

**BEFORE THE POLLUTION CONTROL BOARD**

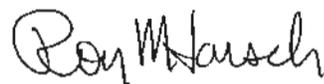
IN THE MATTER OF: )  
Petition of Emerald Performance )  
Materials LLC for an Adjusted ) AS 13-2  
Standard from 35 Ill. Adm. Code ) (Adjusted Standard)  
304.122(b) )

**NOTICE OF FILING**

TO: See Attached Service List

**PLEASE TAKE NOTICE** that on Tuesday, December 2, 2014, we filed the attached **Response to Hearing Officer Order** with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,  
Emerald Performance Materials LLC



By: \_\_\_\_\_

One of Its Attorneys

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

**THIS FILING IS SUBMITTED ELECTRONICALLY**

**CERTIFICATE OF SERVICE**

Roy M. Harsch herein certifies that he has served a copy of the foregoing Notice of Filing and Response to Hearing Officer Order on Tuesday, December 2, 2014, to each persons on the attached service list.

It is hereby certified a true copy of the foregoing was hand delivered to the following on Tuesday, December 2, 2014:

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street -- Suite 11-500  
Chicago, IL 60601

**Service List**

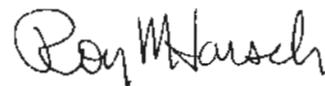
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[Roy.Harsch@dbr.com](mailto:Roy.Harsch@dbr.com)

ILLINOIS POLLUTION CONTROL BOARD

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

**RESPONSE TO HEARING OFFICER ORDER**

Now comes Emerald Performance Materials, LLC (“Emerald”) by its attorneys, Drinker Biddle & Reath LLP, by and through their counsel, and hereby submits a Response to Hearing Officer Order entered on November 25, 2014 and states as follows:

1. Emerald timely filed a renewal application for the modified NPDES Permit which subsequently expired.

2. The Illinois Environmental Protection Agency (“IEPA”) has decided to wait for the Pollution Control Board decision in this matter before proceeding with renewing the Emerald NPDES Permit.

3. The PolyOne Corporation sold its Henry, Illinois and Predricktown, New Jersey facilities to Mexichem, Inc. These facilities are being operated as Mexichem Specialty Resins, Inc. (“Mexichem”).

4. Mexichem sent the attached letter to the IEPA after the date the IEPA filed its recommendation, informing IEPA that they did not want to remain a co-permittee on the Emerald NPDES Permit.

5. The undersigned has discussed this issue with the IEPA counsel in this proceeding and has been informed that the IEPA cannot take any action to modify the expired Emerald NPDES Permit in response to the Mexichem letter and will address the Mexichem request when the Emerald NPDES Permit is proposed for issuance following the Pollution Control Board decision in this case.

6. Accordingly Emerald does not believe that any modification to the requested relief is necessary; and the issue concerning the IEPA comment regarding the need to have the additional party added to this proceeding is moot given the pending request by Mexichem to be dropped as a co-permittee.

7. The undersigned has been informed by counsel for the IEPA and authorized to state that IEPA has reviewed this response and will not file any response.

WHEREFORE, Emerald Performance Materials, LLC requests that the Pollution Control Board limit any relief granted in this proceeding to Emerald Performance Materials, LLC.

Emerald Performance, LLC by its attorney

A handwritten signature in black ink that reads "Roy M. Harsch". The signature is written in a cursive style with a large initial "R".

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Roy M. Harsch  
Drinker Biddle & Reath LLP  
191 N. Wacker, Suite 3600  
Chicago, Illinois 60606  
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[Roy.Harsch@dbr.com](mailto:Roy.Harsch@dbr.com)

# Mexichem

**Specialty Resins, Inc.**

Route 130 & Porcupine Rd.

PO Box 420

Pedricktown, NJ 08067

April 10, 2014

Mark E. Liska

Environmental Protection Engineer

Industrial Permits Unit, Bureau of Water

Illinois Environmental Protection Agency

1021 N. Grand Ave. East

Springfield, IL 62794-9276

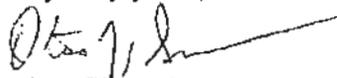
Re: Emerald NPDES Permit IL0001392-1

Dear Mr. Liska,

Mexichem Specialty Resins, Inc. (formerly PolyOne Corporation) formally requests to be removed from the Emerald NPDES permit IL0001392-1 as a co-permittee based on several reasons which include, 1) Mexichem has no operational control, 2) Mexichem has not been involved with current or historical permit applications/renewals, 3) language stated in Special Condition 4 of the current permit regarding PolyOne (Mexichem) streams, and 4) the process descriptions titled A01 and B01 and supporting plot plans and SWPP flows that include entire site (both companies).

Should you have any questions, please feel free to contact me directly at 856.299.8413.

Very truly yours,



Otis J. Sistrunk

Manager – Safety, Health & Environmental

cc: CM Stolfo/ OJ Sistrunk

JE McKinley/PJ Youell

KJ Staab - Emerald

File: Henry NPDES