

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: May 31, 2022

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

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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](mailto:Don.Brown@illinois.gov)

Brad Halloran  
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That my email address is [Michael.Murphy@heplerbroom.com](mailto:Michael.Murphy@heplerbroom.com).

That the number of pages in the email transmission is 9 pages.

That the email transmission took place before 5:00 p.m. on the date of May 31, 2022.

\_\_\_\_\_  
/s/ Michael P. Murphy  
Michael P. Murphy

Date: May 31, 2022

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**STATUS REPORT**

Petitioner, Ingredion Incorporated (“Ingredion”), 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.*, 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.

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, 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. 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 Ingredion’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.* Ingredion 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 Ingredion during the stay.” The Hearing Officer Order also directed Ingredion to file a status report on July 15, 2021, and December 1, 2021.

12. A Status Report was timely filed on July 15, 2021. With the July 15, 2021 Status Report, Ingredion attached and incorporated Exhibit D, 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 March 2021. Additionally, it was reported that the NPDES permit renewal remains pending.

13. A Status Report was timely filed on November 29, 2021. This Status Report indicated that the NPDES permit renewal remained pending and that a motion requesting a third stay of these proceedings would be filed.

14. 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. Further, the Agency continued to review thermal data, cooling water intake studies, and specific permit language regarding thermal limits proposed by Ingredion. *Id.* The Third Motion stated that the “Agency cannot make an appropriate recommendation regarding the TLWQS until it is in a position to issue Ingredion’s NPDES permit renewal and can assess whether the TLWQS is necessary in light of both the additional thermal data and the new permit language.” *Id.*

15. 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.

**Current Status Report**

16. The NPDES permit renewal remains pending; however, on May 19, 2022, Ingredion received from Illinois EPA a draft Permit and Public Notice/Fact Sheet for review. Ingredion is carefully reviewing the documents and will provide any comments to Illinois EPA by June 9, 2022.

17. The Agency is expected in the near future to distribute the Public Notice/Fact Sheet statewide and will receive comments for a period of 30 days. The permit may or may not be revised based on comments, but Ingredion remains hopeful the permit will be finalized before December 1, 2022.

18. Although an ultimate determination must await issuance of the final permit renewal, based on the draft permit, Ingredion believes resolution of thermal discharge issues can be accomplished through the NPDES permit language, which may render relief by way of a TLWQS unnecessary.

WHEREFORE, Petitioner, Ingredion, respectfully submits its status report as required by the Hearing Officer Order of December 6, 2021.



Dated: May 31, 2022

Respectfully submitted,

INGREDION INCORPORATED,  
Petitioner

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

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