

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 11 2006

STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:	)	
	)	
PETITION OF LAFARGE MIDWEST, INC.	)	AS 06-03
FOR BOILER DETERMINATION THROUGH	)	(Adjusted Standard – Land)
ADJUSTED STANDARD PROCEEDINGS	)	
PURSUANT TO 35 ILL. ADM. CODE 720.132	)	
AND 720.133	)	
	)	

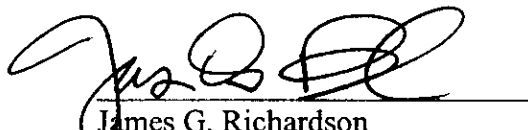
**NOTICE**

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

Jon S. Faletto  
Hinshaw & Culbertson LLP  
456 Fulton Street, Suite 298  
Peoria, Illinois 61602-1220

PLEASE TAKE NOTICE that I have today caused to be filed an Appearance and Illinois EPA Recommendation with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

  
James G. Richardson  
Assistant Counsel

Dated: May 9, 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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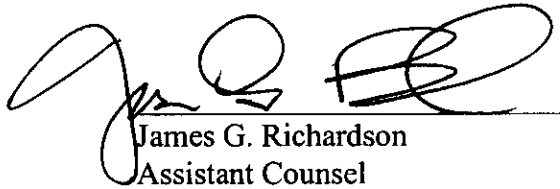
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PURSUANT TO 35 ILL. ADM. CODE 720.132 )  
AND 720.133 )  
 )

AS 06-03  
(Adjusted Standard – Land)

**APPEARANCE**

I, James G. Richardson, hereby enter my appearance in this proceeding on behalf of the Illinois Environmental Protection Agency.

  
James G. Richardson  
Assistant Counsel

Dated: May 9, 2006

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:	)	
	)	
PETITION OF LAFARGE MIDWEST, INC.	)	
FOR BOILER DETERMINATION THROUGH	)	AS 06-3)
ADJUSTED STANDARD PROCEEDINGS	)	(Adjusted Standard – Land)
PURSUANT TO 35 ILL. ADM. CODE 720.132	)	
AND 720.133	)	
	)	

**ILLINOIS EPA RECOMMENDATION**

Now comes the Illinois Environmental Protection Agency (“Illinois EPA”) by its attorney, James G. Richardson, and pursuant to 35 Ill. Adm. Code 104.416 provides this Recommendation to the Petition for Adjusted Standard filed in this cause. The Illinois EPA recommends that the adjusted standard be granted.

**I. BACKGROUND**

LaFarge Midwest, Inc. (“Petitioner”) owns and operates the Joppa Portland Cement Manufacturing Plant located at 2500 Portland Road, Grand Chain, Massac County, Illinois. Portland cement is produced at the plant by use of the “dry” manufacturing process that utilizes Raw Mill Dryer #1 and Raw Mill Dryer #2. In the instant proceeding, Petitioner asks the Illinois Pollution Control Board (“Board”) for a determination that these dryers be considered “boilers by designation” pursuant to 35 Ill. Adm. Code 720.110 so that they may burn off-specification used oil.

Since early 2004, discussions and information exchanges concerning the requirements for a boiler determination have occurred between the Petitioner and the Illinois EPA. This process resulted in Petitioner filing In re Petition of LaFarge Midwest, Inc. for Boiler Determination Pursuant to 35 Ill. Adm. Code 720.132 and 720.133, AS 06-1, concerning a slag dryer at its South Chicago Grinding Plant, and the Illinois EPA recommending that the petition be granted. A similar

process preceded the filing of the instant petition. Petitioner satisfactorily addressed questions and comments presented by the Illinois EPA during this process and the information used to do this has been incorporated in the Petition for Adjusted Standard. This accounts for the Illinois EPA's brevity in considering the informational requirements of 35 Ill. Adm. Code 104.406.

## **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**

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

### **F. Section 104.406(f) – Proposed adjusted standard**

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

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

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

### **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**

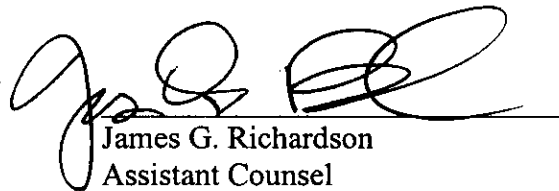
The Illinois EPA does not take issue with Petitioner's statements on this subject.

**III. CONCLUSION**

WHEREFORE the Illinois EPA recommends that the adjusted standard 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 Appearance and Illinois EPA Recommendation upon the persons as follows:

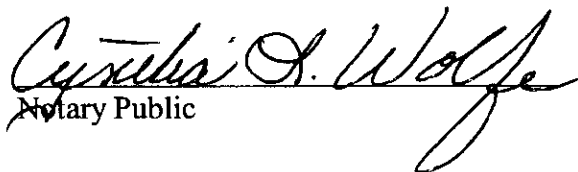
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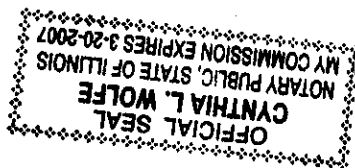
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through the United States Postal Service by mailing said document in envelopes addressed to the aforementioned persons from Springfield, Illinois on May 9, 2006 with sufficient postage affixed for First Class Mail.



Subscribed to and sworn before me this 9th day of May, 2006.

  
Notary Public



**THIS FILING IS SUBMITTED ON RECYCLED PAPER**