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JAN 30 2008

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

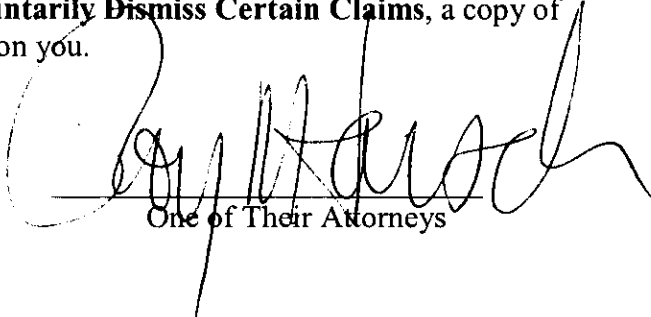
Noveon, Inc.)
)
Petitioner,)
)
v.)
)
Illinois Environmental Protection Agency,)
)
Respondent.)
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PCB 04-102
(Permit Appeal-Air)

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on Wednesday, January 30, 2008, I have filed with the Office of the Clerk of the Illinois Pollution Control Board the **Agreed Motion to Change Petitioner's Name and Agreed Motion to Voluntarily Dismiss Certain Claims**, a copy of which is attached hereto and herewith served upon you.

By: 

One of Their Attorneys

Dated: January 30, 2008

Roy M. Harsch, Esq.
 Drinker Biddle Gardner Carton
 191 N. Wacker Drive - Suite 3700
 Chicago, IL 60606
 Direct Dial: (312) 569-1441
 Facsimile: (312) 569-3441

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

Noveon, Inc.)
)
 Petitioner,)
)
 v.)
)
 Illinois Environmental Protection Agency,)
)
 Respondent.)
 _____)

PCB 04-102
(Permit Appeal-Air)

AGREED MOTION TO CHANGE PETITIONER'S NAME

Petitioner hereby submits this Motion to request that the Petitioner's name in this matter be changed to Emerald Performance Materials, LLC. In support of this request, Petitioner states as follows:

1. The Clean Air Act Permit Program ("CAAPP") history of the Henry, Illinois plant ("Facility") began when BF Goodrich, who owned it as part of its Specialty Chemicals Division, prepared and filed a CAAPP application in March 1996. Therefore, BF Goodrich was the original CAAPP applicant. Subsequently, BF Goodrich sold this business unit, which consisted of a number of manufacturing plants across the country, to Noveon, Inc. ("Noveon"). Noveon was the owner of the Facility from 2001 until 2004. The Illinois Environmental Protection Agency ("IEPA") issued the CAAPP permit to Noveon on November 24, 2003.

2. Noveon filed this appeal with the Illinois Pollution Control Board ("PCB") on December 24, 2003. Subsequently, Noveon in its entirety was sold to Lubrizol, Inc., ("Lubrizol") who thereby, acquired the Facility. Therefore this sale of from Noveon to Lubrizol occurred after this appeal was filed with the PCB.

3. In May 2006, a new owner purchased certain manufacturing plants, including the Facility, from Lubrizol.

4. This new owner operates these new plants, including the Facility, under a subsidiary named Emerald Performance Materials, LLC. All of the Facility's permits have been transferred to Emerald Performance Materials, LLC.

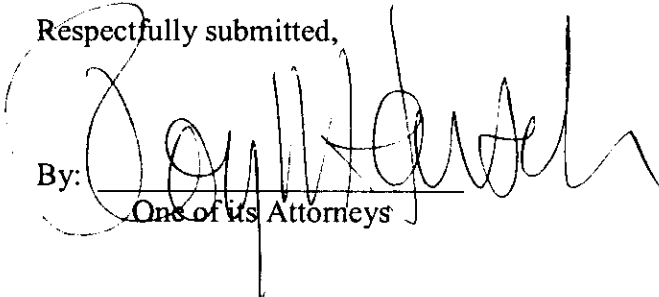
5. Emerald Performance Materials, LLC is the current owner of the Facility and requests that Petitioner's name in this above-captioned matter be updated accordingly.

6. Council for the IEPA has authorized the undersigned to state that the IEPA does not object to this motion and will not file a response.

WHEREFORE, for the foregoing reasons, Petitioner respectfully moves the Board to change Petitioner's name to Emerald Performance Materials, LLC and modify the above-caption in this matter accordingly.

Respectfully submitted,

By:


One of its Attorneys

Dated: January 30, 2008

Roy M. Harsch, Esq.
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191 North Wacker Drive - Suite 3700
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(312) 569-1441

CH01/12528161.1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
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Noveon, Inc.)
)
Petitioner,)
)
v.)
)
Illinois Environmental Protection Agency,)
)
Respondent.)
_____)

JAN 30 2008

STATE OF ILLINOIS
Pollution Control Board

PCB 04-102
(Permit Appeal-Air)

AGREED MOTION TO VOLUNTARILY DISMISS CERTAIN CLAIMS

Petitioner, by and through its attorneys, Drinker Biddle Gardner Carton, hereby submits this Motion to Voluntarily Dismiss Certain Claims from the above captioned appeal as set forth in its initial *Petition for CAAP Permit Appeal and Hearing and Request to Stay Certain CAAPP Permit Conditions* ("CAAPP Permit Appeal"). In support of this Motion, Petitioner states as follows:

1. On December 24, 2003, Petitioner filed the CAAPP Permit Appeal in connection with its Clean Air Act Permit ("CAAPP Permit") No. 96030152 for its facility in Henry, Illinois ("Facility").

2. In Petitioner's CAAPP Permit Appeal, it raised six objections to its CAAPP Permit.

3. The first objection was whether the Facility can emit more than 8 lbs/hr of organic material into the atmosphere from each emission sources vented to condensers or other control devices capable of reducing by 85 percent or more the uncontrolled organic material that would be otherwise emitted into the atmosphere ("Objection 1").

4. The second objection was whether the Facility's condensers or other control devices capable of reducing by 85 percent or more of the uncontrolled organic material constitute "air pollution control equipment" ("Objection 2").

5. The third objection was whether the Facility's existing processes are designed to remove sulfur compounds from the flue gases of petrochemical processes ("Objection 3").

6. The fourth objection was whether the Facility remains exempt from *35 IAC § 214.301* because its existing processes are designed to remove sulfur compounds from the flue gases of petrochemical processes ("Objection 4").

7. The fifth objection was whether the Illinois Environmental Protection Agency ("IEPA") provided a reasonable time after issuance of CAAPP Permit for Petitioner to comply ("Objection 5").

8. The sixth objection was whether the effective date of the CAAPP Permit should have been postponed after issuance to allow the Facility a reasonable time to adequately review the permit and implement the necessary compliance measures to ensure continuous compliance ("Objection 6").

9. Since the filing of its appeal, Petitioner has resolved the issues in connection with the Objections 1 and 2 above with respect to control of organic matter.

10. Since the filing of its appeal, Objections 5 and 6 have become moot.

11. Based on the above, Petitioner voluntarily requests to dismiss Objections 1, 2, 5, and 6 from the Board's review of this appeal to which the counsel for the IEPA has authorized the undersigned to state, that IEPA has no objection and will not file any response to this motion.

12. Additionally, Petitioner requests to dismiss its objections to the following permit conditions: 7.2.3(c), 7.2.7, 7.3.8(b), 7.48(b), 7.5.2, 7.5.3(c), 7.5.8(b), 7.6.2, 7.6.3(c), 7.6.5(b) and (c), 7.6.8(b), 7.6.9(f), 7.7.5(a), 7.7.8(b) as they relate to the control of organic material, time period for compliance, and the effective date of same. The remaining issues all concern the emissions of sulfur dioxide from Petitioner's facility.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that the Board grant this Motion to Voluntarily Dismiss Certain Claims as provided above.

Respectfully submitted,

Petitioner

By:

One of its Attorneys

Dated: January 30, 2008

Roy M. Harsch, Esq.
Drinker Biddle Gardner Carton
191 N. Wacker Drive - Suite 3700
Chicago, IL 60606
(312) 569-1441

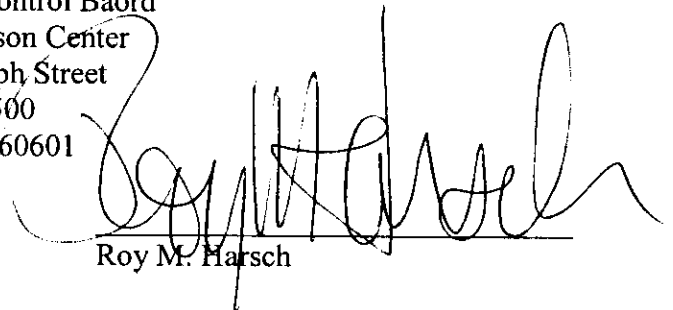
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing **Notice of Filing – Agreed Motion to to Change Petitioner's Name and Agreed Motion to Voluntarily Dismiss Certain Claims** were mailed, first class, on Wednesday, January 30, 2008, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing **Notice of Filing – Agreed Motion to to Change Petitioner's Name and Agreed Motion to Voluntarily Dismiss Certain Claims** was hand delivered to the following on Wednesday, January 30, 2008:

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



Roy M. Harsch

**Service List
PCB 2004-102**

<p>Bradley P. Halloran Hearing Offier Illinois Pollution Control Baord Jame R. Thompson Center 100 West Rnadolph Street Suite 11-500 Chicago, IL 60601</p>	<p>Sally A. Carter Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276</p>
<p>Robb H. Layman Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276</p>	<p>Bill Maupin 1318 County Road 1450 North Henry, IL 61537</p>

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