

ILLINOIS POLLUTION CONTROL BOARD  
November 25, 2014

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PETITION OF EMERALD PERFORMANCE ) AS 13-2  
MATERIALS, LLC FOR ADJUSTED ) (Adjusted Standard – Water)  
STANDARD FROM 35 ILL. ADM. CODE )  
304.122(b)

 ORIGINAL

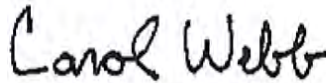
**HEARING OFFICER ORDER**

In its petition for an adjusted standard, Emerald Performance Materials LLC (Emerald) notes that the Illinois Environmental Protection Agency (Agency) has modified the National Pollutant Discharge Elimination System (NPDES) permit for its facility to designate PolyOne Corporation (PolyOne) as a co-permittee. The modified permit is attached to the petition as Exhibit 3. At page 22 of its Recommendation, the Agency states the belief that “the Board lacks authority to grant the requested relief because the co-permittee, PolyOne, is not a party to this action.”

The Board notes that, “based upon discussions with the Agency concerning this petition it was determined that PolyOne should be included as a named recipient of any relief granted by the Board so as to allow the Agency to reissue the Henry Plant NPDES Permit with such relief. . .” Petition at 7, n.2. The petition adds that naming PolyOne as a recipient would allow the Agency to “reissue the current NPDES Permit with any relief ultimately granted.” *Id.* The petition states that “PolyOne has agreed to this and if necessary become a Party to this proceeding.” *Id.*

The Board directs Emerald to submit within 14 days of the date of this order any motion to amend the caption or other filing it may deem appropriate to address the issue described above.

IT IS SO ORDERED.



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