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JAN 29 2007

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 01-71
(Construction Permit Appeal)

NOTICE OF FILING

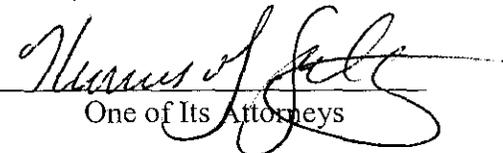
TO: Dorothy M. Gunn, Clerk Division of Legal Counsel
Illinois Pollution Control Board Illinois Environmental Protection Agency
100 West Randolph Street 1021 North Grand Avenue East
Suite 11-500 Post Office Box 19276
Chicago, Illinois 60601 Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL) (VIA FIRST CLASS MAIL)

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of the **ENTRY OF APPEARANCE OF KATHERINE D. HODGE, ENTRY OF APPEARANCE OF THOMAS G. SAFLEY, MOTION TO STAY THE EFFECTIVENESS OF CONTESTED PERMIT CONDITIONS** and **PETITION FOR REVIEW** copies of which are herewith served upon you.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

By: 
One of Its Attorneys

Dated: January 26, 2007

Katherine D. Hodge
Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Thomas G. Safley, the undersigned, hereby certify that I have served the attached ENTRY OF APPEARANCE OF KATHERINE D. HODGE, ENTRY OF APPEARANCE OF THOMAS G. SAFLEY, MOTION TO STAY THE EFFECTIVENESS OF CONTESTED PERMIT CONDITIONS, and PETITION FOR REVIEW upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on January 26, 2007.


Thomas G. Safley

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 29 2007

STATE OF ILLINOIS
Pollution Control Board

LONE STAR INDUSTRIES, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 07-11
(Construction Permit Appeal)

ENTRY OF APPEARANCE OF KATHERINE D. HODGE

NOW COMES Katherine D Hodge, of the law firm of HODGE DWYER
ZEMAN, and hereby enters her appearance on behalf of Petitioner, LONE STAR
INDUSTRIES, INC.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

By: Katherine D. Hodge / THJ
Katherine D. Hodge

Dated: January 26, 2007

Katherine D. Hodge
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

LONE:001/Fil/EOA-KDH2

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JAN 29 2007

STATE OF ILLINOIS
Pollution Control Board
PCB 01-21
(Construction Permit Appeal)

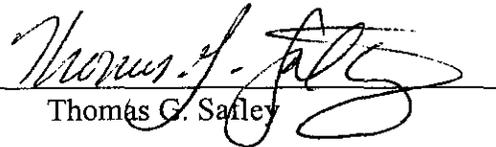
LONE STAR INDUSTRIES, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ENTRY OF APPEARANCE OF THOMAS G. SAFLEY

NOW COMES Thomas G. Safley, of the law firm of HODGE DWYER ZEMAN,
and hereby enters his appearance on behalf of Petitioner, LONE STAR INDUSTRIES,
INC.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

By: 
Thomas G. Safley

Dated: January 26, 2007

Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

LONE:001/Fil/EOA-TGS

2. Today, Lone Star filed simultaneously with this Motion a timely Petition for Review of such permit conditions.

3. The Board may grant a stay of contested permit conditions where a petitioner has requested such a stay. *See Midwest Generation, LLC Will County Generating Station v. Illinois EPA*, PCB No. 06-156 (Ill.Pol.Control.Bd. July 20, 2006) (granting a request for a partial stay of construction permit conditions), *North Shore Sanitary District v. Illinois EPA*, PCB No. 03-146 (Ill.Pol.Control.Bd. Mar. 20, 2003) (granting Petitioner's Motion to Stay Condition 1 pending the outcome of the appeal), *Hartford Working Group v. Illinois EPA*, PCB No. 05-74 (Ill.Pol.Control.Bd. Nov. 18, 2004) (granting Petitioner's Motion to Stay Effectiveness of Special Condition 2.0 until the Board takes final action in the appeal).

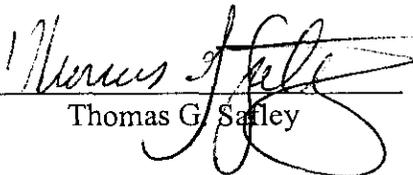
4. A stay of effectiveness of Special Conditions 1.1.9(d), 1.1.10(d), and 1.1.7-2 of the construction permit issued to Lone Star on December 22, 2006, is needed to prevent irreparable harm to Petitioner. Each of these Special Conditions would require Lone Star to incur costs to comply with these Special Conditions, where the activities that the Special Conditions require either are unneeded or will not provide Illinois EPA with the information necessary to review Lone Star's compliance status. *See* Petition for Review. Further, a stay is necessary to protect Petitioner's right to appeal permit conditions. That is, Lone Star's appeal would be rendered meaningless if it must comply with these provisions while its appeal is pending. Finally, no adequate remedy exists at law, and Lone Star has a probability of success on the merits. *See* Petition for Review.

5. The Illinois EPA, the public, and the environment will not be harmed if a stay is granted.

WHEREFORE, Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA, moves the Illinois Pollution Control Board to grant a Stay of Effectiveness of Special Conditions 1.1.9(d), 1.1.10(d), and 1.1.7-2 of Petitioner's December 22, 2006, construction permit until the Board's final action in this matter.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

By: 
Thomas G. Safley

Dated: January 26, 2007

Katherine D. Hodge
Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
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(217) 523-4900

LONE:001/Fil/Motion to Stay Effectiveness of Contested Permit Conditions

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
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JAN 29 2007

STATE OF ILLINOIS
Petition Control Board
PCB 01-11
(Construction Permit Appeal)

LONE STAR INDUSTRIES, INC.,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PETITION FOR REVIEW

NOW COMES, Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA (hereinafter "Lone Star" or "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to Section 40 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40) and 35 Ill. Admin. Code Part 105, Subpart B, and petitions the Illinois Pollution Control Board ("Board") for review of the Revised Construction Permit granted to Lone Star by the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 39(a) of the Act on December 22, 2006.

In support thereof, Lone Star states as follows:

1. Lone Star owns and operates a Portland cement manufacturing facility in Oglesby, Illinois ("Kiln").
2. On June 3, 2002, the Illinois EPA issued an air construction permit (Application No. 02050070) to Lone Star authorizing the construction of a Carbon-Limekiln Dust ("CLKD") Storage and Feed System at the Kiln.
3. This system was intended to enable Lone Star to utilize CLKD as a substitute for certain raw material utilized in the operation of the Kiln.

4. Thereafter, Lone Star completed construction of the CLKD Storage and Feed System, but prior to startup of the system, the supplier ceased operations, and the source of the material became unavailable.

5. In October 2005, Illinois EPA issued a revised air construction permit (Application No. 02050070) authorizing Lone Star to use Copier Toner Fuel Material (“CTFM”) as an alternative fuel in the Kiln and to utilize the former CLKD System, now referred to as the Kiln’s “Supplemental Material Storage and Feed System,” to introduce CTFM into the Kiln.

6. On May 15, 2006, Illinois EPA issued a construction permit (Application No. 06030057) authorizing Lone Star to conduct a test burn of seed corn in the Kiln (“May 15, 2006 Test Burn Permit”). A copy of the May 15, 2006 Test Burn Permit is attached hereto as Exhibit A.

7. Lone Star conducted that test burn in June 2006, and forwarded the results of that test burn to Illinois EPA for review on September 7, 2006.

8. On November 14, 2007, Lone Star applied for a revision to the October 2005 revised construction permit to allow Lone Star to utilize Agriculture Seed Fuel Material (“ASFM”) as an alternative fuel in the Kiln, subject to certain conditions, and to use the Supplemental Material Storage and Feed System (former CLKD system) to introduce ASFM into the Kiln.

9. On December 22, 2006, in response to Lone Star’s November 14, 2007, application for permit revision, Illinois EPA issued Lone Star a revised construction permit (“December 22, 2006 Construction Permit”). This December 22, 2006 Construction Permit is a revision to the May 15, 2006 Test Burn Permit (Application No.

06030057) rather than, as Lone Star requested, a revision to the October 2005 revised air construction permit (Application No. 02050070). A copy of the December 22, 2006 Construction Permit is attached hereto as Exhibit B.

10. As set forth below, Illinois EPA included conditions in the December 22, 2006 Construction Permit that are not required by the Act or regulations promulgated thereunder, and are not necessary to correct, detect, or prevent noncompliance with, or accomplish the purposes of, the Act or regulations promulgated thereunder.

11. Lone Star timely files this Petition for Review of the December 22, 2006 Construction Permit, on the grounds set forth below.

12. First, Special Condition 1.1.9(d) of the December 22, 2006 Construction Permit appears to have been inadvertently incorporated from the May 15, 2006 Test Burn Permit into the December 22, 2006 Construction Permit. This provision was included as Special Condition 1.1.9(d) of the May 15, 2006 Test Burn Permit; relates to information that Lone Star was required to maintain in connection with the test burn authorized by that Permit; and expressly incorporates a "10.0 percent ASFM" level of usage which was in place in the May 15, 2006 Test Burn Permit, but which is not in place in the December 22, 2006 Construction Permit. Now that Lone Star has completed the test burn authorized by the May 15, 2006 Test Burn Permit, and submitted the information generated from that test burn to Illinois EPA, this provision is not required. Further, this provision is not otherwise required by the Act or regulations promulgated thereunder, and is not otherwise necessary to correct, detect, or prevent noncompliance with, or accomplish the purposes of, the Act or regulations promulgated thereunder.

13. Second, Special Condition 1.1.10(d) of the December 22, 2006 Construction Permit also appears to have been inadvertently incorporated from the May 15, 2006 Test Burn Permit into the December 22, 2006 Construction Permit. This provision was included as Special Condition 1.1.10(d) of the May 15, 2006 Test Burn Permit to require Lone Star to submit information to Illinois EPA following the test burn authorized by that Permit, in order to enable Illinois EPA to evaluate the results of the test burn on emissions from the Kiln. Now that Lone Star has completed the test burn authorized by the May 15, 2006 Test Burn Permit, and submitted the information generated from that test burn to Illinois EPA, this provision is not required. Further, this provision is not otherwise required by the Act or regulations promulgated thereunder, and is not otherwise necessary to correct, detect, or prevent noncompliance with, or accomplish the purposes of, the Act or regulations promulgated thereunder.

14. Third, Special Condition 1.1.7-2 of the December 22, 2006 Construction Permit requires that Lone Star conduct emission testing at the Kiln “while ASFM is being used in the kiln.” December 22, 2006 Construction Permit, Special Condition 1.1.7-2(a)(i). However, the testing methods and methodology specified by Special Condition 1.1.7-2 are not appropriate to determine the effect of the use of seed corn pursuant to the Permit on emissions from the Kiln. Lone Star does not object to a requirement in the Permit that it conduct some testing as necessary to demonstrate compliance with applicable statutory and regulatory requirements, where the testing required will yield information that would enable Illinois EPA to evaluate such compliance. However, the testing specified by Special Condition 1.1.7-2 will not produce such information.

Therefore, Lone Star objects to Special Condition 1.1.7-2 of the December 22, 2006 Revised Construction Permit.

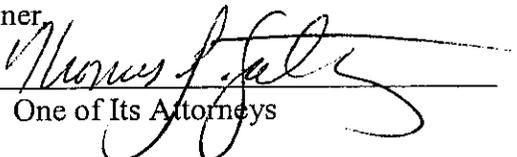
15. Lone Star has no objection to, and does not appeal, any other conditions included by Illinois EPA in the December 22, 2006 Construction Permit.

WHEREFORE, Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA, petitions the Illinois Pollution Control Board for a hearing on the Illinois Environmental Protection Agency's action issuing the December 22, 2006 Revised Construction Permit in this fashion.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner

By: _____


One of Its Attorneys

Dated: January 26, 2007

Katherine D. Hodge
Thomas G. Safley
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900
LONE:001/Fil/Petition for Review – ASFM Permit Revision



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19506, SPRINGFIELD, ILLINOIS 62794-9506 - (217) 782-2113

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-2113

CONSTRUCTION PERMIT -- NESHAP SOURCE

PERMITTEE

Lone Star Industries, Inc.
(d/b/a Buzzi Unicem USA)
Attn: Judy King
490 Portland Avenue
Oglesby, Illinois 61348

Application No.: 06030057

I.D. No.: 099816AAF

Applicant's Designation:

Date Received: March 20, 2006

Subject: Evaluation of Agricultural Seed Fuel Material (ASFM)

Date Issued: May 15, 2006

Location: 490 Portland Avenue, Oglesby

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission unit(s) and/or air pollution control equipment consisting of an evaluation of use of Agricultural Seed Fuel Material (ASFM) in the existing kiln, utilizing the new bulk material storage bin with baghouse and pneumatic kiln feed system, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special conditions:

1.0 Unit Specific Conditions

1.1 Supplemental Material Storage and Feed System (Former CLKD System)

1.1.1 Description

Lone Star is proposing to evaluate use of "expired" seed corn as a supplemental fuel material in the kiln, in place of some of the coal. This would entail using the existing Carbon Lime Kiln Dust (CLKD) systems to handle up to 500 tons of seed corn

Lone Star installed the CLKD systems to enable it to use CLKD in place of some of the limestone fed to its existing kiln. CLKD is a byproduct of the production of lime whose composition makes it suitable as a feedstock for the production of Portland cement. CLKD would have been first handled in the "affected storage system," which would receive bulk shipments of CLKD from enclosed hopper trucks and hold the material in a storage bin pending use. The "affected feed system" would then feed the stored CLKD into the kiln at an appropriate rate for the production of cement. The new systems were never operated on CLKD, because the lime plant that was to be the source of CLKD ceased operation before the systems could be started up.

EXHIBIT A

Lone Star has applied for a permit to allow use of these CLKD systems to handle seed corn. After a number of growing seasons, stored seed corn and other agricultural seed is no longer suitable for use as seed because of the potential reduction in the germination rate. However, the seed still has value for use as fuel.

The affected storage system will be source of particulate matter (PM) emissions, which would be controlled by a fabric filter or baghouse located on top of the storage bin. The affected feed system will also generate PM emissions, which will be addressed as part of the kiln's emissions and controlled by the existing control devices on the kiln, i.e., an electrostatic precipitator (ESP) and a baghouse, which operate in series with the baghouse serving as a further control device for the portion of exhaust that passes through the raw mill.

1.1.2 List of Emission Units and Emission Control Equipment

Emission Unit	Emission Control Equipment
Supplemental Material Storage System (Receiving and Storage)	Storage System Filter (Baghouse)
Supplemental Material Feed System (Pneumatic Transport into the Kiln)	Kiln Control System (ESP and Baghouse)

1.1.3 Applicable Emission Standards

- a. i. The affected systems are subject to the National Emission Standards for Hazardous Air Pollutants (NESRAP) from the Portland Cement Manufacturing Industry, 40 CFR 63 Subpart LLL and related provisions in 40 CFR 63 Subpart A, General Provisions.
- ii. The opacity of the exhaust from the affected storage system shall not exceed 10 percent, pursuant to 40 CFR 63.1348, as the affected storage system constitutes a raw material storage bin.

Note: This Permit does not list the applicable emission standards and control requirement for the affected feed system, as emissions attributable to this system are addressed by rules that apply to the existing kiln, which are not altered by this permit.

- iii. For the affected systems, the Permittee shall also comply with other applicable requirements of the NESRAP, including planning and

operational requirements and requirements for testing, monitoring, recordkeeping and reporting. In particular, at all times, the Permittee shall maintain and operate the affected systems, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions, pursuant to 40 CFR 63.6(e)(1)(i) and Section 39(a) of the Environmental Protection Act.

- b. Other than emissions that occur from the kiln, there shall be no visible emissions from the affected systems, pursuant to 35 IAC 212.423(c).

1.1.4 Non-Applicability of Regulations of Concern

- a. Pursuant to 40 CFR 63.1356, the affected systems are not subject to the New Source Performance Standards (NSPS) for Portland Cement Plants, 40 CFR 60 Subpart F because they are subject to the NESHAP, 40 CFR 63 Subpart LLL.
- b. This permit is issued based upon the use of the affected systems for ASFM, as now being permitted, not constituting a major modification subject to the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21, because it is not accompanied by a significant increase in emissions of PSD pollutants from the source.
- c. This permit is issued based upon the use of the affected systems for ASFM not being subject to local siting approval pursuant to Section 39.2 of the Environmental Protection Act, because the operations engaged in by the Permittee with respect to ASFM will not entail the transfer, storage or treatment of waste by the Permittee, so as to constitute operation of a pollution control facility, as defined by Section 3.330 of the Environmental Protection Act.

1.1.5 Operational Restrictions and Work Practices

- a. This permit authorizes the Permittee to handle up to 500 tons of ASFM in the affected systems for an evaluation of the feasibility of using ASFM as a supplementary fuel for the kiln.
- b. i. This Permit does not authorize acceptance of ASFM that would qualify as acceptance of waste by the Permittee under the provisions of the Environmental Protection Act.

- ii. This Permit does not authorize acceptance of ASFM by the affected storage system that would qualify as hazardous waste under the provisions of the Federal Resource Conservation, the Recovery Act, Environmental Protection Act, or 35 IAC Part 721, including ASFM that would qualify as hazardous waste based on its composition due to materials applied to the seed.
 - iii. This Permit does not authorize the Permittee to process ASFM at the plant to prepare the ASFM for use as fuel.
 - iv. This permit does not authorize modification of the kiln to increase its capacity, measured in terms of both clinker production and fuel heat input to the kiln.
- c.
- i. The Permittee shall only accept ASFM from suppliers that are addressed in the records required by Condition 1.1.9(b) (i).
 - ii. The Permittee shall only accept shipments of ASFM in which:
 - A. The ASFM is ready for use as fuel as delivered to the plant, without the need for further processing by the Permittee.
 - B. The ASFM is clean, that is, the ASFM as unloaded into the affected storage system is free of foreign matter and any contaminants that would adversely impact the environment when the Permittee uses the ASFM as fuel.
 - iii. The Permittee shall operate the affected systems, including associated control equipment, and generally handle ASFM in accordance with good air pollution control to minimize PM emissions.
 - iv. The Permittee shall implement practices to store and otherwise manage ASFM so that accepted ASFM is not degraded or otherwise damaged such that the ASFM can no longer be used as fuel.
- d. The Permittee shall carry out the acceptance and handling of ASFM in a manner that ensures that ASFM

1.1.7-2 Emission Testing Requirements

- a. i. Within 60 days of a written request from the Illinois EPA or such later date agreed to by the Illinois EPA, the Permittee shall have the emission of PM, CO and selected HAPs (i.e., HAPs that are subject to standards under the NESHAP, 40 CFR 63 Subpart LLL) measured while ASFM is being used in the kiln, as set forth below, unless the use of ASFM in the kiln has been discontinued.
- ii. The Permittee need not comply with the requirements below for discretionary emission testing that it conducts or has conducted as part of the evaluation of the use of ASFM authorized by this permit if the Permittee does not intend to rely on such tests to demonstrate compliance with applicable emission standards. For such testing, the Permittee shall at a minimum: 1) Provide notification to the Illinois EPA prior to the expected date of testing, as provided by Condition 1.1.7-2(d), except that the initial notice must only be provided 10 days prior to the expected date of testing; 2) Measure condensable PM emissions using Method 202 or other method approved by the Illinois EPA if measurements of filterable PM emissions are made; and 3) Report the results of such testing in accordance with Condition 1.1.10(d).
- b. Testing of emissions, as required by Condition 1.1.7-2, shall be conducted while the kiln is using at least 120 percent of the greatest percentage of ASFM that the Permittee would intend to use during normal operation of the kiln, provided, however, that the usage of ASFM during testing shall not exceed the maximum design capacity of the affected feed system. In other respects, the operating conditions of the kiln and associated control devices during testing shall be representative of normal operation.
- c. i. Testing of PM emissions shall be conducted using appropriate USEPA Methods, including Method 5 and 202.
- ii. Testing of CO emissions shall be conducted using appropriate USEPA Methods.
- iii. Testing of emissions of HAPs shall be conducted using methods specified by the NESHAP.

- d. The Permittee shall submit a test plan to the Illinois EPA at least 60 days prior to testing, which plan shall include the information specified by Condition 8.6.2 of the source's CAAPP Permit.
- e. The Permittee shall notify the Illinois EPA prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of testing shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected time of testing shall be submitted a minimum of 5 working days prior to the actual date of the test. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notification if it interferes with the Illinois EPA's ability to observe the testing.
- f. The Permittee shall expeditiously submit complete Final Report(s) for required emission testing to the Illinois EPA, no later than 90 days after the date of testing. These reports shall include the information specified in Condition 8.6.3 of the source's CAAPP permit and the following information:
 - i. A summary of results.
 - ii. Detailed description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.
 - iii. Detailed description of the operating conditions of the kiln and associated control equipment during testing, including kiln feed rate (tons/hr), the operating parameters of ESP, and the pressure drop across the baghouse.
 - iv. Detailed data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.
 - v. Opacity data (6-minute average) during the period of testing for the kiln stack(s) as determined by the opacity monitoring systems.
- g. The Permittee shall also comply with applicable requirements of the NESHAP for planning, notification and reporting related to testing of emissions.

1.1.8 Monitoring Requirements

This Permit does not revise monitoring requirements for the kiln, as identified in the plant's CAAPP Permit.

1.1.9 Recordkeeping Requirements

- a. For the affected systems, the Permittee shall maintain all applicable records required by the NESHAP, 40 CFR 63.1355.
- b. The Permittee shall maintain a file containing the identity and address of each supplier of ASFM to the plant, accompanied by: (1) the type(s) of ASFM supplied; (2) the origin of material, if other than the supplier; (3) copies of relevant portions of the contracts, agreements or other material developed by the supplier and the Permittee identifying the technical specifications and regulatory criteria for the type(s) of ASFM that are provided to the plant; (4) copies of documentation for the ASFM showing applicable technical specifications are met; and (5) information and documentation as the Permittee deems appropriate to show that applicable legal criteria for acceptance of the ASFM should be met.
- c. The Permittee shall maintain records for the amount of ASFM accepted (tons, by type).
- d. The Permittee shall maintain logs (or other similar records) for the operation and maintenance of the affected systems with ASFM that address compliance with the requirements for acceptance and use of ASFM, including records for: each shipment of ASFM accepted at the plant; the periods when ASFM is fired, with firing rate (i.e., the amounts of ASFM and other fuels fired in the kiln, in tons, and the percentage of ASFM fired, by weight); and periods when the kiln operates with greater than 10.0 percent ASFM, on a daily average, with explanation.
- e. The Permittee shall maintain the following records related to the PM emissions of the affected storage system:
 - i. A file containing the emission factor(s) used by the Permittee to determine emissions, with supporting documentation.
 - ii. A file containing engineering calculations for the maximum emission rate, pound/hour, at the maximum operating rate and other representative

operating conditions of the system and associated control measures.

- iii. Records of the actual emissions (pounds), based on material handled, operating records, and appropriate emission factors, as addressed above, with supporting calculations.
- f. The Permittee shall maintain the records required by this permit in accordance with the provisions of its CAAPP permit that address retention and availability of records.

1.1.10 Reporting Requirements

- a. For the affected systems, the Permittee shall fulfill all applicable notification and reporting requirements of the NESHAP, 40 CFR 63 Subpart LLL.
- b. The Permittee shall notify the Illinois EPA within 5 days of initially accepting ASFM.
- c. Except as specified below, the Permittee shall notify the Illinois EPA of deviations from the requirements of this permit in accordance with the general provisions of its CAAPP permit that address reporting of deviations for raw material storage bins.

If ASFM, once accepted, is found to be either unacceptable or unsuitable for use as fuel, so as to require an alternative disposition of the material, the Illinois EPA shall be notified within 15 days.

- d. Within 180 days of concluding the use of ASFM in the kiln, as authorized by this Permit, the Permittee shall submit a summary report for this project to the Illinois EPA. This report shall include a discussion of the effects of the use of ASFM on the operation of the kiln and the emission data gathered during the project, including emissions (micrograms per cubic meter, pounds per hour, and pounds per million Btu of fuel, and pounds per ton of stone feed or clinker), with identification and description of the various mode of operations of the kiln.
- e. Unless otherwise instructed in writing by the Illinois EPA, two copies of notifications and reports required by this permit shall be sent to the Illinois EPA, Air Compliance Section in Springfield and one copy shall be sent to the Illinois EPA, Air Regional Office in Peoria.

2. Upon successful completion of testing in accordance with Condition 1.1.7-1, the Permittee may continue to operate the affected systems under this permit until December 31, 2006.
3. This permit does not excuse the Permittee from the obligation to obtain a permit as a waste treatment facility from the Illinois EPA, Bureau of Land, if needed for burning of wastes generated by a party other than the Permittee.

If you have any questions on this permit, please call Christopher Romaine at 217/782-2113.

Donald E. Sutton

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:CRR:psj

cc: Illinois EPA, Region 2



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19506, SPRINGFIELD, ILLINOIS 62794-9506 - (217) 782-2113

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-2113

CONSTRUCTION PERMIT -- NESHAP SOURCE -- REVISED

PERMITTEE

Lone Star Industries, Inc.

(d/b/a Buzzi Unicem USA)

Attn: Judy King

490 Portland Avenue

Oglesby, Illinois 61348

Application No.: 06030057

I.D. No.: 099816AAP

Applicant's Designation:

Date Received: November 17, 2006

Subject: Use of Agricultural Seed Fuel Material (ASFM)

Date Issued: December 22, 2006

Location: 490 Portland Avenue, Oglesby

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission unit(s) and/or air pollution control equipment consisting of use of Agricultural Seed Fuel Material (ASFM) in the existing kiln, utilizing the new bulk material storage bin with baghouse and pneumatic kiln feed system, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special conditions;

1.0 Unit Specific Conditions

1.1 Supplemental Material Storage and Feed System (Former CLKD System)

1.1.1 Description

Lone Star is capable of using "expired" seed corn as a supplemental fuel material in its existing cement kiln, in place of some of the commercial fuels, using its existing Carbon Lime Kiln Dust (CLKD) systems.

Lone Star installed the CLKD systems to enable it to use CLKD in place of some of the limestone fed to its existing kiln. CLKD is a byproduct of the production of lime whose composition makes it suitable as a feedstock for the production of Portland cement. CLKD would have been first handled in the "affected storage system," which would receive bulk shipments of CLKD from enclosed hopper trucks and hold the material in a storage bin pending use. The "affected feed system" would then feed the stored CLKD into the kiln at an appropriate rate for the production of cement. The new systems were never operated on CLKD, because the lime plant that was to be the source of CLKD ceased operation before the systems could be started up.

EXHIBIT B

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Lone Star has applied for a permit to allow use of these CLKD systems to handle seed corn. After a number of growing seasons, stored seed corn and other agricultural seed is no longer suitable for use as seed because of the potential reduction in the germination rate. However, the seed still has value for use as fuel.

The affected storage system will be source of particulate matter (PM) emissions, which would be controlled by a fabric filter or baghouse located on top of the storage bin. The affected feed system will also generate PM emissions, which will be addressed as part of the kiln's emissions and controlled by the existing control devices on the kiln, i.e., an electrostatic precipitator (ESP) and a baghouse, which operate in series with the baghouse serving as a further control device for the portion of exhaust that passes through the raw mill.

1.1.2 List of Emission Units and Emission Control Equipment

Emission Unit	Emission Control Equipment
Supplemental Material Storage System (Receiving and Storage)	Storage System Filter (Baghouse)
Supplemental Material Feed System (Pneumatic Transport into the Kiln)	Kiln Control System (ESP and Baghouse)

1.1.3 Applicable Emission Standards

- a.
 - i. The affected systems are subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry, 40 CFR 63 Subpart LLL and related provisions in 40 CFR 63 Subpart A, General Provisions.
 - ii. The opacity of the exhaust from the affected storage system shall not exceed 10 percent, pursuant to 40 CFR 63.1348, as the affected storage system constitutes a raw material storage bin.

Note: This Permit does not list the applicable emission standards and control requirement for the affected feed system, as emissions attributable to this system are addressed by rules that apply to the existing kiln, which are not altered by this permit.

- iii. For the affected systems, the Permittee shall also comply with other applicable requirements of the NESHAP, including planning and

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operational requirements and requirements for testing, monitoring, recordkeeping and reporting. In particular, at all times, the Permittee shall maintain and operate the affected systems, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions, pursuant to 40 CFR 63.6(e)(1)(i) and Section 39(a) of the Environmental Protection Act.

- b. Other than emissions that occur from the kiln, there shall be no visible emissions from the affected systems, pursuant to 35 IAC 212.423(c).

1.1.4 Non-Applicability of Regulations of Concern

- a. Pursuant to 40 CFR 63.1356, the affected systems are not subject to the New Source Performance Standards (NSPS) for Portland Cement Plants, 40 CFR 60 Subpart F because they are subject to the NESHAP, 40 CFR 63 Subpart LLL.
- b. This permit is issued based upon the use of the affected systems for ASFM, as now being permitted, not constituting a major modification subject to the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21, because it is not accompanied by a significant increase in emissions of PSD pollutants from the source. (See also Condition 1.1.9(c).)
- c. This permit is issued based upon the use of the affected systems for ASFM not being subject to local siting approval pursuant to Section 39.2 of the Environmental Protection Act, because the operations engaged in by the Permittee with respect to ASFM will not entail the transfer, storage or treatment of waste by the Permittee, so as to constitute operation of a pollution control facility, as defined by Section 3.330 of the Environmental Protection Act.

1.1.5 Operational Restrictions and Work Practices

- a.
 - i. The ASFM fed to the kiln shall not constitute more than 20.0 percent by weight of the total fuel input into the kiln, on a daily basis.
 - ii. Notwithstanding the above, the kiln may be operated with more than 20.0 percent ASFM for the purpose of evaluating the use of ASFM on kiln operation and testing emissions of the

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kiln while firing ASFM as addressed by Condition 1.1.7-2, provided, however, that the extent of such operation shall not exceed the amount reasonably needed to evaluate the effects of higher ASFM usage rates on kiln operation. ~~to conduct emission testing for the kiln, and to prepare for such emission testing.~~

- b. i. This Permit does not authorize acceptance of ASFM that would qualify as acceptance of waste by the Permittee under the provisions of the Environmental Protection Act.
- ii. This Permit does not authorize acceptance of ASFM by the affected storage system that would qualify as hazardous waste under the provisions of the Federal Resource Conservation, the Recovery Act, Environmental Protection Act, or 35 IAC Part 721, including ASFM that would qualify as hazardous waste based on its composition due to materials applied to the seed.
- iii. This Permit does not authorize the Permittee to process ASFM at the plant to prepare the ASFM for use as fuel.
- iv. This permit does not authorize modification of the kiln to increase its capacity, measured in terms of both clinker production and fuel heat input to the kiln.
- c. i. The Permittee shall only accept ASFM from suppliers that are addressed in the records required by Condition 1.1.9(b)(i).
- ii. The Permittee shall only accept shipments of ASFM in which:
 - A. The ASFM is ready for use as fuel as delivered to the plant, without the need for further processing by the Permittee.
 - B. The ASFM is clean, that is, the ASFM as unloaded into the affected storage system is free of foreign matter and any contaminants that would adversely impact the environment when the Permittee uses the ASFM as fuel.

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iii. The Permittee shall operate the affected systems, including associated control equipment, and generally handle ASFM in accordance with good air pollution control to minimize PM emissions.

~~iv. The Permittee shall implement practices to store and otherwise manage ASFM so that accepted ASFM is not degraded or otherwise damaged such that the ASFM can no longer be used as fuel.~~

d. The Permittee shall carry out the acceptance and handling of ASFM in a manner that ensures that ASFM accepted at the plant satisfies applicable legal criteria for the Permittee to accept such material, including the applicable requirements of this permit, and is handled in accordance with applicable legal requirements.

1.1.6 Emission Limitations

a. PM emission from the affected storage system shall not exceed 0.26 lb/hr and 0.75 tons. These limits are based on the information provided in the original application for the CKLD equipment.

1.1.7-1 Opacity Testing Requirements

- a. i. The Permittee shall conduct measurements of opacity from the affected feed system as required by the WESHAP, including use of the test method and procedures described in 40 CFR 63.1349(b).
- ii. In conjunction with these tests, the Permittee shall also conduct observations for the presence of visible emissions from the affected storage and feed systems using the methods and procedures specified by 35 IAC 212.107.
- b. The Permittee shall notify the Illinois EPA of the planned date for testing as required by the WESHAP.
- c. The Permittee shall submit a report for this test to the Illinois EPA in accordance with Condition 8.6.3 of its CAAP permit.

1.1.7-2 Emission Testing Requirements

a. i. By December 31, 2007, the Permittee shall have the emission of PM, CO and selected HAPs

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(i.e., HAPs that are subject to standards under the NESHAP, 40 CFR 63 Subpart LLL) measured while ASFM is being used in the kiln, as set forth below, unless the use of ASFM in the kiln has been discontinued.

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- ii. ~~The Permittee need not comply with the requirements below for discretionary emission testing that it conducts or has conducted as part of the further evaluation of the use of ASFM if the Permittee does not intend to rely on such tests to demonstrate compliance with applicable emission standards. For such testing, the Permittee shall at a minimum: 1) Provide notification to the Illinois EPA prior to the expected date of testing, as provided by Condition 1.1.7-2(d), except that the initial notice must only be provided 10 days prior to the expected date of testing; 2) Measure condensable PM emissions using Method 202 or other method approved by the Illinois EPA if measurements of filterable PM emissions are made; and 3) Report the results of such testing in accordance with Condition 1.1.10(d).~~
- b. Testing of emissions, as required by Condition 1.1.7-2, shall be conducted while the kiln is using at least 120 percent of the greatest percentage of ASFM that the Permittee would intend to use during normal operation of the kiln, provided, however, that the usage of ASFM during testing shall not exceed the maximum design capacity of the affected feed system. In other respects, the operating conditions of the kiln and associated control devices during testing shall be representative of normal operation.
- c. i. Testing of PM emissions shall be conducted using appropriate USEPA Methods, including Method 5 and 202.
- ii. Testing of CO emissions shall be conducted using appropriate USEPA Methods.
- iii. Testing of emissions of HAPs shall be conducted using methods specified by the NESHAP.
- d. The Permittee shall submit a test plan to the Illinois EPA at least 60 days prior to testing, which plan shall include the information specified by Condition 8.6.2 of the source's CAAPP Permit.

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- e. The Permittee shall notify the Illinois EPA prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of testing shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected time of testing shall be submitted a ~~minimum of 5 working days prior to the actual date of~~ the test. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notification if it interferes with the Illinois EPA's ability to observe the testing.
- f. The Permittee shall expeditiously submit complete Final Report(s) for required emission testing to the Illinois EPA, no later than 90 days after the date of testing. These reports shall include the information specified in Condition 8.6.3 of the source's CAAPP permit and the following information:
- i. A summary of results.
 - ii. Detailed description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.
 - iii. Detailed description of the operating conditions of the kiln and associated control equipment during testing, including kiln feed rate (tons/hr), the operating parameters of ESP, and the pressure drop across the baghouse.
 - iv. Detailed data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.
 - v. NO_x and SO₂ emission data (ppm, hourly average) measured by monitoring systems for the period of testing.
 - vi. Opacity data (5-minute average) for the period of testing* for the kiln stack(s) as determined by the opacity monitoring systems.
- g. The Permittee shall also comply with applicable requirements of the NESHAP for planning, notification and reporting related to testing of emissions.

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1.2.8 Monitoring Requirements

This Permit does not revise monitoring requirements for the kiln, as identified in the plant's CAAPP Permit.

1.1.9 Recordkeeping Requirements

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- a. For the affected systems, the Permittee shall maintain all applicable records required by the NESHA, 40 CFR 63.1355.
 - b. The Permittee shall maintain a file containing the identity and address of each supplier of ASFM to the plant, accompanied by: (1) the type(s) of ASFM supplied; (2) the origin of material, if other than the supplier; (3) copies of relevant portions of the contracts, agreements or other material developed by the supplier and the Permittee identifying the technical specifications and regulatory criteria for the type(s) of ASFM that are provided to the plant; (4) copies of documentation for the ASFM showing applicable technical specifications are met; and (5) information and documentation as the Permittee deems appropriate to show that applicable legal criteria for acceptance of the ASFM should be met.
 - c. The Permittee shall maintain records for the amount of ASFM accepted (tons, by type).
 - d. The Permittee shall maintain logs (or other similar records) for the operation and maintenance of the affected systems with ASFM that address compliance with the requirements for acceptance and use of ASFM, including records for: each shipment of ASFM accepted at the plant; the periods when ASFM is fired, with firing rate (i.e., the amounts of ASFM and other fuels fired in the kiln, in tons, and the percentage of ASFM fired, by weight); and periods when the kiln operates with greater than 10.0 percent ASFM, on a daily average, with explanation.
 - e. The Permittee shall maintain the following records related to the PM emissions of the affected storage system:
 - i. A file containing the emission factor(s) used by the Permittee to determine emissions, with supporting documentation.
 - ii. A file containing engineering calculations for the maximum emission rate, pound/hour, at the maximum operating rate and other representative

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operating conditions of the system and associated control measures.

iii. Records of the actual emissions (pounds), based on material handled, operating records, and appropriate emission factors, as addressed above, with supporting calculations.

- f. The Permittee shall also fulfill the applicable recordkeeping and reporting requirements of the PSD rules, 40 CFR 52.21(c)(6), as related to the emissions of the kiln and use of ASFM.
- g. The Permittee shall maintain the records required by this permit in accordance with the provisions of its CAAPP permit that address retention and availability of records.

1.1.10 Reporting Requirements

- a. For the affected systems, the Permittee shall fulfill all applicable notification and reporting requirements of the NESEAP, 40 CFR 63 Subpart LLL.
- b. The Permittee shall notify the Illinois EPA within 5 days of initially accepting ASFM.
- c. Except as specified below, the Permittee shall notify the Illinois EPA of deviations from the requirements of this permit in accordance with the general provisions of its CAAPP permit that address reporting of deviations for raw material storage bins.

If ASFM, once accepted, is found to be either unacceptable or unsuitable for use as fuel, so as to require an alternative disposition of the material, the Illinois EPA shall be notified within 15 days.

- d. Within 180 days of concluding the use of ASFM in the kiln, as authorized by this Permit, the Permittee shall submit a summary report for this project to the Illinois EPA. This report shall include a discussion of the effects of the use of ASFM on the operation of the kiln and the emission data gathered during the project, including emissions (micrograms per cubic meter, pounds per hour, and pounds per million Btu of fuel, and pounds per ton of stone feed or clinker), with identification and description of the various mode of operations of the kiln.
- e. Unless otherwise instructed in writing by the Illinois EPA, two copies of notifications and reports

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required by this permit shall be sent to the Illinois EPA, Air Compliance Section in Springfield and one copy shall be sent to the Illinois EPA, Air Regional Office in Peoria.

2. ~~The Permittee may operate the affected systems under this construction permit until a new or revised CAAPP permit is issued for the source addressing use of these systems and operation of the kiln with ASFM, provided that the emission testing required by Condition 1.1.7-2 is conducted in a timely manner.~~
3. This permit does not excuse the Permittee from the obligation to obtain a permit as a waste treatment facility from the Illinois EPA, Bureau of Land, if needed for burning of wastes generated by a party other than the Permittee.

Please note that this permit has been revised to allow regular use of ASFM, following an evaluation in which the Permittee found that use of ASFM did not adversely affect the production of the kiln. This revised permit includes a requirement that emissions testing be performed for particulate matter and other pollutants while firing ASFM.

If you have any questions on this permit, please call Christopher Romaine at 217/782-2113.

Edwin C. Bakowski

Edwin C. Bakowski, P.E.
Acting Manager, Permit Section
Division of Air Pollution Control

ECB:CRR:psj

cc: Illinois EPA, Region 2



STATE OF ILLINOIS
 ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF AIR POLLUTION CONTROL
 P. O. BOX 19506
 SPRINGFIELD, ILLINOIS 62794-9506

**STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
 ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

July 1, 1985

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) authorizes the Environmental Protection Agency to impose conditions on permits which it issues.

The following conditions are applicable unless superseded by special condition(s).

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire one year from the date of issuance, unless a continuous program of construction or development on this project has started by such time.
2. The construction or development covered by this permit shall be done in compliance with applicable provisions of the Illinois Environmental Protection Act and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any duly authorized agent of the Agency upon the presentation of credentials, at reasonable times:
 - a. to enter the permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,
 - b. to have access to and to copy any records required to be kept under the terms and conditions of this permit,
 - c. to inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit,
 - d. to obtain and remove samples of any discharge or emissions of pollutants, and
 - e. to enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located,
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities,
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations,
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project, and

DIRECTORY
ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF AIR

For assistance in preparing a permit application contact the Permit Section.

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
1021 N. Grand Ave E.
P.O. Box 19506
Springfield, Illinois 62794-9506

or a regional office of the Field Operations Section. The regional offices and their areas of responsibility are shown on the map. The addresses and telephone numbers of the regional offices are as follows:

Illinois EPA
Region 1
Bureau of air, FOS
9511 West Harrison
Des Plaines, Illinois 60016
847/294-4000

Illinois EPA
Region 2
5415 North University
Peoria, Illinois 61614-
309/693-5463

Illinois EPA
Region 3
2009 Hall Street
Collinsville, Illinois 62234
618/346-5120

