

ILLINOIS POLLUTION CONTROL BOARD
February 7, 2008

EMERALD PERFORMANCE MATERIALS,)
L.L.C. (as purchaser of NOVEON, INC.),)
)
Petitioner,)
)
v.) PCB 04-102
) (CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by N. J. Melas):

Hearing was held in this matter on February 5, 2008. On January 30, 2008, Noveon, Inc. filed two motions that are beyond the hearing officer's authority to address. The first motion is an agreed motion to change petitioner's name from "Noveon" to "Emerald Performance Materials, L.L.C." to reflect the latter's May 2006 purchase of the facility whose permit is the subject of this appeal. This motion is granted. To avoid any confusion, the captions of this and future orders in this matter will retain both names and reflect their relationship.

The other motion is an agreed motion to voluntarily dismiss certain claims. The agreed motion asks that petitioner's objections 1, 2, 5, and 6 be dismissed from the Board's review of this appeal. This motion is also granted.

The two issues remaining for Board resolution in this case (objections 3 and 4) involve whether certain of the facility's condensers are subject to 35 Ill. Adm. Code 214.301 by virtue of the exemption found in 35 Ill. Adm. Code 214.382, and whether the facility's existing processes are designed to remove sulfur compounds from the flue gases of petrochemical processes. The Board will expeditiously address these issues following the close of the briefing schedule established by the hearing officer.

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 February 7, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board