

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

March 17, 2004

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MAR 17 2004

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF : )  
 )  
 PETITION OF NOVEON, INC., ) AS 02-5  
 FOR AN ADJUSTED STANDARD ) (NPDES Adjusted Standard)  
 FROM 35 Ill. Adm. Code 304.122 )

**HEARING OFFICER ORDER**

On February 17, 18 and 19, 2004, a hearing in this matter was held at the Marshall County Courthouse, 122 North Prairie Street, Lacon, Illinois. Attorneys Richard Kissel, Mark Latham and Sheila Deely appeared and participated in behalf of the petitioner. Attorney Deborah Williams appeared and participated on behalf of the Illinois Environmental Protection Agency (Agency).

**Preliminary Matters**

Petitioner made an oral motion on February 19, 2004, that the entire transcript of the hearing in permit appeal PCB 91-17, including the transcript of the hearing held on February 17, 2004, be incorporated into this adjusted standard matter. On February 10, 2004, the hearing officer denied petitioner's motion to incorporate the November 19, 1991 transcript of the hearing in PCB 91-17 in a written order. To that end, the record reflects that the entire transcript of the PCB 91-17 proceedings, including the transcript of the hearing held on February 17, 2004, is taken with the case as an offer of proof.

**Witness Credibility**

Both parties presented witnesses. Based on my observations, experience and legal knowledge, witness credibility is not an issue.

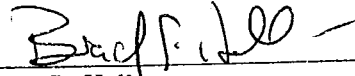
**Exhibits**

Both parties offered exhibits as evidence at the hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order.

**Briefing Schedule**

At the hearing, a post-hearing briefing schedule was discussed and agreed to. The petitioner's post-hearing brief is due to be filed on or before April 29, 2004. The Agency's post-hearing brief is due to be filed on or before June 15, 2004. The petitioner's reply, if any, is due to be filed on or before July 14, 2004. Public comment is due to be filed on or before March 22, 2004.

IT IS SO ORDERED.



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Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312.814.8917

PCB AS 02-5

February 17, 18 and 19, 2004, Hearing

Exhibit List

Exhibit	Description	Status
Petitioner's Exhibit 1	Block flow diagram of wastestream sources and WWTF	Admitted.
Petitioner's Exhibit 2	OBTS morpholine recovery diagram	Admitted
Petitioner's Exhibit 3	TBA recovery diagram	Admitted
Petitioner's Exhibit 4	C-18 morpholine recovery diagram	Admitted
Petitioner's Exhibit 5	Accelerator pretreatment diagram	Admitted
Petitioner's Exhibit 6	Written testimony of David Giffin	Admitted
Petitioner's Exhibit 7	Written testimony of T. Houston Flippin	Admitted
Petitioner's Exhibit 8	Resume of T. Houston Flippin	Admitted
Petitioner's Exhibit 9	Inhibition of nitrification-effects of selected organic compounds article	Admitted
Petitioner's Exhibit 10	Nitrification inhibitors for corn production article	Admitted
Petitioner's Exhibit 11	Memorandum to Mark Latham from T. Houston Flippin, dated May 17, 2002	Admitted
Petitioner's Exhibit 12	Chart of present worth cost of incremental reduction of effluent ammonia-nitrogen	Admitted
Petitioner's Exhibit 13	Comparison of costs and removals of effluent NH3-N removal process	Admitted
Petitioner's Exhibit 14	Supplemental written testimony of T. Houston Flippin	Admitted
Petitioner's Exhibit 15	Memorandum Thomas Meyer and Lyle Ray, dated August 24, 1983	Admitted
Petitioner's Exhibit 16	Expert written testimony of Michael Corn	Admitted
Petitioner's Exhibit 17	Resume/experience of Michael Corn	Admitted
Petitioner's Exhibit 18	Area map of Henry plant site	Admitted
Petitioner's Exhibit 19	Lateral and longitudinal isopleths for bottom specific conductance diagram	Admitted
Petitioner's Exhibit 20	Hydraulic mixing zone concepts diagram	Admitted
Petitioner's Exhibit 21	Hypothetical exposure for fish passing through zid	Admitted
Petitioner's Exhibit 22	Zone of flow establishment	Admitted
Petitioner's Exhibit 23	Schematic for dispersion from a diffuser	Admitted
Petitioner's Exhibit 24	Multiport jet zone diffuser analysis	Admitted
Petitioner's Exhibit 25	Total ammonia dispersion diagram	Admitted
Petitioner's Exhibit 26	Profile of Illinois River	Admitted

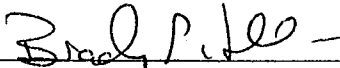
Petitioner's Exhibit 27	Diffuser schematic diagram	Admitted
Petitioner's Exhibit 28	Zid and tmz for proposed multiport difuser	Admitted
Petitioner's Exhibit 29	Results of an Acute toxicity identification article	Admitted
Petitioner's Exhibit 30	Responses to IPCB questions by order dated February 10, 2004	Admitted
Petitioner's Exhibit 31	Written expert testimony of William Goodfellow	Admitted
Petitioner's Exhibit 32	Resume of William Goodfellow	Admitted
Petitioner's Exhibit 33	Written testimony of Linda Shaw	Admitted
Petitioner's Exhibit 34	Resume of Linda Shaw	Admitted
Petitioner's Exhibit 35	Spreadsheet of historical results of 2001, 2002 and 2003 (redacted)	Admitted
Petitioner's Exhibit 36	Memorandum to industrial unit staff to Tim Kluge, dated October 30, 1990	Admitted
Petitioner's Exhibit 37	Memorandum to Rick Pinneo from Scott Twait, dated February 5, 2001	Admitted
Petitioner's Exhibit 38	Partial transcript of permit appeal PCB 91-17 hearing on November 19, 1991, including petitioner's exhibits 1 through 15	Taken with case as an offer of proof
Agency's Exhibit 1	Memorandum to Rick Pinneo from Bob Mosher, dated November 2, 1994	Admitted
Agency's Exhibit 2	Memorandum to Joel Cross from Bob Mosher, dated April 4, 1997	Admitted
Agency's Exhibit 3	Portion of petitioner's petition setting forth the request for relief	Admitted
Agency's Exhibit 4	Withdrawn	Withdrawn
Agency's Exhibit 5	Engineering report of wastewater treatment plant, dated June' 1994	Admitted
Hearing Officer Exhibit 1	Technical support document for water quality-based toxics control	Admitted

## CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on March 17, 2004, 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 March 17, 2004:

Dorothy M. Gunn  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601

  
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Bradley P. Halloran  
Hearing Officer  
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AS 2002-005  
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