

ILLINOIS POLLUTION CONTROL BOARD

November 1, 2012

IN THE MATTER OF: )  
)  
PETITION OF EMERALD PERFORMANCE ) AS 13-2  
MATERIALS LLC FOR AN ADJUSTED ) (Adjusted Standard – Water)  
STANDARD FROM 35 ILL. ADM. CODE )  
304.122(b) )

ORDER OF THE BOARD (by T.A. Holbrook)

On September 28, 2012, Emerald Performance Materials LLC (Emerald) filed a petition (Pet.) for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board’s procedural rules. *See* 415 ILCS 5/28.1 (2010); 35 Ill. Adm. Code 104.Subpart D. Emerald requests that the Board extend an adjusted standard previously granted by the Board for effluent containing ammonia nitrogen discharged to the Illinois River from Emerald’s chemical manufacturing facility in Henry, Marshall County. Pet. at 1. Emerald also requests that the Board also apply this requested relief to PolyOne Corporation. *Id.* Specifically, in lieu of the total ammonia nitrogen effluent standard at 35 Ill. Adm. Code 304.122(b), Emerald proposed an adjusted standard requiring that it shall not discharge calculated ammonia nitrogen at concentrations greater than 155 milligrams per liter (mg/L) and that the “[d]ischarge into the Illinois River shall occur through the existing high rate multi-port diffuser.” *Id.* at 31-32.

Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner’s activity. 415 ILCS 5/28.1 (2010); 35 Ill. Adm. Code 104.408. The notice must be published within 14 days of filing a petition for an adjusted standard with the Board. *See* 35 Ill. Adm. Code 104.408(a). As required by Section 104.410, Emerald timely filed a certificate of publication with the Board on October 12, 2012. Notice of the petition was published in the *Henry News Republican* on October 10, 2012.

The Board finds that the notice and petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules and accepts the petition for hearing. *See* 415 ILCS 5/28.1 (2010); 35 Ill. Adm. Code 104.408. Unless otherwise ordered by the hearing officer, the Illinois Environmental Protection Agency (Agency) must file a response including its recommendation concerning the Board’s proposed action on this petition within 45 days after service of the petition. *See* 35 Ill. Adm. Code 104.416(a).

Emerald has requested a hearing in this matter (Pet. at 36), and hearings shall be scheduled and completed in a timely manner. The hearing officer shall inform the Clerk of the Board of the time and location of the hearing at least 40 days in advance of the hearing so that a 30-day public notice of hearing may be published.

This order makes no determination on the informational sufficiency or the merits of Emerald's petition. The Board through its own orders or through the orders of its hearing officer may direct Emerald to provide additional information prior to hearing concerning its request.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 1, 2012, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board