

ILLINOIS POLLUTION CONTROL BOARD
September 20, 2018

INGREDION INCORPORATED,)
)
Petitioner,)
)
v.) PCB 19-32
) (Time-Limited Water Quality Standard)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by K. Papadimitriou):

On July 26, 2018, Ingreption Incorporated (Ingreption) filed a petition under Section 38.5 of the Illinois Environmental Act (Act) for a single discharger time-limited water quality standard (TLWQS) (Pet.). Ingreption is asking for a TLWQS from the temperature standard 35 Ill. Admin. Code §§ 302.408(b), (c), (d), (e), (f), and (h) for thermal discharges into the Chicago Sanitary & Ship Canal from Ingreption’s Argo Plant in Bedford Park, Illinois. Pet. at 1.

On August 23, 2018, the Board consolidated Ingreption’s petition with chloride TLWQS petitions in the PCB 16-14 (cons.) docket. On September 11, 2018, Ingreption filed a motion to sever claims, which the Board grants today in a separate order. *See Village of Homewood et al. v. IEPA*, PCB 16-14 (consol.), slip op. at 3 (Sept. 20, 2018).

In this order, the Board finds that Ingreption timely filed its petition within the deadline the Board set in its April 12, 2017 orders in the PCB 16-19 and PCB 16-24 temperature TLWQS dockets, and that the stay of the temperature standard applies to Ingreption. *See Midwest Generation, LLC v. IEPA*, PCB 16-19, slip op. at 2 (Apr. 12, 2017) and *Flint Hills Resources, Joliet, LLC v. IEPA*, PCB 16-24, slip op. at 2 (Apr. 12, 2017) (April 12, 2017 Orders).

STAY OF THE TEMPERATURE STANDARD

The Board’s April 12, 2017 Orders established the following class of dischargers under the temperature TLWQS petitions pending in the PCB 16-19 and PCB 16-24 dockets:

heated effluent dischargers into Chicago Sanitary and Ship Canal, and Upper Dresden Island Pool, including Flint Hills, Midwest Generation (Will County Station, Joliet 9 Station, and Joliet 29 Station), and Stepan Chemical as the class of dischargers that may be covered by a time-limited water quality standard for temperature under Section 38.5(f) of the Act; Exxon Mobil as a potentially-affected discharger, subject to the Agency’s further evaluation.

Midwest Generation, PCB 16-19, slip op. at 2; Flint Hills, PCB 16-24, slip op. at 2.

As a heated effluent discharger into Chicago Sanitary and Ship Canal (Pet. at 1, 3), Ingridion's Argo Plant falls into this class.

The April 12, 2017 Orders also directed any member of the class seeking a stay of the temperature water quality standards—who does not have a petition pending with the Board—to file an initial petition not later than 90 days after the Board adopts rules under Section 38.5(k) of the Act. Midwest Generation, PCB 16-19, slip op. at 2; Flint Hills, PCB 16-24, slip op. at 2. The Board adopted the rules on April 26, 2018. See Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104, Subpart E, R18-18 (Apr. 26, 2018). The deadline to file a petition to obtain a stay of the temperature standard, thus, was July 26, 2018. Ingridion filed its petition on July 26, 2018.

Because Ingridion is a member of the class and filed its TLWQS petition by the deadline set in Board's April 12, 2017 Orders, the Board finds that the temperature water quality standard is stayed as to Ingridion. 415 ILCS 5/38.5(h)(1)(C); 35 Ill. Adm. Code 104.525(a)(3).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 20, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, slightly slanted style.

Don A. Brown, Clerk
Illinois Pollution Control Board