

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
INEOS JOLIET, LLC,)	
Petitioner,)	
)	
v.)	PCB No. 23-135
)	
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
don.brown@illinois.gov	brad.halloran@illinois.gov
(via electronic mail)	(via electronic mail)

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the SUPPLEMENT TO THE RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY in the above captioned case, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rebecca Strauss
Rebecca Strauss
Assistant Counsel
Division of Legal Counsel
Rebecca.Strauss@illinois.gov

DATED: May 23, 2024
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-557-1451

SERVICE LIST

Don Brown, Clerk of the Board
Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
don.brown@illinois.gov
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
INEOS JOLIET, LLC,)
Petitioner,)
v.) PCB No. 23-135
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

SUPPLEMENT TO THE RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOW COMES the Illinois Environmental Protection Agency (“Agency”), by and through one of its attorneys, Rebecca Strauss, and submits the following supplement to the Recommendation of the Illinois Environmental Protection Agency filed on September 27, 2023 (“Recommendation”).

1. In its Recommendation, the Agency stated as follows:

IDNR was provided the “Detailed Study Plan for a §316(a) Demonstration to Support Application of Alternative Thermal Effluent Limits for the INEOS Joliet LLC Facility”. IDNR started a consultation at that time. On April 15, 2022, IDNR closed the consultation after agreeing that inclusion of the INEOS discharge under the approved MWGen ATELS is unlikely to result in any adverse environmental impact on the balanced indigenous community of the UDIP.

Recommendation, ¶ 6. Attachment A to the Recommendation included an IDNR letter dated April 15, 2022, discussing the consultation.

2. The IDNR consultation was valid for two years, or until April 15, 2024. *See* Recommendation, Attachment A.

3. Prior to the expiration of the IDNR consultation letter dated April 15, 2022,

INEOS requested a new consultation from IDNR and, in response, IDNR provided a new consultation letter dated May 9, 2024. The new IDNR consultation letter is attached and marked as Attachment A1.

4. On May 9, 2024, IDNR closed the consultation after again agreeing that inclusion of the INEOS discharge under the approved MWGen ATEs is unlikely to result in any adverse environmental impact on the balanced indigenous community of the UDIP. Attachment A1.

5. The new IDNR consultation letter is valid until May 9, 2026. Attachment A1.

WHEREFORE, the Agency respectfully submits this Supplement to its Recommendation.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rebecca Strauss
Rebecca Strauss
Assistant Counsel
Division of Legal Counsel
Rebecca.Strauss@illinois.gov

Dated: May 23, 2024

1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794
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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached SUPPLEMENT TO THE RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY upon the person to whom it is directed, via electronic mail before 4:30 pm on May 23, 2024, to the following persons:

Don Brown, Clerk of the Board
Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
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Renee Snow, General Counsel
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Michael.Murphy@heplerbroom.com
Andrea.Quade@heplerbroom.com

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rebecca Strauss
Rebecca Strauss
Assistant Counsel
Division of Legal Counsel
Rebecca.Strauss@illinois.gov

DATED: May 23, 2024
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
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Illinois
Department of
**Natural
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director
One Natural Resources Way • Springfield, Illinois 62702-1271

www.dnr.illinois.gov

May 9, 2024
INEOS Joliet, LLC
Mr. Mike Galvin
23425 Amoco Road
Channahon, IL 60410

**RE: INEOS Joliet Facility 316(a) Petition
Consultation Program
EcoCAT Review #2412355
Will County**

Dear Mr. Galvin:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], Title 17 *Illinois Administrative Code* Part 1075, the *Interagency Wetland Policy Act of 1989* [20 ILCS 830/] and Title 17 *Illinois Administrative Code* Part 1090.

The proposed action consists of the submittal of the Detailed Study Plan for a 316(a) Demonstration to Support Application of Alternative Thermal Effluent Limits for the INEOS Joliet LLC Facility (NPDES Permit No. IL0001643).

EcoCAT did not indicate records for State-listed species in the vicinity of the project. After review of the petition, the Department concurs with the petitioner that inclusion of the INEOS discharge under the approved Midwest Generation, LLC Alternative Thermal Effluent Limits is unlikely to result in any adverse environmental impact on the balanced indigenous community of the Upper Dresden Island Pool of the Lower Des Plaines River.

Consultation on the part of the Department is closed unless the IEPA desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal and should not be regarded as a final statement on the project being considered, nor should it be a substitute for detailed site surveys or field surveys

INEOS Joliet Facility 316(a) Petition, Consultation #2412355

required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

Please contact me with any questions about this review.
Sincerely,



Adam Rawe
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