

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 18 2006

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:

Petition of the Big River Zinc Corporation
for an Adjusted Standard from 35 Ill. Adm.
Code 720.131(c)

AS 06-04
(Adjusted Standard)

NOTICE OF FILING

To: Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P. O. Box 19274
Springfield, IL 62794-9274

Big River Zinc Corporation
c/o Baker & McKenzie LLP
Sasha M. Reyes
John W. Watson
One Prudential Plaza, Suite 3500
130 East Randolph Drive
Chicago, IL 60601

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the
Pollution Control Board the **ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY'S RESPONSE TO THE AMENDED PETITION FOR ADJUSTED
STANDARD** in the above titled matter. Copies of these documents are hereby served upon
you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Michael S. Roubitchek
Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

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

THIS FILING SUBMITTED ON RECYCLED PAPER.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

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)	
Petition of the Big River Zinc Corporation)	AS 06-04
for an Adjusted Standard from 35 Ill. Adm.)	(Adjusted Standard)
Code 720.131(c))	

PROOF OF SERVICE

I, Michael S. Roubitchek, an attorney, hereby certify that I caused the attached pleadings to be served upon all parties listed on the attached Notice of Filing via first class U.S. mail from 1021 North Grand Avenue East, Springfield, Illinois 62794-9276.



Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 18 2006

STATE OF ILLINOIS
Pollution Control Board
AS 06-06
(Adjusted Standard)

IN THE MATTER OF:

Petition of the Big River Zinc Corporation
for an Adjusted Standard under 35 Ill. Adm.
Code 720.131(c)

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S RESPONSE
TO THE AMENDED PETITION FOR ADJUSTED STANDARD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, Michael S. Roubitchek, Assistant Counsel, and for its response to the Big River Zinc Corporation's ("Petitioner")("BRZ") Amended Petition for an Adjusted Standard would respectfully state:

1. Petitioner seeks an adjusted standard under 35 Ill. Adm. Code Part 720.131(c).
2. The Petitioner filed its Petition for an Adjusted Standard with the Illinois Pollution Control Board ("Board") on June 30, 2006 and filed an Amended Petition on September 8, 2006.
3. The Illinois EPA filed its Agency Response to the Petition for Adjusted Standard in this matter on July 20, 2006.
4. The Board, in its August 17, 2006 Order, directed BRZ to file an Amended Petition providing additional information.
5. This Response is filed pursuant to 35 Ill. Adm. Code 104.418, and the Board's Order in this matter of August 17, 2006.

PRELIMINARY DISCUSSION

The Illinois EPA believes the following information is relevant to the Board's consideration of the

proposed adjusted standard:

6. The Illinois EPA re-states its recommendation that the Board grant the Amended Petition because the Amended Petition limits the determination that the Electric Arc Furnace dust is not a solid waste to those instances where it is introduced into the Leach, Solvent Extraction, Electrowinning process as a raw material.

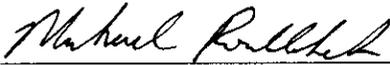
7. The Illinois EPA hereby incorporates by reference and re-states the conclusions from its Agency Response to the Petition for Adjusted Standard filed in this matter with the Board on July 20, 2006.

8. Prior to the filing of this Amended Adjusted Standard, BRZ submitted a draft Amended Petition to the Illinois EPA for comment. This Amended Petition has satisfactorily addressed all of the Illinois EPA's concerns.

WHEREFORE, the Illinois EPA recommends that the Illinois Pollution Control Board **GRANT** the Petitioner's Amended Petition for an Adjusted Standard.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 
Michael S. Roubitchek
Assistant Counsel
Division of Legal Counsel

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