

February 21, 2020

Ms. Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794-9274
Carol.Webb@illinois.gov

Subject: In the Matter of Petition of Emerald Polymer Additives, LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b)

Dear Ms. Webb and Members of the Illinois Pollution Control Board,

I am writing on behalf of the Chemical Industry Council of Illinois ("CICI"). CICI is a state-wide business trade organization which represents 212 members representing over 683 facilities in Illinois. CICI members employ 46,206 people in Illinois with an average annual wage of \$114,083. At \$39.1 billion, the chemical industry is the second largest industry in the state of Illinois and Illinois is the fourth largest chemical producing state.

Emerald Polymer Additives is a long-time member of CICI and CICI staff monitors any and all Board filings when a CICI member company is involved. CICI has been closely following the petition for an adjusted standard from the total ammonia nitrogen as nitrogen (N) effluent standard in 35 Ill. Adm. Code 304.122(b). CICI fully supports Emerald and urges the Board to grant Emerald's petition.

As a reference, Section 28.1 of the Illinois Environmental Protection Act allows the Board to consider the circumstances of specific companies that were not contemplated during the adoption of a rule of general applicability. Having read both Emerald's petition and the Illinois Environmental Protection Agency's recommendation, there is no question that the unique circumstances at Emerald's facility warrant an adjusted standard under Section 28.1. Emerald is unable to meet applicable ammonia limits because of the presence of "MBT" in its wastewater treatment process. CICI's understanding is that Emerald is one of only two providers of MBT-based accelerators in the United States; more importantly, it's the only provider of MBT-based accelerators in Illinois. The Board has already found Emerald's unique situation to be worthy of an adjusted standard twice: first, in 2004, and again in 2015.

Per the Clean Water Act 303 (d) "impaired waters" list, the Emerald facility discharges to segment D-09 of the Illinois River. The most current information from the Agency indicates that Segment D-09 has been fully assessed as to be fully supporting aquatic life and primary contact recreation uses. The designation of impairment for fish consumption is caused by mercury and PCBs. This segment is not listed as impaired ammonia or dissolved oxygen. In addition, none of the other segments of the Illinois River are listed to have an impairment for those substances either.

Probably the most important feature of Emerald's petition that stands out is the fact that granting the adjusted standard will not result in any negative impact on the environment. Emerald's tests show no violation of water quality standards and no toxicity outside its approved Zone of Initial Dilution. The Illinois Environmental Protection Agency's recommendation points to no contrary evidence. If there is no adverse harm being done to the surrounding ecosystem with an adjusted water quality standard, then it makes sense to approve the adjustment.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Frede".

Lisa Frede
Director of Regulatory Affairs
Chemical Industry Council of Illinois