

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
Petition of Emerald Polymer)	
)	AS 19-_____
Additives, LLC for an Adjusted)	
)	(Adjusted Standard)
Standard from 35 Ill. Adm. Code)	
)	
304.122(b))	

NOTICE OF ELECTRONIC FILING

TO:

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

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

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Petitioner's **NOTICE OF ELECTRONIC FILING, MOTION TO INCORPORATE THE RECORD OF AS 02-5 AND AS 13-2** and **CERTIFICATE OF SERVICE**, copies of which are attached herewith and served upon you.

Respectfully submitted,

Emerald Polymer Additives LLC

Date: April 3, 2019

By: /s/ Thomas W. Dimond
 One of Its Attorneys

Thomas W. Dimond
 Kelsey Weyhing
ICE MILLER LLP
 200 West Madison, Suite 3500
 Chicago, Illinois 60606
 (312) 726-1567
Thomas.Dimond@icemiller.com
Kelsey.Weyhing@icemiller.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
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Petition of Emerald Polymer) AS 19-_____
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Additives, LLC for an Adjusted) (Adjusted Standard)
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Standard from 35 Ill. Adm. Code)
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304.122(b))

MOTION TO INCORPORATE THE RECORD OF AS 02-5 AND AS 13-2

Emerald Polymer Additives, LLC (“Emerald”), through its undersigned attorneys, respectfully requests that the record in *Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122*, AS-2002-005 (“AS 02-5”), and the record in *Petition of Emerald Performance Materials LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122*, AS-2013-002 (“AS 13-2”), be incorporated by reference into the record of this proceeding, and in support states as follows:

1. On May 22, 2002 Noveon, Inc. filed its Petition for Adjusted Standard in AS 02-5, seeking an adjusted standard from the total ammonia nitrogen as nitrogen (N) effluent standard in 35 Ill. Adm. Code 304.122(b) for the effluent from the wastewater treatment plant at the chemical manufacturing facility located at 1550 County Road 1450 N., in Henry, Illinois (the “Henry Plant”). Emerald has succeeded to ownership and operation of the Henry Plant.
2. On November 4, 2004 the Illinois Pollution Control Board (the “Board”) granted Noveon, Inc.’s petition and issued an adjusted standard.

3. On September 28, 2012 Emerald Performance Materials LLC (“EPM”), an affiliate of Emerald, filed its Petition for Adjusted Standard in AS 13-2, seeking renewal of the adjusted standard previously granted in AS 02-5.

4. On April 16, 2015 the Board granted EPM’s petition and issued an adjusted standard with conditions.

5. On December 1, 2016 the Board issued a modified adjusted standard in AS 13-2 to conform to the mandate of the Illinois Appellate Court.

6. In the present action, Emerald has concurrently filed its Petition for Adjusted Standard seeking renewal of the adjusted standard previously granted pursuant to 35 Ill. Adm. Code 104 and Section 28.1 of the Illinois Environmental Protection Act in AS 02-5, and renewed in AS 13-2.

7. Section 101.306(a) of the Board’s procedural rules provides that “[u]pon the separate written request of any person or on its own initiative, the Board or hearing officer may incorporate materials from the record of another Board docket into any proceeding... The person seeking incorporation must demonstrate to the Board or the hearing officer that the material to be incorporated is authentic, credible, and relevant to the proceeding.”

8. The records in AS 02-5 and AS 13-2 are “authentic, credible, and relevant” because the Board relied on the records in those cases to evaluate many of the same technical treatment alternatives and to grant the adjusted standards on November 4, 2004, April 16, 2015 and December 1, 2016.

9. AS 02-5 and AS 13-2 are on file with the Board’s Clerk and are largely available to the participants and the public through the Clerk’s Office On-Line (“COOL”) system.

10. Notice of this request has been served pursuant to Section 101.306(a) and is reflected in the attached certificate of service.

11. Emerald has included a copy of the docket in AS 02-5 as **Exhibit A** and a copy of the docket in AS 13-2 as **Exhibit B** to this Motion.

WHEREFORE, Emerald Polymer Additives, LLC respectfully requests that the record in *Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122*, AS-2002-005, and the record in *Petition of Emerald Performance Materials LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122*, AS-2013-002, be incorporated by reference into the record of this proceeding.

Respectfully submitted,

Emerald Polymer Additives LLC.

By: /s/ Thomas W. Dimond

One of Its Attorneys

Date: April 3, 2019

Thomas W. Dimond
Kelsey Weyhing
ICE MILLER LLP
200 West Madison, Suite 3500
Chicago, Illinois 60606
(312) 726-1567
Thomas.Dimond@icemiller.com
Kelsey.Weyhing@icemiller.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 3, 2019, I have served the attached NOTICE OF ELECTRONIC FILING and MOTION TO INCORPORATE THE RECORD OF AS 02-5 AND AS 13-2 upon the following persons in the manner indicated below:

Electronically, to the following person:

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

and by U.S. Mail, first class postage prepaid and electronic mail, to the following persons:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
epa.dlc@illinois.gov

/s/ Thomas W. Dimond