

# ILLINOIS POLLUTION CONTROL BOARD

April 11, 2019

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.,	)	
INEOS JOLIET, LLC, CITY OF EVANSTON,	)	
EVANSTON ILLINOIS, VILLAGE OF	)	
SKOKIE, SKOKIE ILLINOIS, ILLINOIS	)	PCB 16-14 (Homewood)
DEPARTMENT OF TRANSPORTATION,	)	PCB 16-15 (Orland Park)
METROPOLITAN WATER RECLAMATION	)	PCB 16-16 (Midlothian)
DISTRICT OF GREATER CHICAGO,	)	PCB 16-17 (Tinley Park)
VILLAGE OF RICHTON PARK, RICHTON	)	PCB 16-18 (ExxonMobil)
PARK ILLINOIS, VILLAGE OF	)	PCB 16-20 (Wilmette)
LINCOLNWOOD, LINCOLNWOOD	)	PCB 16-21 (Country Club Hills)
ILLINOIS, CITY OF OAK FOREST, OAK	)	PCB 16-22 (Noramco-Chicago)
FOREST ILLINOIS, VILLAGE OF	)	PCB 16-23 (INEOS Joliet)
LYNWOOD, LYNWOOD ILLINOIS, CITGO	)	PCB 16-25 (Evanston)
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)

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 (Dolton)
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 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 consolidated proceeding concerns petitions seeking to be covered by a chloride time-limited water quality standard (TLWQS) for portions of the Lower Des Plaines River (LDPR) watershed and portions of the Chicago Area Waterway System (CAWS) watershed.

The motion states that on November 30, 2018, Flint Hills’ Joliet facility (Facility) was sold to INEOS Enterprises Holdings Newco Limited. Mot. at 3. 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 6. 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 4-5. But substitution of the parties is not necessary here. 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.

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 April 11, 2019, by a vote of 3-0.

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