

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ROHM AND HAAS COMPANY )

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Respondent. )  
)  
)  
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PCB 05--164  
FESOP Permit Appeal

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STATE OF ILLINOIS  
Pollution Control Board

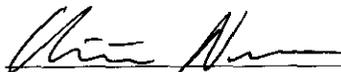
NOTICE OF FILING

Dennis Brown  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

Please take notice that on January 23, 2008, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board, Petitioner's Voluntary Withdrawal of Permit Appeal, copies of which are herewith served upon you.

Rohm and Haas Chemicals LLC

By  \_\_\_\_\_  
One of its Attorneys

A. Bruce White  
Christopher W. Newcomb  
Karaganis, White & Magel, Ltd.  
414 North Orleans Street, Suite 810  
Chicago, Illinois 60610  
(312) 836-1177

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**VOLUNTARY WITHDRAWAL OF FESOP PERMIT APPEAL**

NOW COMES Petitioner, Rohm and Haas Chemicals LLC (Rohm & Haas), by and through its attorneys, Karaganis, White & Magel, Ltd., and hereby voluntarily withdraws the above-captioned appeal of the FESOP Renewal issued to Rohm & Haas' Kankakee facility on February 7, 2005. In support of this withdrawal, Rohm & Haas states:

1. Rohm & Haas is the owner and operator of a polymer emulsion manufacturing plant located at 1400 Harvard Drive, Kankakee, Illinois (the Plant). Kankakee County is designated as an attainment area for all criteria air pollutants, and the Plant is a minor source for all pollutants -- VOM, HAPs (both collectively and individual), PM, NOx and CO. Historically, the Plant has consistently emitted well below 25 tpy VOM or PM, well below 10 tpy for any individual HAP, and well below 25 tpy for all HAPs.

2. The Plant's previous FESOP was issued by Illinois EPA on January 10, 2000 and expired on January 10, 2005. On July 9, 2004, Rohm & Haas timely filed an application for renewal of the Plant's FESOP. On February 7, 2005, the Illinois EPA issued a FESOP Renewal (App. No. 89060066) to the Plant.

3. Rohm & Haas timely filed its Petition for Review of certain conditions included in that FESOP Renewal on the bases that the conditions added to the FESOP Renewal that were not present in the Plant's previous FESOP, and were neither authorized nor necessary to accomplish the purposes of the Act. Additionally, applicable environmental laws would not be violated if the previous FESOP permit was renewed without revision. The Board accepted Rohm and Haas' Petition for Review on March 17, 2005.

4. Over the course of negotiations to resolve the permit appeal, Rohm and Haas accepted several revisions to conditions outside the limited number of conditions that were the subject of the appeal, and submitted specific draft language in response to the Agency's overhaul of the facility's FESOP.

5. Additionally, on May 18, 2007, Rohm and Haas submitted a Letter Application for Revision to effectuate specific agreed-upon revisions in the proposed draft FESOP. Concurrently, Rohm and Haas submitted an application for Construction Permit to install two underground storage tanks. The decision deadline for the Agency to issue a final decision on these applications was extended by agreement to January 14, 2007.

6. On January 14, 2007, the Agency issued a Revised FESOP, which permit resolves those specific issues that were the subject matter of Permit Appeal No. PCB 05-164. The final Revised FESOP contains the Condition 1.b that states the permit shall become effective only upon the withdrawal of Permit Appeal PCB 2005-164. To effectuate the effectiveness of the Revised FESOP issued January 14, 2007

7. Nothing stated herein is intended to waive any right of Rohm and Haas has to appeal conditions of the Revised FESOP issued by the Illinois EPA on January 14, 2007, and Rohm and Haas expressly reserves all its rights and remedies available to appeal any objectionable condition therein.

WHEREFORE, to effectuate the effectiveness of the final Revised FESOP, Rohm & Haas hereby voluntarily withdraws its FESOP Permit Appeal No. PCB 05-164.

Respectfully submitted,

**ROHM AND HAAS CHEMICALS LLC**



One of its attorneys

Bruce White  
Christopher Newcomb  
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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have caused the foregoing Voluntary Withdrawal of Permit Appeal to be served by facsimile and U.S. Mail upon each person listed below, on this 23rd day of January, 2008.

Dennis Brown  
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Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
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\_\_\_\_\_  
Christopher W. Newcomb  
Attorney for Petitioner, Rohm and Haas  
Chemicals LLC