

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))

**EMERALD POLYMER ADDITIVES, LLC'S FIRST SET OF INTERROGATORIES
AND FIRST SET OF REQUESTS FOR PRODUCTION TO IEPA**

Emerald Polymer Additives, LLC ("Emerald"), through its undersigned attorneys, and pursuant to Sections 101.616 and 101.620 of the Board's Procedural Rules, 35 Illinois Administrative Code §101.616 and 101.620, propounds the following Interrogatories and Document Requests to be answered by the Illinois Environmental Protection Agency ("IEPA"), within twenty-eight (28) days of service.

DEFINITIONS AND INSTRUCTIONS

The Interrogatories that follow are to be read, interpreted and answered with reference to the following definitions and instructions:

1. In responding to these Interrogatories, furnish all information available to You, including information in the possession of Your attorneys, or their investigators, and all Persons acting on Your behalf and not merely such information known of Your own personal knowledge. If You cannot respond to the discovery in full after exercising due diligence to secure the information, answer to the extent possible, specifying Your inability to answer the remainder and state whatever information or knowledge You have concerning the unanswered questions and the efforts You have undertaken to secure the information sought.

2. Pursuant to Section 101.616(h) of the Illinois Administrative Code, the Interrogatories which follow are to be considered as continuing, and You are requested to provide, by way of supplementary answers and responses thereto, such additional information as You or any other Person acting on Your behalf may hereafter obtain which will augment or

otherwise modify the responses first given.

3. The term "Petition" refers to the Petition for Adjusted Standard filed by Emerald with the Illinois Pollution Control Board on April 3, 2019.

4. The term "Recommendation" refers to the Recommendation of the Illinois Environmental Protection Agency to Deny Petitioner's Request for an Adjusted Standard filed by IEPA on July 19, 2019.

5. "Communication" shall mean, without limitation, any effort to convey information, whether oral or written, including but not limited to correspondence, exchanges of written or recorded information, face to face meetings, electronic e-mail, facsimile, or telephone communication.

6. "Document" shall be interpreted in the broadest possible sense and shall mean any kind of written, typewritten, printed, recorded, computer produced, or graphic material, however produced or reproduced, including, without limitation, brochures, drawings, graphs, photographs, microfilms, "e mail," notes, memoranda, letters, correspondence, telegrams, newspaper advertisements, summaries and/or notes of personal conversations, diaries, notebooks, minutes, summaries and/or records of meetings and conferences, summaries and/or reports of negotiations or investigations, analyses, projections, ledger sheets, accounts, journals, publications, contracts, records, tapes, transcripts of records and recordings, and business records relating to the subject matter to which the Interrogatory or Request refers, and includes, without limitation, originals, copies, drafts, and/or any other writings or electronically stored data in Your possession, custody, or control, or in the possession, custody or control of Your agents, employees, and any and all Persons acting on Your behalf, including Your attorneys.

7. "Identify" or "describe," when used with regard to a Person, who is an individual or natural person, shall mean to state the Person's (a) full name; (b) title or position; (c) present or last known business and home address and telephone numbers; (d) present or last known employer; and (e) date of birth. When used with regard to a Person who is an entity, such as a government agency or political subdivision, firm, partnership, or corporation, "identify" or "describe" shall mean to state the entity's (a) full name; (b) present or last known business address and telephone number; (c) state of incorporation, if applicable; (d) name and address or the registered agent, if applicable. When used with regard to a particular Document, "identify" or "describe" shall mean to state the Document's (a) title; (b) dates of creation and amendments; (c) and all Document or policy numbers and other internal identifying characteristics.

8. "IEPA," "You" or "Your" shall mean the Illinois Environmental Protection Agency, and any of its agents, representatives, affiliates, subsidiaries, officers, directors and employees.

9. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of these requests information that might otherwise be construed as being outside their scope. The term "each" shall be construed to include the word "every" and "every" shall be construed to include the word "each." The term

“any” shall be construed to include the word “all” and “all” shall be construed to include the word “any.”

10. The term “relating to” means concerning, constituting, discussing, evidencing, or in any way relevant to and/or having a causal, factual, legal or logical connection, elation, reference, or association.

11. If the original of any Document that refers to or relates to the subject matter of these Interrogatories has been destroyed or lost, set forth the substance of such Document, the location of each copy of such Document, the date such Document was destroyed or lost, the procedures and authority under which it was destroyed, and identify the last known custodian of such Document prior to its destruction.

INTERROGATORIES

INTERROGATORY NO. 1: State the full name, age and address of all Persons providing information used to respond to these Interrogatories or assisting in the preparation of Your responses to these Interrogatories.

ANSWER:

INTERROGATORY NO. 2: On pgs 21-22 of the Recommendation, IEPA describes proposed projects for ammonia control at the following POTWs: Geneva, Illinois; Batavia, Illinois; St. Charles, Illinois; Kishwaukee Water Reclamation District; Village of Newark, Illinois; Fox River Reclamation District; and Mount Carmel, Illinois (hereafter, the “Seven Proposed Projects”). For each of the Seven Proposed Projects, identify if it was constructed and put into operation, approximately when the project construction was completed and any information IEPA has on the final constructed cost.

ANSWER:

INTERROGATORY NO. 3: Consistent with Illinois Supreme Court Rule 213(f)(1)

through (f)(3) as referred to as guidance in 35 IAC 101.616, provide the name and address of each witness, including lay witnesses, independent expert witnesses and controlled expert witnesses, who will testify on Your behalf at hearing and state the subject of each witness' testimony.

ANSWER:

INTERROGATORY NO. 4: For each of recommendations 1, 2 and 3.a.-3.q. on pps. 25-30 of the Recommendation, identify the witness who will support said recommendation and any Documents or analyses or reasoning that supports the recommendation.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: All construction or operating permit applications, all construction or operating permits, all reports, notes, memoranda, correspondence, Documents listing or explaining estimated costs or final constructed costs actually incurred, or other Documents in your possession related to the Seven Proposed Projects and IEPA's evaluation of the Seven Proposed Projects.

ANSWER:

REQUEST NO. 2: For any of the Seven Proposed Projects that were actually completed, provide the discharge monitoring reports for each completed project for the time period beginning 12 months prior to the construction of the project to 12 months following completion of the construction of the project.

ANSWER:

REQUEST NO. 3: All construction or operating permit applications, all construction or operating permits, all reports, notes, memoranda, correspondence, or other Documents in your possession related to the spray irrigation program of Akzo Nobel Surface Chemistry, LLC ("Akzo Nobel") and its NPDES Permit IL00260069, as described on pg.18 of IEPA's Recommendation, or IEPA's evaluation or approval of that spray irrigation program.

ANSWER:

REQUEST NO. 4: The discharge monitoring reports for Akzo Nobel, NPDES Permit IL00260069, as described on pg.18 of IEPA's Recommendation, for January 1, 2014-December 31, 2018.

ANSWER:

REQUEST NO. 5: Any laboratory sample reports in your possession reflecting the chemical or other properties of the wastewater of Akzo Nobel prior to its entering the main biological treatment, as described on pg. 18 fn. 5 of the Recommendation, or after the main biological treatment but prior to being spray irrigated onto the 65-acre spray field, again as described on pg. 18 fn. 5 of the Recommendation.

ANSWER:

REQUEST NO. 6: Provide any Document or analyses supporting recommendation #s 1, 2 and 3.a-3.q. on pps. 25-26 of the Recommendation.

ANSWER:

REQUEST NO. 7: All Documents reviewed or consulted in preparing the answers to the above interrogatories.

ANSWER:

REQUEST NO. 8: Any Document or report prepared by any expert witness you intend to have testify at hearing.

ANSWER:

REQUEST NO. 9: Other than the exhibits attached to the Recommendation, identify all Documents and all objects or tangible things (as those terms are used in Illinois Supreme Court Rule 214) that you intend to introduce as exhibits at hearing and/or rely upon for cross-examination at hearing.

ANSWER:

Respectfully submitted,

Emerald Polymer Additives LLC.

By: /s/ Thomas W. Dimond

One of Its Attorneys

Date: August 7, 2019

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on August 7, 2019, I have served the attached NOTICE OF ELECTRONIC FILING and EMERALD POLYMER ADDITIVES, LLC'S FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUESTS FOR PRODUCTION TO IEPA upon the following persons by electronic mail:

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/s/ Thomas W. Dimond