

ILLINOIS POLLUTION CONTROL BOARD

September 20, 2018

| | | |
|--|---|-----------------------------------|
| VILLAGE OF HOMEWOOD, HOMEWOOD |) | |
| ILLINOIS, VILLAGE OF ORLAND PARK, |) | |
| ORLAND PARK ILLINOIS, VILLAGE OF |) | |
| MIDLOTHIAN, MIDLOTHIAN ILLINOIS, |) | |
| VILLAGE OF TINLEY PARK, TINLEY PARK |) | |
| ILLINOIS, EXXONMOBIL OIL |) | |
| CORPORATION, VILLAGE OF WILMETTE, |) | |
| WILMETTE ILLINOIS, CITY OF COUNTRY |) | |
| CLUB HILLS, COUNTRY CLUB HILLS |) | |
| ILLINOIS, NORAMCO-CHICAGO, INC., |) | |
| FLINT HILLS RESOURCES JOLIET LLC, |) | |
| CITY OF EVANSTON, EVANSTON ILLINOIS, |) | |
| VILLAGE OF SKOKIE, SKOKIE ILLINOIS, |) | PCB 16-14 (Homewood) |
| ILLINOIS DEPARTMENT OF |) | PCB 16-15 (Orland Park) |
| TRANSPORTATION, METROPOLITAN |) | PCB 16-16 (Midlothian) |
| WATER RECLAMATION DISTRICT OF |) | PCB 16-17 (Tinley Park) |
| GREATER CHICAGO, VILLAGE OF |) | PCB 16-18 (ExxonMobil) |
| RICHTON PARK, RICHTON PARK ILLINOIS, |) | PCB 16-20 (Wilmette) |
| VILLAGE OF LINCOLNWOOD, |) | PCB 16-21 (Country Club Hills) |
| LINCOLNWOOD ILLINOIS, CITY OF OAK |) | PCB 16-22 (Noramco-Chicago) |
| FOREST, OAK FOREST ILLINOIS, VILLAGE |) | PCB 16-23 (Flint Hills Resources) |
| OF LYNWOOD, LYNWOOD ILLINOIS, |) | PCB 16-25 (Evanston) |
| CITGO HOLDINGS, INC., VILLAGE OF NEW |) | PCB 16-26 (Skokie) |
| LENOX, NEW LENOX ILLINOIS, CITY OF |) | PCB 16-27 (IDOT) |
| LOCKPORT, LOCKPORT ILLINOIS, |) | PCB 16-29 (MWRDGC) |
| CATERPILLAR, INC., CITY OF CREST HILL, |) | PCB 16-30 (Richton Park) |
| CREST HILL ILLINOIS, CITY OF JOLIET, |) | PCB 16-31 (Lincolnwood) |
| JOLIET ILLINOIS, MORTON SALT, INC., |) | PCB 16-33 (Oak Forest) |
| CITY OF PALOS HEIGHTS, PALOS HEIGHTS |) | PCB 19-7 (Village of Lynwood) |
| ILLINOIS, VILLAGE OF ROMEOVILLE, |) | PCB 19-8 (Citgo Holdings) |
| ROMEOVILLE ILLINOIS, IMTT ILLINOIS |) | PCB 19-9 (New Lenox) |
| LLC, STEPAN CO., VILLAGE OF PARK |) | PCB 19-10 (Lockport) |
| FOREST, PARK FOREST ILLINOIS, OZINGA |) | PCB 19-11 (Caterpillar) |
| READY MIX CONCRETE, INC., OZINGA |) | PCB 19-12 (Crest Hill) |
| MATERIALS, INC., MIDWEST MARINE |) | PCB 19-13 (Joliet) |
| TERMINALS LLC, VILLAGE OF MOKENA, |) | PCB 19-14 (Morton Salt) |
| MOKENA ILLINOIS, VILLAGE OF OAK |) | PCB 19-15 (Palos Heights) |
| LAWN, OAK LAWN ILLINOIS, VILLAGE OF |) | PCB 19-16 (Romeoville) |
| DOTON, DOTON ILLINOIS, VILLAGE OF |) | PCB 19-17 (IMTT Illinois) |
| GLENWOOD, GLENWOOD ILLINOIS, |) | PCB 19-18 (Stepan) |
| VILLAGE OF MORTON GROVE, MORTON |) | PCB 19-19 (Park Forest) |
| GROVE ILLINOIS, VILLAGE OF LANSING, |) | PCB 19-20 (Ozinga Ready Mix) |
| LANSING ILLINOIS, VILLAGE OF |) | PCB 19-21 (Ozinga Materials) |

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| FRANKFORT, FRANKFORT ILLINOIS, |) | PCB 19-22 (Midwest Marine) |
| VILLAGE OF WINNETKA, WINNETKA |) | PCB 19-23 (Mokena) |
| ILLINOIS, VILLAGE OF LA GRANGE, LA |) | PCB 19-24 (Oak Lawn) |
| GRANGE ILLINOIS, VILLAGE OF |) | PCB 19-25 (Doton) |
| CHANNAHON, CHANNAHON ILLINOIS, |) | PCB 19-26 (Glenwood) |
| COOK COUNTY DEPARTMENT OF |) | PCB 19-27 (Morton Grove) |
| TRANSPORTATION AND HIGHWAYS, |) | PCB 19-28 (Lansing) |
| VILLAGE OF NILES, NILES ILLINOIS, |) | PCB 19-29 (Frankfort) |
| SKYWAY CONCESSION COMPANY LLC, |) | PCB 19-30 (Winnetka) |
| VILLAGE OF ELWOOD, ELWOOD ILLINOIS, |) | PCB 19-31 (La Grange) |
| CITY OF CHICAGO, CHICAGO ILLINOIS, |) | PCB 19-33 (Channahon) |
| VILLAGE OF CRESTWOOD, CRESTWOOD |) | PCB 19-34 (CCDTH) |
| ILLINOIS and VILLAGE OF RIVERSIDE, |) | PCB 19-35 (Niles) |
| RIVERSIDE ILLINOIS |) | PCB 19-36 (Skyway) |
| |) | PCB 19-37 (Elwood) |
| Petitioners, |) | PCB 19-38 (Chicago) |
| |) | PCB 19-40 (Crestwood) |
| v. |) | PCB 19-48 (Riverside) |
| |) | |
| ILLINOIS ENVIRONMENTAL PROTECTION |) | (Time-Limited Water Quality |
| AGENCY, |) | Standard) |
| |) | (Consolidated) |
| Respondent. |) | |

ORDER OF THE BOARD (by C.K. Zalewski):

On August 24, 2018, the Board consolidated 34 new petitions for a chloride time-limited water quality standard (TLWQS) with Village of Homewood et al v. IEPA, PCB 16-14 (consol.) (Homewood). In that order the Board found that “the pollutant and watershed addressed by the new TLWQS petitions are the same as those addressed by the class established in Homewood.” Homewood, PCB 16-14 (consol.), slip op. at 4 (Aug. 24, 2018). The Board also found that 32 of the 34 petitions were timely filed and are eligible for the stay of the chloride water quality standard. *Id.* at 5.

On September 11, 2018, Ingredion, Inc. motioned the Board to sever its petition (PCB 19-32) from the consolidated docket. The Board grants this request. And on September 14, 2018, the Village of Crestwood (PCB 19-40) petitioned the Board to extend the filing deadline for the chloride water quality standard stay. The Board also grants this request. In this order, the Board first discusses Ingredion’s motion to sever, and then addresses the Village of Crestwood’s petition for extension of deadline.

MOTION TO SEVER

Ingredion filed a motion to sever claims (Mot.) on September 11, 2018. Ingredion explains that its July 26, 2018 petition (PCB 19-32) seeks a temperature TLWQS from the Board’s water regulations, 35 Ill. Adm. Code 302.408(b)-(f), & (h), which is distinct from the

pollutant in the Homewood class. Mot. at 2-3. Remaining consolidated with the Homewood TLWQS class would prejudice both Ingredion and the Homewood class members. *Id.* at 3. Ingredion requests the Board sever its claims from the consolidated chloride TLWQS in Homewood.

Because Ingredion is not a member of the Homewood class, the Board removes PCB 19-32 from this consolidated docket. And any chloride water quality standards that would apply to Ingredion are not stayed. Future filings in PCB 16-14 (consol.) must reflect the updated caption of this order.


PETITION FOR DEADLINE EXTENSION

The Village of Crestwood filed a petition (Pet.) requesting an extension of the filing deadline for the chloride water quality standard stay. The filing deadline to qualify for a stay of the chloride water quality standard was July 26, 2018. Homewood, PCB 16-14 (consol.), slip op. at 4 (Aug. 23, 2018). The Village of Crestwood filed its chloride TLWQS petition on August 1, 2018. The Village of Crestwood claims that its late submittal was due to an extended review of its petition and supporting materials to ensure the completeness and veracity of the filing. Pet. at 2-3. The Board finds good cause and grants an extension of the filing deadline for Village of Crestwood. *See* 35 Ill. Adm. Code 104.540, Board Note. The chloride water quality standard, therefore, is stayed as to the Village of Crestwood. *See* 415 ILCS 5/38.5(h)(1) (enacted by P.A. 99-937, eff. Feb. 24, 2017); *see also* 35 Ill. Adm. Code 104.525(a)(3).

IT IS SO ORDERED.

Board member C. Santos abstained.

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 4-0.

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