

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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NOV 14 2006

STATE OF ILLINOIS  
Pollution Control Board

NOVEON, INC. )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

PCB - **07-36**  
 (Air - 90 Day Extension)

NOTICE OF FILING

To: Ms. Sally Carter  
 Illinois Environmental Protection Agency  
 Division of Legal Counsel  
 1021 North Grand Avenue East, Mail Code #21  
 Post Office Box 19276  
 Springfield, IL 62794-9276

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

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Pollution Control Board the Request for Ninety Day Extension of Appeal Period and Appearances on behalf of the Illinois EPA and Noveon, Inc. in the above-titled matter. A copy is hereby served upon you.

NOVEON, INC.

By:   
 David L. Rieser  
 One of its Attorneys

DATED: November 14, 2006

MCGUIREWOODS LLP  
 77 West Wacker Drive, Suite 4100  
 Chicago, Illinois 60601  
 (312) 849-8100

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**REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD**

Petitioner, Noveon, Inc. ("Noveon"), by and through its attorneys, McGuireWoods LLP, and the Respondent, Illinois Environmental Protection Agency ("IEPA"), pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS5/40(a)(1)), respectfully requests the Illinois Pollution Control Board ("Board") to grant an extension of the thirty-five day period for filing petitions to appeal the IEPA's denial of a Lifetime Operating Permit until February 13, 2007. In support of this Petition, the parties state as follows:

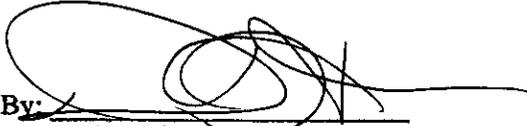
1. On October 2, 2006, the IEPA issued a permit denial for a Lifetime Operating Permit for certain emissions units operated and to be operated by Noveon at its McCook Illinois facility. A copy of this permit denial is attached hereto and incorporated herein as Exhibit A. Noveon received this permit denial letter on October 10, 2006. As a result, the deadline for filing an appeal of this permit is November 14, 2006.

2. The parties agree that additional time would be useful to continue negotiations and may eliminate the need to submit an appeal regarding this denial.

WHEREFORE, the parties respectfully request the Board grant an extension of this period for filing appeals of these permits until February 13, 2007.

NOVEON, INC.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
One of its Attorneys

By:   
Sally A. Carter

Dated: November 14, 2006

David L. Rieser, Esq.  
McGuireWoods LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, IL 60601  
Telephone: 312/849-8100



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19506, SPRINGFIELD, ILLINOIS 62794-9506 - (217) 782-2113

ROD R. BIAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-2113

CERTIFIED MAIL

7004 2510 0001 8652 1895

PERMIT DENIAL

October 2, 2006

Novcon, Inc.  
Attn: Responsible Care Manager  
9550 West 55th Street, Suite D  
McCook, Illinois 60525

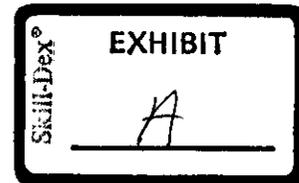
Application No.: 99040036  
I.D. No.: 031174ACJ  
Applicant's Designation:  
Received: July 19, 2006  
Operation of: Manufacturing Ink Additives  
Location: 9550 West 55th Street, Suite D, McCook, Cook County, 60525

The Illinois EPA has reviewed your application for a Lifetime Operating Permit for the above referenced project. The permit application is DENIED because Sections 9 and 39 of the Illinois Environmental Protection Act, and 35 Ill. Adm. Code Sections 201.160 and 201.169, Parts 203 and 218, and 40 CFR Part 63 Subpart FFFF might be violated.

The following are specific reasons why the Act and the Rules and Regulations may not be met:

1. The application failed to demonstrate that the source is eligible for a lifetime operating permit pursuant to 35 Ill. Adm. Code 201.169. According to the information submitted to the Illinois EPA, the source potential to emit may exceed 10 tons per year of toluene. Toluene is listed as a hazardous air pollutant (HAP) in Section 112(b) of the Clean Air Act. If the emissions of any single HAP exceed 10 tons per year, or emissions of all HAPs combined exceed 25 tons per year, this source will require a Clean Air Act Permit Program (CAAPP) permit, and will be subject to the requirements of Section 112(g) of the Clean Air Act.
2. The application failed to demonstrate that the operation of the emission units would not cause a violation of 35 Ill. Adm. Code Part 218, Subparts B (Organic Emissions From Storage and Loading Operations), G (Use of Organic Material), and TT (Other Emission Units), and the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart FFFF (Miscellaneous Organic Chemical Manufacturing).

Pursuant to 35 Ill. Adm. Code 201.160, no operating permit shall be granted unless the applicant submits proof to the Agency that the emission units have been constructed or modified to operate so as not to cause a violation of the Act or regulations.



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The Illinois EPA will be pleased to review a reapplication for this permit that includes the necessary information and documentation to correct the deficiencies noted above. In accordance with 35 Ill. Adm. Code 201.157, this reapplication may incorporate by reference the data and information submitted to the Illinois EPA in the original permit application, provided that you certify that the data and information previously submitted remains true, correct and current. The reapplication will be considered filed on the date it is received by the Illinois EPA and will constitute a new permit application for purposes of Section 39(a) of the Act. Two copies of this information must be submitted and should reference the application and I.D. numbers assigned above.

If you have any questions on this, please call Randy Solomon at 217/782-2113.

*DES*

Donald E. Sutton, P.E.  
Manager, Permit Section  
Division of Air Pollution Control

DES:RBS:psj

cc: Region 1  
Julie Armitage, CES

**COPY**  
Original Signed by  
Donald E. Sutton, P.E.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

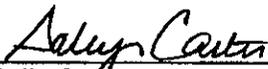
NOVEON, INC.,	)	
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Petitioner,	)	
	)	
v.	)	PCB
	)	(Air – 90 Day Extension)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

APPEARANCE

The undersigned, as one of its attorneys, hereby enters her APPEARANCE on behalf of Respondent, Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

  
 \_\_\_\_\_  
 Sally Carter  
 Assistant Counsel  
 Division of Legal Counsel

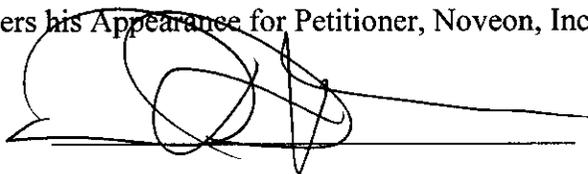
Date: November 14, 2006  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

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 ) Respondent. )

**APPEARANCE**

The undersigned, an attorney, enters his Appearance for Petitioner, Noveon, Inc.



David L. Rieser  
McGuireWoods LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, IL 60601  
Attorney ARDC No.: 3128590  
Telephone: 312/849-8100

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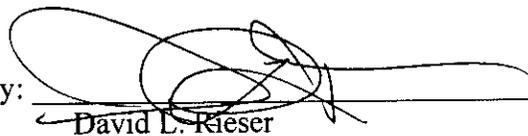
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Request for Ninety Day Extension of Appeal Period and Appearances on behalf of the Illinois EPA and Noveon, Inc. upon those listed on the attached Notice of Filing by first class mail, postage affixed.

Respectfully submitted,

NOVEON, INC.

By:



David L. Rieser  
One of its Attorneys

Dated: November 14, 2006

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