

ILLINOIS POLLUTION CONTROL BOARD
January 8, 2020

IN THE MATTER OF:)
)
PETITION OF EMERALD POLYMER) AS 19-2
ADDITIVES, LLC, FOR AN ADJUSTED) (Adjusted Standard- Water)
STANDARD FROM 35 ILL. ADM. CODE)
304.122(b))

HEARING OFFICER ORDER

On January 8, 2020, petitioner filed a motion to treat certain information as non-disclosable. The motion is granted, and the Board will treat the following documents as non-disclosable information under 35 Ill. Adm. Code 130.Subpart D.

Prior to providing the Illinois Environmental Protection Agency with financial documents, petitioner labeled the documents as "Public Record Claimed Exempt/NON-DISCLOSABLE INFORMATION." Additionally, the Agency took depositions of Edward Gotch and Amy Harding. During each deposition, petitioner stated on the record that the transcripts should be labeled as non-disclosable information.

Petitioner does not intend to submit any of these documents or depositions at hearing, but the Agency has already stated its intent to offer these items as evidence. At the pre-hearing conference call held on January 7, 2020, the Agency had no objection to treating all of the above documents and depositions as non-disclosable.

Also during the pre-hearing conference call, the Agency questioned whether to submit an association's report in its entirety. The Agency should plan to submit only the relevant pages at hearing. If the Board needs the entire report for context, it will be requested post-hearing.

Finally, petitioner and the Agency agreed that the deadline for filing post-hearing briefs is February 24, 2020. The parties further agree that there is no automatic right to respond. Any motion for leave to respond to a brief, along with the response, is due by March 9, 2020. The parties are also reminded to review 35 Ill. Adm. Code 101.627, the recently adopted procedural rule requiring the electronic filing of exhibits post-hearing.

IT IS SO ORDERED.

Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
Carol.Webb@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on January 8, 2020, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on January 8, 2020:

Don A. Brown
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
Carol.Webb@illinois.gov

@Consents to Electronic Service

AS 2019-002@
Thomas W. Dimond
Ice Miller
200 W. Madison Street, Suite 3500
Chicago, IL 60606

AS 2019-002@
Kelsey Weyhing
Ice Miller
200 W. Madison Street, Suite 3500
Chicago, IL 60606

AS 2019-002@
Rex L. Gradeless
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794