

ILLINOIS POLLUTION CONTROL BOARD
August 17, 2023

INEOS JOLIET, LLC,)
)
 Petitioner,)
)
 v.) PCB 23-135
) (Thermal Demonstration)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M.D. Mankowski):

On June 30, 2023, INEOS Joliet, LLC (INEOS) filed a petition requesting that the Board grant an alternative thermal effluent limitation (ATEL) for discharges from its Channahon facility. Petition at 1. The petition was filed under Section 316(a) of the Clean Water Act (33 U.S.C. § 1326(a)), 35 Ill. Adm. Code 304.141(c), and 35 Ill. Adm. Code Part 106.Subpart K. *Id.* INEOS requests that the ATELS apply instead of those imposed by the Board’s water quality standards for temperature (35 Ill. Adm. Code 302.408(c)-(f), (i)).

“Within 14 days after the filing of the petition, the petitioner must publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the county where the facility is located.” 35 Ill. Adm. Code 106.1135(a). The notice must state that “[a]ny person may cause a public hearing to be held in the above-described proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice.” 35 Ill. Adm. Code 106.1135(b). “Within 30 days after the filing of the petition, the petitioner must file a certificate of publication with the Clerk of the Board.” 35 Ill. Adm. Code 106.1140. On July 26, 2023, INEOS filed a certificate of publication stating that the *The Herald-News* published notice of the filing of the petition on July 12, 2023. The Board finds that INEOS provided timely and sufficient notice. Any request that the Board hold a hearing was due by Wednesday, August 2, 2023. 35 Ill. Adm. Code 106.1150. The Board did not receive a request to hold a hearing.

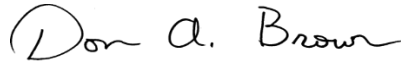
“Unless otherwise ordered by the hearing officer or the Board, the [Illinois Environmental Protection] Agency must file with the Board a recommendation within 45 days after the filing of a petition . . . for an alternative thermal effluent limitation. . . .” 35 Ill. Adm. Code 106.1145(a). The Agency’s recommendation, which must include specified elements (35 Ill. Adm. Code 106.1145(b)), was due on or before August 14, 2023. On August 14, 2023, the Agency filed a motion for extension of time, seeking an additional 45 days to file a recommendation. The Agency’s motion reports that INEOS has no objection to its requested extension. Mot. at 2. Under the Board’s rules, a motion would normally not be decided prior to the 14-day response deadline, unless the Board finds undue delay or material prejudice would result. 35 Ill. Adm. Code 101.500(d). Because the Agency’s deadline to file a recommendation

has passed, the Board finds that waiting the full 14-days could cause undue delay and therefore grants the Agency's unopposed motion. The Agency's recommendation is now due on or before September 28, 2023. Any response to the Agency's recommendation is due within 21 days after the Agency files its recommendation. 35 Ill. Adm. Code 106.1145(c).

The Board accepts INEOS' petition, but does not determine whether the contents of INEOS's petition are sufficient or whether the Board will hold a hearing. *See* 35 Ill. Adm. Code 106.1130, 106.1155(a). The Board may issue questions for INEOS either through a Board or hearing officer order.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 17, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don A. Brown, Clerk
Illinois Pollution Control Board