

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RETURN TO CLERK'S OFFICE

IN THE MATTER OF:	)	
Petition of Emerald Performance	)	AS 13-2
Materials LLC for an Adjusted	)	(Adjusted Standard)
Standard from 35 Ill. Adm. Code	)	
304.122(b)	)	

RECEIVED  
CLERK'S OFFICE

NOV 08 2012

STATE OF ILLINOIS  
Pollution Control Board

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the Illinois Environmental Protection Agency's MOTION FOR EXTENSION OF TIME TO FILE A RECOMMENDATION, and APPEARANCE for the above-captioned proceeding, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
 Joanne M. Olson  
 Assistant Counsel  
 Division of Legal Counsel

DATED: November 7, 2012

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
Petition of Emerald Performance ) AS 13-2  
Materials LLC for an Adjusted ) (Adjusted Standard)  
Standard from 35 Ill. Adm. Code )  
304.122(b) )

**RECEIVED**  
**CLERK'S OFFICE**  
**NOV 08 2012**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

**MOTION FOR EXTENSION OF TIME**  
**TO FILE A RECOMMENDATION**

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by and through its counsel, and pursuant 35 Ill. Adm. Code 101.522, hereby requests the Hearing Officer to grant the Illinois EPA a 60 day extension of time to file a recommendation in the above captioned proceedings. In support therefore, the following statements are made:

1. Emerald Performance Materials LLC's ("Petitioner" or "Emerald") filed a Petition for Adjusted Standard ("Petition") on September 28, 2012, which seeks relief from the discharge prohibition of effluent containing more than 3.0 mg/L of total ammonia nitrogen as N found in 35 Ill. Admin Code 304.122(b).

2. On October 12, 2012, petitioner filed Notice of Publication pursuant to 35 Ill. Adm. Code 104.408.

3. On November 1, 2012, the Illinois Pollution Control Board accepted the petition for hearing.

4. Under 35 Ill. Adm. Code 104.416, the Illinois EPA's recommendation is due 45 days after the filing of the Petition, Monday, November 12, 2012.

5. Monday, November 12, 2012, is a State holiday. Pursuant to 35 Ill. Adm. Code 101.300, the Illinois EPA's recommendation is due on the next business day, November 13, 2012.

6. The petitioner has indicated that it wishes to have a meeting with the Agency regarding the Petition.

7. The Agency will be unable to schedule a hearing with the Petitioner before the November 13, 2012, filing deadline.

8. The Agency wishes to withhold its decision in its recommendation until after the parties have met.

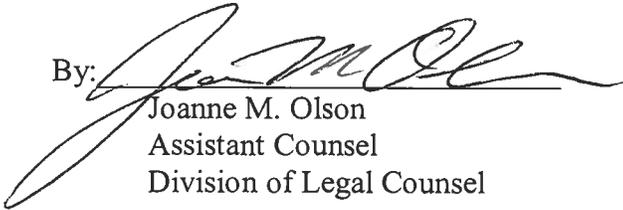
9. On November 1, 2012, the Petitioner agreed to a 60 day extension of the filing deadline to facilitate a meeting between the parties.

10. A 60 day extension from November 13, 2012, is Saturday, January 12, 2013. The next business day thereafter is January 14, 2013.

WHEREFORE, for the reasons stated herein, Illinois EPA respectfully recommends that the Hearing Officer grant Illinois EPA's MOTION FOR EXTENSION OF TIME TO FILE A RECOMMENDATION, and order that the Illinois EPA's filing deadline is extended until January 14, 2013.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

Joanne M. Olson  
Assistant Counsel  
Division of Legal Counsel

Date: November 7, 2012  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

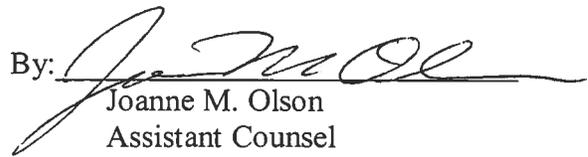
IN THE MATTER OF: )  
Petition of Emerald Performance ) AS 13-2  
Materials LLC for an Adjusted ) (Adjusted Standard)  
Standard from 35 Ill. Adm. Code. )  
304.122(b) )

**APPEARANCE**

The undersigned hereby enters her appearance as an attorney on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Joanne M. Olson  
Assistant Counsel  
Division of Legal Counsel

DATED: November 7, 2012

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

CERTIFICATE OF SERVICE

RECEIVED  
CLERK'S OFFICE

NOV 08 2012

STATE OF ILLINOIS  
Pollution Control Board

Joanne M. Olson, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING, MOTION FOR EXTENSION OF TIME TO FILE A RECOMMENDATION, and APPEARANCE upon:

Roy M. Harsh  
Drinker Biddle & Reath LLP  
191 N. Wacker Drive – Suite 3700  
Chicago, Illinois 60606-1698  
312-569-1441

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph  
Suite 11-500  
Chicago, Illinois 60601

by mailing a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on November 7, 2012.



Joanne M. Olson  
Assistant Counsel