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JAN 17 2006

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PETITION OF LAFARGE MIDWEST, INC.)	AS 06-001
FOR BOILER DETERMINATION PURSUANT)	(Adjusted Standard – Land)
TO 35 ILL. ADM. CODE 720.132 AND 720.133)	
)	

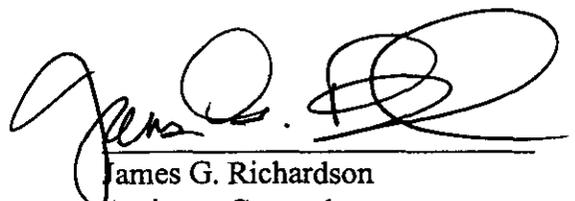
NOTICE

Dorothy Gunn
 Clerk
 Illinois Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601-3218

Jon S. Faletto
 Howard & Howard Attorneys, P.C.
 One Technology Plaza, Suite 600
 211 Fulton Street
 Peoria, Illinois 61602

PLEASE TAKE NOTICE that I have today caused to be filed the Illinois EPA Amended Recommendation with the Illinois Pollution Control Board, a copy of which is served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



James G. Richardson
 Assistant Counsel

Dated: January 12, 2006

1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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ILLINOIS EPA AMENDED RECOMMENDATION

Now comes the Illinois Environmental Protection Agency (“Illinois EPA”) by its attorney, James G. Richardson, and pursuant to 35 Ill. Adm. Code 104.418 provides this Amended Recommendation to the Amended Petition for Boiler Determination through Adjusted Standard Proceedings (“Amended Petition”) filed in this cause on December 5, 2005. Provided that LaFarge Midwest, Inc. addresses the issues raised in Section II (F,G) of this Amended Recommendation, the Illinois EPA recommends that the adjusted standard be granted.

I. BACKGROUND

LaFarge Midwest, Inc. (“Petitioner”) owns and operates the South Chicago Grinding Plant located at 2150 East 130th Street, Chicago, Cook County, Illinois. The primary product manufactured at the plant is NewCem, a slag cement product produced by drying and grinding a pelletized or granulated iron blast furnace slag. In the instant proceeding, Petitioner asks the Illinois Pollution Control Board (“Board”) for a determination that its slag dryer is a “boiler by designation” pursuant to 35 Ill. Adm. Code 720.110 so that off-specification used oil may be burned in the slag dryer.

The Illinois EPA did not agree with Petitioner when it sought confirmation in January 2004 that the slag dryer could be considered a boiler pursuant to 35 Ill. Adm. Code 720.110. Following

that, discussions and information exchanges concerning the requirements for a boiler determination occurred between the Petitioner and Illinois EPA. Petitioner satisfactorily addressed questions and comments presented by the Illinois EPA during this period and the information used to do this was incorporated in the original adjusted standard petition. This accounted for the Illinois EPA's brevity in the original recommendation when considering the informational requirements of 35 Ill. Adm. Code 104.406.

On October 20, 2005 the Board issued an order outlining various information deficiencies in the original adjusted standard petition and providing Petitioner with an opportunity to file an amended petition. Petitioner did so on December 5, 2005. In a December 15, 2005 order, the Board accepted the Amended Petition and directed that the Illinois EPA file any amended recommendation on or before January 17, 2006.

II. SECTION 104.406 FACTORS

A. Section 104.406(a) - Standard from which adjusted standard is sought

The Illinois EPA does not take issue with Petitioner's statements on this subject.

B. Section 104.406(b) – Regulation of general applicability

The Illinois EPA does not take issue with Petitioner's statements on this subject.

C. Section 104.406(c) – Level of justification

The Illinois EPA does not take issue with Petitioner's statements on this subject.

D. Section 104.406(d) – Petitioner's activity

The Illinois EPA does not take issue with Petitioner's statements on this subject.

E. Section 104.406(e) – Efforts necessary to comply

See Section 104.406(f) discussion.

F. Section 104.406(f) – Proposed adjusted standard

Item 6 of the Board's October 20, 2005 order requested information as to whether the use of off-specification used oil would require any additional air pollution control devices or the modification of existing equipment, and the costs associated with either scenario. On line 2 of page 20 of the Amended Petition, Petitioner indicates its belief that the combustion of off-specification used oil as supplemental fuel in the slag dryer will not require additional pollution control equipment. On line 10 of page 14 is the statement that the cost savings from the use of specification used oil did not justify the investment to burn used oil, but the lower cost of off-specification used oil did make the project economically feasible.

These statements, and the statements referenced in Section 104.406(g) below, suggest that additional equipment and/or the modification of existing equipment is required for the burning of used oil, but no details about the equipment are contained in the Amended Petition. Also, Petitioner does not provide data as to the cost of burning natural gas in the slag dryer. This information could be useful in analyzing the equipment issue here, as well as the analysis concerning the Section 104.406(e) information.

G. Section 104.406(g) – Quantitative and qualitative impact on the environment

Item 7 of the Board's October 20, 2005 order requested Petitioner to provide emission levels for all contaminants of concern under both the rule of general applicability and the proposed relief. On line 17 of page 5 of the Amended Petition, Petitioner indicates that a negligible increase in sulfur dioxide emissions is the only emissions change expected from the utilization of off-specification used oil. Then on line 5 of page 24, the statement is made that only the sulfur dioxide emission from the combustion of off-specification used oil would exceed the allowable emissions under the current

Lifetime Operating Permit. The current Lifetime Operating Permit, provided in Exhibit G, indicates that the maximum annual allowable emission for sulfur dioxide is 1.23 tons/year. In Table 3 of Exhibit F, the potential emissions from the dryer when using off-specification used oil are 37.13 tons/year for sulfur dioxide.

These various references to sulfur dioxide emissions do not appear to be consistent and should be clarified by Petitioner.

H. Section 104.406(h) – Justification of the proposed adjusted standard

The Illinois EPA does not take issue with Petitioner's statements on this subject.

I. Section 104.406(i) – Consistency with federal law

The Illinois EPA does not take issue with Petitioner's statements on this subject.

J. Section 104.406(j) – Hearing

The Illinois EPA does not take issue with Petitioner's statements on this subject.

K. Section 104.406(k) – Supporting documents or legal authorities

The Illinois EPA does not take issue with Petitioner's statements on this subject.

L. Section 104.406(l) – Additional information

The Illinois EPA does not take issue with Petitioner's statements on this subject.

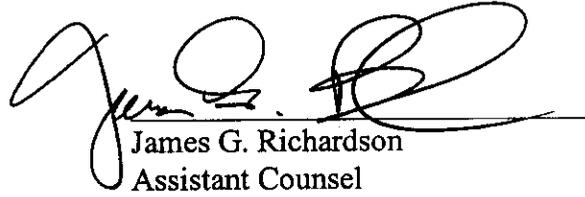
III. CONCLUSION

Provided that LaFarge Midwest, Inc. addresses the issues raised in Section II (F,G) of this Amended Recommendation, the Illinois EPA recommends that the Amended Petition for Boiler

Determination through Adjusted Standard Proceedings be granted.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



James G. Richardson
Assistant Counsel

PROOF OF SERVICE

I state under oath that I served the attached Illinois EPA Amended Recommendation upon the persons as follows:

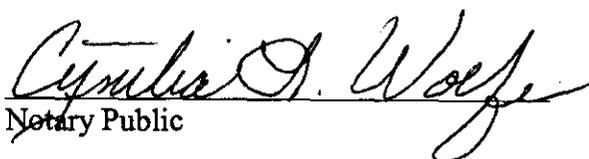
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Chicago, Illinois 60601-3218

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One Technology Plaza, Suite 600
211 Fulton Street
Peoria, Illinois 61602

through the United States Postal Service by mailing said document in envelopes addressed to the aforementioned persons from Springfield, Illinois on January 12, 2006 with sufficient postage affixed for First Class Mail.



Subscribed to and sworn before me this 12th day of January, 2006.


Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER