

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL - 8 2002

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:

Petition of Noveon, Inc. for an
Adjusted Standard from
35 Ill. Adm. Code 304.122

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AS 02-5

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

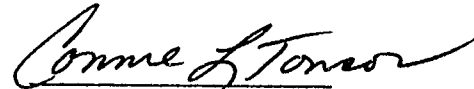
Richard Kissel
Mark Latham
Gardner, Carton & Douglas
321 North Clark Street-Suite 3400
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board **MOTION FOR EXTENSION OF TIME** in the above matter on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ENVIRONMENTAL PROTECTION AGENCY
OF THE STATE OF ILLINOIS

By:



Connie L. Tonsor
Associate Counsel
Special Assistant Attorney General
Division of Legal Counsel
ARDC # 6186313

Date: July 3, 2002

Illinois Environmental
Protection Agency
1021 N. Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276
217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MOTION FOR EXTENSION

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA") by Connie L. Tonsor, one of its attorneys, and respectfully moves for an extension of time to file the Illinois EPA's response in the above-captioned matter.

- 1) On May 22, 2002, Noveon, Inc. ("Petitioner or Noveon") filed a petition for Adjusted Standard from 35 Ill. Adm. Code 304.122, as it relates to the discharge of ammonia in the effluent from its Henry, Illinois plant. The history of this matter is lengthy and rather complex. Essentially, Noveon has a complex chemical process during which ammonia forms in the waste treatment process. However, nitrification of ammonia in the waste treatment process is inhibited by chemicals used in the production process. Ammonia is not used in the production process.
- 2) On June 20, 2003, the Illinois Pollution Control Board ("Illinois PCB or Board") accepted the petition for hearing.
- 3) Pursuant to Section 104.416 of the Board's procedural regulations, the Illinois EPA's Response to the Petition is due on July 5, 2002. Section 104.416(b) of the Board's rules, 35 Ill. Adm. Code 104.416(b), states that the Response must include an analysis and response to issues raised by the Petitioner regarding the compliance alternatives and the impacts on the receiving stream, 35 Ill. Adm. Code 104.416; 104.406.
- 4) Pursuant to Section 104.416(b), the Illinois EPA initiated a technical review of the information provided in the petition, the costs/benefits of various treatment alternatives and the potential impact on the receiving stream. During this review, which is not yet complete, information developed that will impact the Illinois EPA's response to the petition and necessitate a meeting to discuss technical issues.

5) On June 27, 2002, representatives of Noveon met with the Illinois EPA to discuss the pending adjusted standard petition, the possibility of the Illinois EPA's support of the petition and the Illinois EPA's response. At that meeting, the Illinois EPA and Noveon agreed to set a meeting of technical personnel to discuss the technical issues. The Illinois EPA and Noveon are attempting to set a technical staff meeting in July 2002.

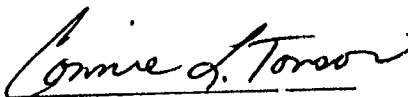
6) As a result of this meeting, Noveon may file an amended adjusted standard petition and the Illinois EPA's response may change. On July 2, 2002, the parties placed a call to the Hearing Officer indicating their desire to delay the filing of a response until 45 days prior to a hearing date. No hearing date has been set in this matter.

7) On June 27, 2002, the Hearing Officer set a status call for July 18, 2002 at 3:00 for this matter. At that time, the Illinois EPA and the Petitioner will further discuss issues pertaining to the Petition.

Wherefore, the Illinois EPA respectfully requests that the Illinois PCB grant its Motion for an Extension of the filing time for the Response until 45 days prior to the hearing set for this matter in order to facilitate a technical meeting between itself and Noveon.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By:



Connie L. Tonsor
Associate Counsel
Special Assistant Attorney General
Division of Legal Counsel
ARDC # 6186313

DATED: July 3, 2002

Illinois Environmental Protection Agency
1021 N. Grand Ave., East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached MOTION upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Richard Kissel
Mark Latham
Gardner, Carton & Douglas
321 North Clark Street-Suite 3400
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

and mailing it from Springfield, Illinois on July 3, 2002 with sufficient postage affixed first class mail.

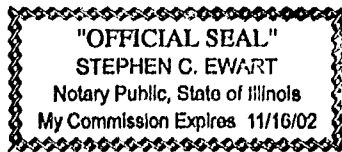
Nancy J. D. Lampost

SUBSCRIBED AND SWORN TO BEFORE ME

this 3rd day of July, 2002.

Stephen C. Ewart

NOTARY PUBLIC



THIS FILING IS SUBMITTED ON RECYCLED PAPER.