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ILLINOIS POLLUTION CONTROL BOARD

April 23, 2008

STATE OF ILLINOIS  
Pollution Control Board

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

**HEARING OFFICER ORDER**

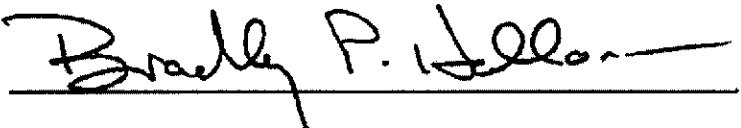
On February 5, 2008, a hearing was held in the above-captioned permit appeal. It was agreed by the parties at the hearing that the hearing would be closed to the public due to trade secret issues.

On April 14, 2008, the petitioner filed a motion to designate transcript as non-trade secret. The petitioner states in its motion that "based on petitioner's review of the testimony provided and the Exhibits accepted into evidence at the February 5, 2008, hearing, Petitioner asserts that the February 5, 2008, transcript of the hearing and the Exhibits other than Exhibit 3 [Exhibit 3 is derived from the trade secret version of the Record filed by the respondent on April 27, 2007] do not contain information that would be deemed confidential and protected under the trade secret provisions of the Illinois Pollution Control Board at 35 Ill. Adm. Code Part 130". Motion at 1. To that end, the petitioner "requests that the transcript of the February 5, 2008 hearing and the Exhibits other than Exhibit 3 be reclassified as non-trade secret". Motion at 2. Petitioner represents that the respondent does not oppose the motion.

Petitioner's motion is granted. The hearing officer will mark Exhibit 3 with the words Trade Secret in red ink on the face of the exhibit. See Section 130.302 of the Board's procedural rules.

The parties are directed submit a post-hearing briefing schedule to the hearing officer within the next 10 days.

IT IS SO ORDERED.



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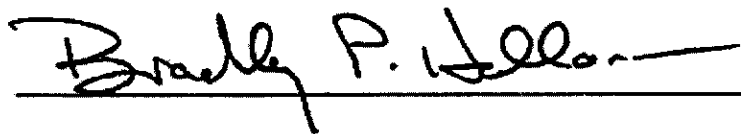
Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on April 23, 2008, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on April 23, 2008:

John T. Therriault  
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A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran  
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