

ILLINOIS POLLUTION CONTROL BOARD

March 14, 2019

INEOS JOLIET, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 16-24
	)	(Time-Limited Water Quality Standard)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by K. Papadimitriu):

On February 4, 2019, Flint Hills Resources Joliet, LLC (Flint Hills), now known as “INEOS Joliet, LLC,” filed a motion for substitution of parties (Mot.). This proceeding concerns a variance petition from the temperature water quality standards, filed by Flint Hills for its Channahon Facility (Facility), and converted into a petition for a time-limited water quality standard (TLWQS) under new Section 38.5 of the Environmental Protection Act (415 ILCS 5/38.5(a), (c) (2016)).

The motion states that on November 30, 2018, the Facility was sold to INEOS Enterprises Holdings Newco Limited. Mot. at 2. Flint Hills “became the entity ‘INEOS Joliet, LLC’” and is the new operator of the Facility. *Id.* According to the motion, “INEOS Joliet, LLC is the current entity name and Flint Hills Resources Joliet, LLC is the ‘old LLC name.’” *Id.* (citing Secretary of State LLC File Detail Report). INEOS Joliet, LLC (INEOS Joliet) is now asking the Board to substitute INEOS Joliet for Flint Hills as the petitioner in this proceeding, “entitled to all relief previously allowed to Flint Hills Resources Joliet, LLC in this matter.” *Id.* at 5. The Board received no objections to the motion.


The motion cites Board cases where the Board granted motions to substitute the parties in a proceeding. *See, e.g.*, Mot at 3-4. The Board notes, however, that it appears from the facts of the motion that substitution of the parties is not necessary. INEOS Joliet appears to be the same legal entity as the petitioner, Flint Hills, which has changed its legal name to INEOS Joliet. *Id.* at 2. It also appears that regardless of the Facility ownership change, its operation has not changed: the same legal entity (formerly known as “Flint Hills” and now known as “INEOS Joliet”) remains the operator of the Facility and assumes “the responsibilities and obligations of the environmental permits of the Facility effective December 1, 2018.” *Id.* Further, INEOS Joliet “has no immediate intent to change the operations or processes at the Facility.” *Id.* The change in ownership and operation of the Facility “has not changed the facts or circumstances surrounding the proposed Time-Limited Water Quality Standard.” *Id.*

Because it appears from the motion that INEOS Joliet remains the same discharger that filed the petition, is the same legal entity, remains the operator of the Facility, and retains responsibility for the Facility's permits, the Board finds the requested party substitution unnecessary and, therefore, denies the motion. *See* 415 ILCS 5/38.5(a), (e), (f), (g) (2016) (the Board may adopt TLWQS for a "discharger"); 35 Ill. Adm. Code 104.505(b) (a TLWQS may be adopted for a "discharger"); 40 C.F.R. § 131.14(a)(1) (a water quality standard variance may be adopted for a "permittee"); 415 ILCS 5/12(b)(2016) (no person may operate a facility or equipment capable of causing or contributing to water pollution without a permit).

Instead, to reflect the change in the petitioner's name, the Board directs the Clerk to amend the caption of this proceeding as it appears in this order by indicating INEOS Joliet as the petitioner, instead of Flint Hills. Future filings must reflect this order's amended caption.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 14, 2019, by a vote of 5-0.

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

Don A. Brown, Clerk  
Illinois Pollution Control Board