my email address is Michael.Murphy@heplerbroom.com.

That the number of pages in the email transmission is 8 pages.

That the email transmission took place before 5:00 p.m. on the date of July 15, 2021.

/s/ Michael P. Murphy
Michael P. Murphy

Date: July 15, 2021

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STATUS REPORT

Petitioner, Ingridion Incorporated (“Ingridion”), by and through its attorneys, HeplerBroom, LLC, states as follows for its Status Report:

Background

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 Respondent, the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), to submit a Recommendation regarding the Petition by September 9, 2019. *See* 35 ILL. ADM. CODE 104.545(b), 104.550(a).

5. 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.

6. In an Order dated September 19, 2019, the Board granted the Motion, staying these proceedings until March 10, 2021, or until the Board orders otherwise, and ruling that the "stay of the temperature water quality standard remains in effect as to Ingredion during the stay." The Board also directed Ingredion to file a status report every six months during the stay, "including the additional temperature data described in the

joint motion.” The status reports were timely filed on March 10, 2020, September 10, 2020, and March 10, 2021.

7. With the March 10, 2020 Status Report, Ingredion attached and incorporated Exhibit A, a table entitled “Summary of Winter CSSC Temperature Monitoring Data for Ingredion, Inc.” The table included a summary of the data from the recent winter months (December, January, and February) as well as a summary of prior years’ winter months, along with other data relevant to the thermal effluent. The table did not include certain data for February 2020 or data for March 2020.

8. With the September 10, 2020 Status Report, Ingredion attached and incorporated Exhibit B, an updated table entitled “Summary of Winter CSSC Temperature Monitoring Data for Ingredion, Inc., December 2016-March 2020.” The table had been updated to include the temperature data from February and March 2020 that was unavailable when Exhibit A was filed.

9. With the March 10, 2021 Status Report, Ingredion attached and incorporated Exhibit C, an updated table entitled “Summary of Winter CSSC Temperature Monitoring Data for Ingredion, Inc., December 2016-March 2021.” The table had been updated to include temperature data from December 2020 and January and February 2021. Additionally, the table had been updated to show the maximum Ingredion mixing zone compliance temperature from December 2016 through February 2021.

10. On March 31, 2021, Ingridion, 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 Ingridion’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. Moreover, the Second Motion stated that “[u]nder these circumstances, the Agency cannot make an appropriate recommendation regarding the TLWQS until it is prepared to issue Ingridion’s NPDES permit renewal and can assess whether the TLWQS is necessary in light of both the additional data and the new permit language.” *Id.* Ingridion and the Agency therefore jointly requested the Board to stay these proceedings for nine months, until December 1, 2021, so that additional analysis could be conducted. *Id.* ¶ 14.

11. In a Hearing Officer Order dated April 8, 2021, the Second Motion was granted, these proceedings were stayed until December 1, 2021, and it was held that the “stay of the temperature water quality standard remains in effect as to Ingridion during the stay.” The Hearing Officer Order also directed Ingridion to file a status report on July 15, 2021, and December 1, 2021.

Status Report

12. Ingredion continued to gather temperature data regarding its thermal effluent.

13. Attached, marked as Exhibit D, and incorporated into this Status Report is an updated table entitled "Summary of Winter CSSC Temperature Monitoring Data for Ingredion, Inc., December 2016-March 2021." The table has been updated to include temperature data from March 2021.

14. The NPDES permit renewal remains pending.

15. Pursuant to the Hearing Officer Order of April 8, 2021, Ingredion will file another status report on or before December 1, 2021.

WHEREFORE, Petitioner, Ingredion, respectfully submits its first status report as required by the Hearing Officer Order of April 8, 2021.

Dated: July 15, 2021

Respectfully submitted,

INGREDION INCORPORATED,
Petitioner

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

Michael P. Murphy, #6284342
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Summary of Winter CSSC Temperature Monitoring Data for Ingredion, Inc., December 2016-March 2021

Month/Year	Maximum Ingredion End of Pipe Discharge Temp (°F)	Average Ingredion End of Pipe Discharge Temp (°F)	Maximum Ingredion Intake Temp (°F)	Average Ingredion Intake Temp (°F)	Mean Monthly Ingredion Intake Flow--in cfs	Maximum Ingredion Mixing Zone Compliance Temp (°F)	Maximum MWRDGC Stickney Plant Discharge Temp (°F)	Average MWRDGC Stickney Plant Discharge Temp (°F)	Mean Monthly MWRDGC Stickney Plant Discharge Flow--in cfs	Mean CSSC Flow at Lemont (USGS)--in cfs	Monthly Min/Max Air Temperature Range (in °F)--NWS O'Hare
Dec-16	82	79	56	55	49	59.0	60	56	853	1814	-13 / 54
Jan-17	76	73	48	47	45	50.1	55	52	1091	2952	0 / 59
Feb-17	80	77	56	53	45	57.7	56	52	890	1970	10 / 70
Mar-17	80	76	56	52	49	55.7	56	53	1144	3208	16 / 82
Dec-17	87	81	61	58	41	55.6	60	57	668	1330	-4 / 65
Jan-18	77	71	51	47	44	52.9	53	51	834	1786	-9 / 59
Feb-18	78	71	49	48	44	52.6	53	50	1149	3806	-3 / 66
Mar-18	82	76	55	52	44	54.2	55	51	1259	2667	19 / 58
Dec-18	78	75	54	51	49	58.7	60	55	1207	2649	16 / 53
Jan-19	74	72	50	48	51	55.1	55	53	961	2179	-23 / 53
Feb-19	77	74	49	45	41	54.4	51	50	1291	3431	1 / 53
Mar-19	73	70	51	50	38	55.2	53	50	1219	2728	-3 / 65
Dec-19	83	77	54	51	52	59.0	58	57	809	1965	10 / 61
Jan-20	79	75	51	48	51	56.4	55	53	1301	3224	2 / 50
Feb-20	76	72	49	45	51	54.4	54	52	851	2159	-2 / 55
Mar-20	82	78	53	50	51	59.0	56	54	1111	2749	25/67
Dec-20	82	80	55	53	48	61.1	64	59	972	1,277	8 / 58
Jan-21	81	75	49	47	38	55.1	56	54	811	2,227	8 / 41
Feb-21	76	72	47	45	39	52.0	n/a*	n/a*	883	2,731	-7 / 52
Mar-21	83	78	56	53	50	61.6	55	52	1100	3,268	22/69

*no temperatures reported in February 2021 MWRDGC Monthly Operations Report for the Stickney Plant

All USGS Flow data from Dec 2020-Mar 2021 is considered provisional and subject to change

indicates data that was not available for the March 2021 Status Report

MWRDGC data source: http://apps.mwrdd.org/plant_data/OperatingData.aspx

CSSC Flow Data source: https://waterdata.usgs.gov/il/nwis/uv/?site_no=05536890&PARAMeter_cd=00065,00060

Weather Data Source: <https://w2.weather.gov/climate/index.php?wfo=lot>