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STATE OF ILLINOIS
Pollution Control Board

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

HEARING OFFICER ORDER

Section 28.1(c) of the Act and Section 104.406 of the Board's procedural rules sets forth content requirements for petitions for adjusted standards. 415 ILCS 5/28.1(c) (2002); 35 Ill. Adm. Code 104.406. Pursuant to the Act and Board rules, the Board requests Noveon, Inc. (Noveon) to provide certain additional information at hearing, scheduled to begin February 17, 2004, in Lacon, Marshall County. The relevant subsections and additional information requested under those subsections are discussed below:

...the Board may grant individual adjusted standards whenever the Board determines, upon adequate proof by petitioner, that: ... (4) the adjusted standard is consistent with any applicable federal law. 415 ILCS 5.28.1(c)(4) (2002).

Noveon's petition states that the "granting of this adjusted standard will not impair any beneficial use of the receiving stream" Pet. at 31. The Board requests that Noveon explain whether granting the adjusted standard has the potential to impair any existing uses of the receiving stream.

A statement describing the standard from which an adjusted standard is sought. This must include the Illinois Administrative Code citation to the regulation of general applicability imposing the standard as well as the effective date of that regulation. 35 Ill. Adm. Code 104.406(a).

Noveon's petition indicates the waste load from its treatment plant can be computed based on population equivalents (PE). In a related permit appeal, PCB 91-17, the Agency filed a pre-hearing memorandum stating that Noveon's waste load is less than 50,000 PE. The Board requests Noveon to demonstrate how the untreated waste load is computed on a PE basis and calculations showing that it is less than 50,000 PE.

A description of the nature of the petitioner's activity that is the subject of the proposed adjusted standard. The description must include the location of, and area affected by, the petitioner's activity. This description must also include . . . the qualitative and quantitative description of the nature of emissions, discharges or releases currently generated by the petitioner's activity. 35 Ill. Adm. Code 104.406(d).

Noveon's petition quantifies wastewater flow for both PolyOne and Noveon as follows: 360,000 gallons per day (gal/day) from PolyOne and 180,000 gal/day from Noveon. Noveon also provides the total amount of gallons per day as 800,000. Pet. at 9. The Board requests that Noveon explain the source of the remaining 260,000 gal/day of wastewater.

Noveon states that the range of ammonia-nitrogen in discharge at the facility is 23-150 milligrams per liter (mg/L). Pet. at 11-12. The low number, 23 mg/L is from data taken during 1994-1996. Pet. Exh. 6 at 1-1. The petition also states that Noveon has subsequently completed upgrades at the facility including a fourth biotreator, auxiliary equipment, and pretreatment systems. Pet. at 10-13. The Board requests Noveon provide the seasonal ammonia-nitrogen averages in the effluent for April through October and November through March based on the last 12 months of data.

A narrative description of the proposed adjusted standard as well as proposed language for a Board order that would impose the standard. Efforts necessary to achieve this proposed standard and the corresponding costs must also be presented. 35 Ill. Adm. Code 104.406(f).

Noveon seeks an adjusted standard from the Board's effluent limits found at Section 304.122. Section 304.122(c) requires all discharges to be subject to Section 304.105, which states that no effluent shall cause a violation of any applicable water quality standard. *See* 35 Ill. Adm. Code 304.105. The Board requests that Noveon clarify whether it will be subject to the Board's ammonia water quality standards under 35 Ill. Adm. Code 302.

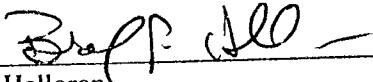
Noveon's proposed Alternative 2 requests the Board to find that the water quality standard will be met if the discharge is limited to a specified loading of ammonia. Pet. at 24-25. Alternative 2 effectively requests an adjusted standard from both the effluent and water quality standards. The Board requests Noveon to indicate whether Noveon would meet the currently applicable ammonia water quality standard in the receiving stream if Noveon discharges up to the limits provided in Alternative 2. The Board also requests that Noveon explain how this alternative would affect the City of Henry's wastewater treatment plant discharge that is combined with Noveon's.

As a condition of the adjusted standard, Noveon proposes to change its discharge point from a single port to a multi-point diffuser to increase dispersion in the zone of initial dilution (ZID). Pet. at 25. The Board requests that Noveon provide a time schedule for the major steps and the applicable costs (capital and operating) to switch from the single port to multi-point diffuser for its combined discharge with the City of Henry.

The quantitative and qualitative description of the impact of the petitioner's activity on the environment in the petitioner were to comply with the regulation of general applicability as compared to . . . only with the proposed adjusted standard. To the extent applicable, cross-media impacts must be discussed . . . 35 Ill. Adm. Code 104.406(g).

Noveon's petition discusses the effect of dissolved oxygen in the Illinois River. *See* Pet. at 5, 26. The Board requests that, in addition, Noveon specifically explain the environmental impact of ammonia toxicity and nutrient nitrogen on the aquatic environment.

IT IS SO ORDERED.



Bradley P. Halloran
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CERTIFICATE OF SERVICE

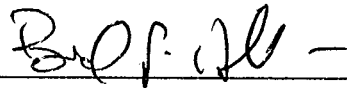
It is hereby certified that true copies of the foregoing order were mailed, first class, to each of the following on February 9, 2004:

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It is hereby certified that a true copy of the foregoing order was hand delivered to the following on February 9, 2004:

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