

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-9(C)
CHICAGO AREA WATERWAY SYSTEM) (Rulemaking – Water)
AND THE LOWER DES PLAINES RIVER)
PROPOSED AMENDMENTS TO 35 ILL)
ADM. CODE PARTS 301, 302, 303 and 304)

NOTICE OF FILING

TO: Mr. John T. Therriault	Ms. Marie E. Tipsord
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **INGREDION INCORPORATED'S FIRST NOTICE COMMENTS AND NOTIFICATION OF NAME CHANGE**, a copy of which is herewith served upon you.

Respectfully submitted,

INGREDION INCORPORATED,

Dated: July 1, 2013

By: /s/ Katherine D. Hodge

Katherine D. Hodge

Katherine D. Hodge
Matthew C. Read
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CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached **INGREDION INCORPORATED'S FIRST NOTICE COMMENTS AND NOTIFICATION OF NAME CHANGE** upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on July 1, 2013; and upon:

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by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois on July 1, 2013.

/s/ Katherine D. Hodge
Katherine D. Hodge

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
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WATER QUALITY STANDARDS AND)
EFFLUENT LIMITATIONS FOR THE) R08-9(C)
CHICAGO AREA WATERWAY SYSTEM) (Rulemaking – Water)
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PROPOSED AMENDMENTS TO 35 ILL)
ADM. CODE PARTS 301, 302, 303 and 304)

**INGREDION INCORPORATED'S FIRST NOTICE
COMMENTS AND NOTIFICATION OF NAME CHANGE**

NOW COMES INGREDION INCORPORATED (“Ingredion”), by and through its attorneys, HODGE DWYER & DRIVER, and pursuant to the May 16, 2013 Hearing Officer Order, submits the following First Notice Comments and Notification of Name Change in Subdocket C.

I. INTRODUCTION AND NOTIFICATION OF NAME CHANGE

Since the last filing in this matter, Corn Products International, Inc. changed its name to Ingredion. Moving forward, the Bedford Park plant at issue in this rulemaking will now be known as the Ingredion Argo Plant.

On March 5, 2012, Ingredion filed Pre-First Notice Comments addressing the aquatic life use designation proposed by the Illinois Environmental Protection Agency (“Illinois EPA”) for the Chicago Sanitary & Ship Canal (“Sanitary & Ship Canal”).¹ In those comments, Ingredion explained why Illinois EPA’s proposed use designation for the Sanitary & Ship Canal is inappropriate and why the Sanitary & Ship Canal justifies

¹ See Pre-First Notice Comments of Corn Products International, Inc., *In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304*, R08-9 (Ill.Pol.Control.Bd. Mar. 5, 2012) (hereinafter rulemaking is cited as “R08-9” and comments cited as “Pre-First Notice Comments”).

an alternative use designation. In addition, Ingredion summarized potential alternatives for complying with Illinois EPA's proposed thermal standards for the Sanitary & Ship Canal and proposed regulatory language for Chicago Area Waterway System Aquatic Life Use C Waters ("Use C").

On March 19, 2012, Ingredion filed a Response to Pre-First Notice Comments, noting its concern with relying on an agreement made between Environmental Groups and Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC").² In addition, Ingredion noted that the economic impact of the proposed Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters ("Use B") designation should be considered by the Illinois Pollution Control Board ("Board").

On February 21, 2013, the Board issued its First Notice Opinion and Order³ in Subdocket C and found that conditions indicate that the Sanitary & Ship Canal is not capable of obtaining Clean Water Act goals and that "problems persist with [Dissolved Oxygen] and temperature." First Notice at 196. The Board proposed to redesignate the Sanitary & Ship Canal as Use B. *Id.* at 196-197. In doing so, the Board rejected requests for a Use C designation. First Notice Comments at 176.

² See Response to Pre-First Notice Comments, R08-9 (Ill.Pol.Control.Bd. Mar. 19, 2012) (hereafter "Response to Pre- First Notice Comments").

³ First Notice Opinions and Order, R08-9(C) at 221 (Ill.Pol.Control.Bd. Feb. 21, 2013) (hereafter referenced and cited as "First Notice").

II. COMMENTS TO FIRST NOTICE

Ingredion disagrees with the Board's use determination for the Sanitary & Ship Canal and reaffirms its position that the unique characteristics of the Sanitary & Ship Canal justify a Use C designation. *See* Pre-First Notice Comments at 11-14. In its Pre-First Notice Comment, Ingredion noted numerous characteristics that differentiate the Sanitary & Ship Canal from all other waterways in this rulemaking. Those unique characteristics justify a Use C designation for the Sanitary & Ship Canal.

Ingredion also wishes to clarify the scope of its proposed Use C designation. The Board appeared to indicate in the First Notice that Ingredion's proposal was limited to the lower Sanitary & Ship Canal only. First Notice at 174. In its Pre-First Notice Comments, Ingredion intended to apply its proposed Use C designation to the entire Sanitary & Ship Canal.

III. CONCLUSION AND REQUEST FOR RESPONSE PERIOD

Ingredion appreciates the opportunity to provide these comments to the Board. As demonstrated by testimony on behalf of Ingredion and summarized in past comments, Ingredion showed that the unique characteristics of the Sanitary & Ship Canal justify a Use C designation. Such a Use C designation would be appropriate for the entire Sanitary & Ship Canal.

Finally, on June 27, 2013, the United States Environmental Protection Agency ("USEPA") filed a public comment with the Board that addresses the Board's proposal and justification for aquatic life uses for the Chicago Area Waterway System and Lower Des Plaines River. USEPA's public comment contains new information that was not available to participants before now. In light of the new information, Ingredion requests

that the Board allow thirty days for participants to respond to USEPA's comment and any other new information filed by participants in Subdocket C.

Respectfully submitted,

INGREDION INCORPORATED,

Dated: July 1, 2013

By: /s/ Katherine D. Hodge
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CORN: 006/Fil/ First Notice Comments – Subdocket C