

ILLINOIS POLLUTION CONTROL BOARD
September 21, 2006

IN THE MATTER OF:)
)
PETITION OF BIG RIVER ZINC) AS 06-4
CORPORATION FOR AN ADJUSTED) (Adjusted Standard - Land)
STANDARD UNDER 35 ILL. ADM. CODE)
720.131(c))

ORDER OF THE BOARD (by N.J. Melas):

Big River Zinc Corporation (BRZ) seeks a Board determination that electric arc furnace dust (EAFD) proposed as feedstock for a new zinc recycling process is not a solid waste. BRZ operates an electrolytic refinery in Sauget, St. Clair County that produces zinc products for a variety of industrial and agricultural uses. BRZ seeks this determination through an adjusted standard petition under the Board's hazardous waste management rules (35 Ill. Adm. Code 720.131(c)).

BRZ filed its petition for an adjusted standard on June 30, 2006. Along with the petition, BRZ also filed a motion for expedited review. BRZ filed a certificate of publication on July 19, 2006, documenting that the required newspaper notice of the petition was provided. On July 20, 2006, the Illinois Environmental Protection Agency (Agency) filed a recommendation in support of granting the petition.

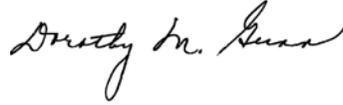
On August 4, 2006, the Board issued an order finding that BRZ had satisfied the requirement of newspaper notice for adjusted standard petitions under the Environmental Protection Act (415 ILCS 5/28.1 (2004)), a prerequisite to the Board having jurisdiction over this proceeding. In addition, the Board granted BRZ's motion for expedited review. In that order, the Board also noted that BRZ had waived hearing.

In an August 17, 2006 order, the Board identified several informational deficiencies in BRZ's petition and directed BRZ to file an amended petition by September 15, 2006, to cure the deficiencies. Further, the Board directed the Agency to file any amended recommendation within 21 days after the Agency receives BRZ's amended petition.

On September 8, 2006, BRZ filed an amended petition. On September 18, 2006, the Agency filed a response to BRZ's amended petition, recommending that the Board grant the amended petition. The Board finds that the amended petition addresses the identified informational deficiencies and that with the filing, BRZ has provided all of the information required for the requested solid waste determination. *See* 35 Ill. Adm. Code 104.406, 720.131(c). Consistent with the Board's grant of expedited review and BRZ's waiver of hearing, the Board will proceed to a final determination.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 21, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board