

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
Petition of Emerald Polymer )  
 ) AS 19-002  
Additives, LLC for an Adjusted )  
 ) (Adjusted Standard)  
Standard from 35 Ill. Adm. Code )  
 )  
304.122(b) )

**NOTICE OF ELECTRONIC FILING**

TO: Persons Identified on the Attached Certificate of Service

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board this **Notice of Electronic Filing** and the attached **Emerald Polymer Additives, LLC's Motion for Extension of Time to File Expert Report**, copies of which are attached herewith and served upon you.

Respectfully submitted,

Emerald Polymer Additives LLC

Date: September 23, 2019

By: /s/ Thomas W. Dimond  
One of Its Attorneys

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4. Emerald did not receive IEPA's document production until September 6, 2019. This production consisted of over 12,700 pages of documents potentially relevant to Emerald's Petition and IEPA's Recommendation, including documents and information about other projects purportedly designed to reduce ammonia nitrogen at various municipal wastewater treatment facilities in Illinois.

5. Emerald expects to provide expert testimony regarding such other projects in its expert report.

6. Emerald has been diligently working to review IEPA's document production. However, Emerald has not completed its review and needs more time due to the size of IEPA's production. Despite this fact, Emerald's expert witness has already started drafting the text of his expert report and is working on answering the targeted questions of IEPA in its Recommendation.

7. Additionally, in order to meet the initial expert report deadline, Emerald's expert notified all equipment suppliers on or around September 5, 2019 that it needed quotes by Friday, September 20, 2019. Each of the equipment suppliers agreed to provide a quote by that time.

8. Late during the week of September 16, 2019, two equipment suppliers separately reached out to Emerald's expert to let them know that the equipment suppliers could not meet their September 20, 2019 deadline.

9. The equipment suppliers are reportedly overwhelmed trying to meet customer demands before they depart for the 2019 WEFTEC conference in Chicago, on Saturday, September 21 through Wednesday, September 25. The WEFTEC conference is the world's largest annual gathering of water and wastewater treatment professionals. *See*

[https://www.weftec.org/?gclid=Cj0KCQjwzozsBRCNARIsAEM9kBMslP9b8OLMYJOOV6\\_JGM13vOfBlktWgE7ER2v2qYFSsy4jVePSuk8aAkJrEALw\\_wcB](https://www.weftec.org/?gclid=Cj0KCQjwzozsBRCNARIsAEM9kBMslP9b8OLMYJOOV6_JGM13vOfBlktWgE7ER2v2qYFSsy4jVePSuk8aAkJrEALw_wcB).

10. Emerald's expert witness, Houston Flippin, is also a featured speaker at WEFTEC. Mr. Flippin will present during the conference's Session 302 – Solving Food and Beverage Wastewater Challenges Using Innovative Process Technologies. *See* <https://www.weftec.org/attend/education/featured-speakers/houston-flippin/>.

11. Mr. Flippin expects that the equipment suppliers will not reengage working on their equipment quotes until Monday, September 30, 2019. Accordingly, Emerald is requesting an extension to and including October 11, 2019, in order to give the equipment suppliers time to supply the delayed equipment quotes, vet them and include them in cost estimates integral to the expert report.

12. Pursuant to Section 101.522 of the Illinois Pollution Control Board Rules, “[i]f a party's motion shows good cause, the Board or hearing officer may extend any deadline required by this Part. The motion may be filed either before or after the deadline expires.”

13. Emerald's request for an extension is not made for the purposes of delay. Further, an extension for Emerald's and IEPA's expert reports to and including October 11, 2019, and November 8, 2019, respectively, will not affect the remaining discovery deadlines in the case. The Hearing Officer's September 5, 2019 Order allows until December 20, 2019 to complete depositions and other discovery. Even after October 11 and November 8, there is adequate time to depose Mr. Flippin, IEPA's expert or take other discovery.

14. Counsel for Emerald attempted to contact Rex Gradeless, counsel for IEPA, on September 23, 2019 regarding this motion but was advised that he was out of the office.

WHEREFORE, for the reasons state herein, Emerald Polymer Additives, LLC respectfully requests that the Hearing Officer grant its MOTION FOR EXTENSION OF TIME TO FILE EXPERT REPORT and that the expert report deadlines for Emerald and IEPA be extended to and including October 11, 2019 and November 8, 2019, respectively.

Respectfully submitted,

Emerald Polymer Additives LLC.

By: /s/ Thomas W. Dimond

One of Its Attorneys

Date: September 23, 2019

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on September 23, 2019, I have served the attached NOTICE OF ELECTRONIC FILING and EMERALD POLYMER ADDITIVES, LLC'S MOTION FOR EXTENSION OF TIME TO FILE EXPERT REPORT upon the following persons by electronic mail:

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/s/ Thomas W. Dimond \_\_\_\_\_