

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)
)
 Petitioner,)
)
 v.) PCB _____
) (Construction Permit Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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 ELECTRONIC 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 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,

Dated: May 15, 2007

By: /s/ Katherine D. Hodge
Katherine D. Hodge

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, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached 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

via electronic mail on May 15, 2007; and upon:

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 May 15, 2007.

/s/ Katherine D. Hodge
Katherine D. Hodge

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB ___ - ___
)	(Construction Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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: /s/ Katherine D. Hodge
Katherine D. Hodge

Dated: May 15, 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-KDH 06120047

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB ____ - ____
)	(Construction Permit Appeal)
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: /s/ Thomas G. Safley
 Thomas G. Safley

Dated: May 15, 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 06120047

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
vs.)	PCB __ - ____
)	(Construction Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**MOTION TO STAY THE EFFECTIVENESS
OF CONTESTED PERMIT CONDITIONS**

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 10-65(b) of the Illinois Administrative Procedure Act (5 ILCS 100/10-65) and pursuant to the Illinois Pollution Control Board's ("Board") authority to grant discretionary stays of permit conditions (*see Community Landfill Co. and City of Morris v. Illinois EPA*, PCB Nos. 01-48 and 01-49 (Ill.Pol.Control.Bd. Oct. 19, 2000)), and hereby moves the Board to stay the effectiveness of the contested conditions of Lone Star's construction permit at issue in this matter.

In support thereof, Lone Star states as follows:

1. On April 6, 2007, the Illinois Environmental Protection Agency ("Illinois EPA") issued Lone Star a construction permit (Application No. 06120047), which included conditions that are not required by the Illinois Environmental Protection Act ("Act") or regulations promulgated thereunder, and are not necessary to correct, detect, or prevent noncompliance with, or accomplish the purpose of, the Act or regulations promulgated thereunder.

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. Jul. 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 Permit Conditions 2a, 2b, and 8 of the construction permit issued to Lone Star on April 6, 2007, is needed to prevent irreparable harm to Petitioner. Permit Conditions 2a and 2b are not clear regarding the applicability of the provisions to Lone Star's activities causing Lone Star uncertainty regarding operations at its facility. Permit Condition 8 requires Lone Star to incur costs to comply with Condition 8, where the activities that Condition 8 requires are redundant and overly burdensome. *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 Permit Conditions 2a, 2b, and 8 of Petitioner's April 6, 2007, construction permit until the Board's final action in this matter.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Dated: May 15, 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/Motion to Stay 06120047

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
vs.)	PCB __ - ____
)	(Construction Permit Appeal)
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 Construction Permit for the Alternative Material Feed System for the Finish Mill granted to Lone Star by the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 39(a) of the Act on April 6, 2007.

In support thereof, Lone Star states as follows:

1. Lone Star owns and operates a Portland cement manufacturing facility in Oglesby, Illinois ("Facility").
2. On December 12, 2006, Lone Star applied for a construction permit to construct emissions sources and/or air pollution control equipment, which includes a new hopper and a conveyor, as well as an associated increased material throughput for the existing finish mill operations.

3. On March 19, 2007, Illinois EPA sent a draft construction permit (“draft permit”) (attached hereto as Exhibit A) via electronic mail to Lone Star.
4. By letter dated March 23, 2007, Lone Star provided comments on the draft permit (“Comments”) (attached hereto as Exhibit B).
5. On March 30, 2007, Illinois EPA provided via electronic mail another draft permit (attached hereto as Exhibit C) to Lone Star.
6. On April 2, 2007, Illinois EPA provided a brief response (attached hereto as Exhibit D) to Lone Star’s Comments.
7. On April 6, 2007, Illinois EPA issued a final Construction Permit, Number 06120047 (attached hereto as Exhibit E), to construct a new hopper and a conveyor, as well as authorizing an associated increased material throughput for the existing finish mill operations at the Facility.
8. Lone Star received that final Construction Permit via U.S. Mail on April 16, 2007.
9. As set forth below, Illinois EPA included conditions in the 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 to accomplish the purposes of, the Act or regulations promulgated thereunder.
10. Lone Star files this Petition for Review of the Construction Permit on the grounds set forth below.
11. First, Permit Condition 2a provides that the permit “does not authorize physical changes to the existing affected units.” Condition 2a. The Construction Permit, however, authorizes the construction of emission sources and/or pollution control

equipment, including a new hopper and conveyor, which when constructed, will be connected to existing affected units. Lone Star seeks clarification of Condition 2a to indicate that the construction of the permitted activities is authorized although such activities will physically change existing affected units.

12. Second, Permit Condition 2b provides, in part, that the “permit does not relax or otherwise revise any requirements or conditions that apply to existing affected units. . . established in the current CAAPP permit issued for this source.” Condition 2b. Currently, the CAAPP permit for the Facility is stayed pending the outcome of Lone Star’s appeal of such permit. See Lone Star Industries, Inc. v. Illinois EPA, PCB No. 03-94 (Ill.Pol.Control.Bd. Jan. 9, 2003) (granting Lone Star’s motion to stay effectiveness of CAAPP permit until the Board’s final action in the matter or until the Board states otherwise). Lone Star requests that Permit Condition 2b be clarified to acknowledge that the conditions of the CAAPP permit at issue currently are stayed.

13. Finally, Permit Condition 8 requires monthly inspections and maintenance and repair of the “affected units,” both the “new affected units” to be constructed, and “existing affected units.” Conditions 8a and 8b. Permit Condition 8 further requires that Lone Star maintain records of such inspections, maintenance, and repair activities. Condition 8c. Lone Star explained in its Comments that Condition 8 appears to be similar to requirements for certain control equipment at the facility, namely dust collectors. Comments at 2. However, no new control equipment is being installed pursuant to this permitted project. Id. Lone Star also noted that the new affected units are subject to the MACT emissions limitations and monitoring requirements at 40 C.F.R. 63, Subpart LLL, and since the MACT monitoring requirements will assure compliance,

additional inspections of the affected units are not necessary. Id. Lone Star further stated that the dust collectors for the downstream existing affected units are subject to the control equipment inspection requirements of Section 212.423(d) of the Board's regulations. Id.; see also 35 Ill. Admin. Code § 212.423(d). Lone Star requests that Permit Condition 8 be removed from the Construction Permit since it is redundant of these other requirements, and it would be overly burdensome to maintain detailed records for each affected unit. Id.

14. Lone Star has no objection to, and does not appeal, any other conditions included by Illinois EPA in the 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 April 6, 2007 Construction Permit in this fashion.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

Dated: May 15, 2007

By: /s/ Katherine D. Hodge
Katherine D. Hodge

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/Filings/Petition for Review #06120047

Monica T. Rios

From: Kunj Patel [Kunj.Patel@illinois.gov]
Sent: Monday, March 19, 2007 3:36 PM
To: Brady, Kathy
Subject: Lone Star Industries -Oglesby Plant (Appl. #06120047)
Attachments: Buzzi Unicem_Lone Star_099816AAF_06120047.doc

Kathy,

Please review the attached draft construction permit for alternative material feed system for the finished mill and provide me your comments by Wednesday.

Thanks.

Kunj Patel

Please note that my new Email address is kunj.patel@illinois.gov



217/782-2113

CONSTRUCTION PERMIT -- NESHAP SOURCE

PERMITTEE

Lone Star Industries, Inc
d/b/a Buzzi Unicem (USA)
Attn: Adam Swercheck, Environmental Engineer
100 Brodhead Road, Suite 230
Bethlehem, PA 18017-8989

Application No.: 06120047

I.D. No.: 099816AAF

Applicant's Designation:

Date Received: December 22, 2006

Subject: Alternative Material Feed System for the Finish Mill

Date Issued:

Location: 490 Portland Avenue, Oglesby, LaSalle County

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment for an alternative material feed system for the finish mill, including a new hopper and a conveyor, and associated increased material throughput for the existing finished mill operations, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. The new affected units for the purpose of this permit are the hopper and conveyor in the alternative material feed system.
- b. The existing affected units are the synthetic gypsum storage building, finish mill, and cement handling and storage system.
- 2a. This permit is does not authorize physical changes to the existing affected units.
- b. This permit does not relax or otherwise revise any requirements or conditions that apply to the existing affected units, including applicable emission standards, testing, monitoring, recordkeeping, and reporting requirements established in the current CAAPP permit issued for this source.
- 3a. This permit is issued based on the source being a major source of hazardous air pollutants (HAPs) emissions so that it is subject to NESHAP regulations, 40 CFR 63, Subpart LLL.
- b. Pursuant to 40 CFR 63.1348, the opacity from the new affected units shall not exceed 10 percent.
- 4a. Pursuant to 35 IAC 212.321(a), the particulate matter (PM) emissions from the new affected units shall not exceed the applicable limit of 35 IAC 212.321(c).

- b.
 - i. The affected units are subject to the requirements of applicable rules for Stone, Clay, Glass and Concrete Manufacturing, 35 IAC Part 212, Subpart Q.
 - ii. Pursuant to 35 IAC Part 212.421, the emission of smoke or other particulate matter from the affected finish mill shall not have opacity greater than 10 percent.
 - iii. Pursuant to 35 IAC 212.423(c), there shall be no visible emissions from affected units other than the finish mill.
 - iv. The Permittee shall, maintain and operate the affected units in a manner consistent with good air pollution control practice to assure that the applicable emission limits of 35 IAC Part 212 Subpart Q, are met at all the times, consistent with the requirements of 35 IAC 212.423(d).

- 5a. This permit is issued based on new affected units are not being subject to the New Source Performance Standard (NSPS) for Portland Cement Plants, 40 CFR 60, Subpart F, pursuant to 40 CFR 63.1356(a).

- b. This permit is issued based on this project, which includes construction of the affected new units and increase in material throughput for the existing affected units not being subject to the requirements of 40 CFR 52.21, Prevention of Significant Deterioration of Air Quality (PSD) because the increase in PM/PM₁₀ emissions are less than 25 and 15 tons/year, respectively. The limits in Condition 6 are intended to ensure that this project does not constitute a major modification pursuant to the PSD rules.

- 6a. The material throughput for the new affected units shall not exceed 8,760 tons/month and 87,600 tons/year.

- b. PM/PM₁₀ emissions from the new affected units, in total shall not exceed 0.75 pounds/hour and 3.25 tons/year.

- c. The increase in PM/PM₁₀ emissions from the existing affected units and associated increase in vehicle traffic, from this project, as determined in accordance with 40 CFR 52.21(r)(6)(iii) and (iv), shall not exceed 11 tons/year. (See also condition 9(b).)

- d. Compliance with the annual limits shall be determined from a running total of 12 months of data.

- 7a. for the new affected units, the Permittee shall demonstrate initial compliance with the emission limits Condition 3(b) using the test method and procedures described in 40 CFR 63.1349(b)(2).

- b. Within 60 days upon written request by the Illinois EPA, the Permittee shall conduct observations of visible emissions or opacity, from the affected units during conditions which are representative of the maximum performance using the test method and procedures described in 35 IAC 212.423(f).

- 8a. Inspections of the affected units shall be conducted at least monthly when the affected units are in operation to verify compliance with the requirements of this permit.
 - b. Maintenance and repair of the affected units shall be performed to assure that each unit is functioning properly when materials are being handled.
 - c. The Permittee shall maintain a log or other records of the above inspections and maintenance/repair activity. These records shall contain, at a minimum, the time, description of the inspections and maintenance/repair activity.
9. Pursuant to 40 CFR 63.1350, the Permittee shall prepare a written operations and maintenance plan for each new affected unit. The plan shall be submitted for review and approval by the Illinois EPA as part of the application for modified CAAPP permit and shall include the information required in 40 CFR 63.1350(a)(1) through (4).
- 10a. The Permittee shall maintain the following records for the new and existing affected units:
- i. The records required by the NESHAP, 40 CFR 63.1355.
 - ii. The records required by 35 IAC 212.423(e).
 - iii. Identification of each type of material handled, i.e., slag, gypsum, with fine material (silt) content and moisture content (percent by weight), with supporting documentation.
 - iv. Records of the amount of material handled, by type, tons/month and tons/year.
 - vi. A file containing calculations for the maximum PM/PM₁₀ emissions factors of each affected unit, with supporting documentation
 - vii. Records of PM/PM₁₀ emissions (tons/month and tons/yr) from each unit, with supporting documentation and calculations.
- b. Records for any opacity observations performed for the affected units using the test method and procedures described in 40 CFR 63.1349(b)(2) that the Permittee conducts or are conducted on its behalf, including name of the observer, date and time, duration of observation, raw data, and conclusion.
11. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least five years from the date of entry and shall be made available for inspection and copying by the Illinois EPA upon request.
- 12a. The Permittee shall fulfill all applicable notification and reporting requirements of the NESHAP, 40 CFR 63 Subpart LLL for the affected units.

Electronic Filing, Received, Clerk's Office, May 15, 2007

*** * * * * PCB 2007-112 * * * * ***

- b. If there is any deviation from the requirements of this permit, the Permittee shall submit a report to the Illinois EPA, within 30 days after the deviation or such other time period specified in the sources CAAPP permit. The report shall include the emissions released, a copy of the relevant records, and a description of the deviation or violation and efforts/activities taken to reduce emissions and future occurrences.
13. Two copies of required reports and notifications shall be sent to the Illinois EPA's compliance section at the following address unless otherwise indicated:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276

and one copy shall be sent to the Illinois EPA's regional office at the following address unless otherwise indicated:

Illinois Environmental Protection Agency
Division of Air Pollution Control/ Regional Office
5415 North University
Peoria, Illinois 61614

Telephone: 309/693-5461 Facsimile: 309/693-5467

- 14a. The Permittee may operate the new and modified emission units addressed by this permit for a period of 180 days after commencing operation. This supersedes Standard Condition 1.
- b. Upon successful completion of the emission testing required by Condition 7(a) demonstrating compliance with the requirement of NESHAP, 40 CFR 63 Subpart LLL, the Permittee may continue to operate the new and modified emissions units, pursuant to this permit until the current CAAPP permit is modified or renewed to address these units.

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

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

ECB:CPR:KMP:

cc: Region 2



Mr. Kunj Patel
Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
1021 North Grand Avenue East
P.O. Box 19506
Springfield, Illinois 62794-9506

BUZZI UNICEM USA



Oglesby Plant

March 23, 2007

Mr. Kunj Patel
Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
1021 North Grand Avenue East
P.O. Box 19506
Springfield, Illinois 62794-9506

SUBJECT: Comments on the Draft Construction Permit Application No. 06120047
Lone Star Industries, Inc. (d/b/a Buzzi Unicem USA)
Facility ID: 099816 AAF

Dear Mr. Patel:

Lone Star Industries, Inc. (d.b.a. Buzzi Unicem USA) is submitting these comments on the Draft Construction Permit Application No. 06120047 for the proposed alternative material feed system for the Finish Mill at its Portland cement manufacturing facility in Oglesby, Illinois (Oglesby Plant, ID: 099816 AAF). Buzzi appreciates the opportunity to provide comments on the draft permit. Buzzi's comments are provided below.

Draft Condition 4.b – Most of the requirements from 35 IAC 212, Subpart Q that are specifically applicable to the new affected units and the existing downstream affected units are listed in Draft Conditions 4.b.ii, iii., and iv. Portions of 35 IAC 212, Subpart Q are not applicable to the new and existing affected units (e.g., 35 IAC 212.422 and 212.425). Since most of the applicable requirements are listed, Buzzi requests that the Illinois Environmental Protection Agency (IEPA) change the general rule reference in this condition to include the specific portions of the rule applicable to the new and existing affected units.

Draft Condition 6.c. - The condition references Condition 9(b); however, the permit does not contain this condition number. Buzzi requests that IEPA remove this reference.

Draft Condition 6.d. – Emissions estimates submitted in the permit application for the new affected units and potential increases at the existing affected units downstream of the new affected units were based on worst-case assumptions regarding the material type, material moisture content and maximum material throughput. As a result, if the material throughput remains below the maximum throughput provided in the application, the emissions will not exceed the limits in Draft Conditions 6.b. and 6.c. Therefore, it is not necessary to separately

Mr. Kunj Patel – Page 2
March 23, 2007

track emissions to demonstrate that emissions will not exceed the limits if Buzzi tracks material throughput for the new affected units. Buzzi requests that this condition be revised as follows (new language is in bold font):

Compliance with the annual limits shall be determined from a running total of 12 months of data of the material throughput for the new affected units.

In addition, Buzzi requests that the associated record keeping condition, Draft Condition 10.a.vii. be deleted.

Draft Condition 8 – This condition appears to be similar to other requirements that apply to control equipment used at the Oglesby Plant. No new control equipment will be installed for this project. In addition, the new affected units and the existing affected units downstream of the new affected units are subject to the limits and monitoring requirements of 40 CFR 63, Subpart LLL (Portland Cement MACT). Additional inspections of the affected units will not be necessary to maintain compliance since the MACT monitoring requirements will assure compliance. Finally, the dust collectors for the downstream existing affected units are currently subject to control equipment inspection requirements per 35 IAC 212.423(d). Buzzi requests that IEPA remove Draft Condition 8 since it is redundant for control devices and since it would be overly burdensome to maintain these detailed records for each affected unit (e.g., each conveyor belt).

Draft Condition 9 – Buzzi's current Operation and Maintenance (O&M) Plan includes the information required in 40 CFR 63.1350(a)(1) through (4) for general types of affected sources (e.g., conveying system transfer points). The new affected units will be conveying system transfer points, and conveying system transfer points are currently included in the O&M Plan. As a result, the O&M Plan will not require revisions to include the new equipment. Buzzi requests that IEPA revise Draft Condition 9 to reflect that revisions may not be necessary as follows (new language is in bold and deleted language is in strikeout):

*Pursuant to 40 CFR 63.1350, the Permittee shall prepare a written operations and maintenance plan for each new affected unit or **revise the existing operations and maintenance plan, as necessary.** ~~If it is necessary to revise the plan to satisfy the requirements of 40 CFR 63.1350(a)(1) through (4), the~~ **The plan shall be submitted for review and approval by the Illinois EPA as part of the application for modified CAAPP permit and shall include the information required in 40 CFR 63.1350(a)(1) through (4).***

Draft Condition 10.a. - As previously stated, emissions estimates submitted in the permit application for the new affected units and potential increases at the existing affected units downstream of the new affected units were based on worst-case assumptions regarding the material type, material moisture content and maximum material throughput. In addition, the silt content does not factor into the emissions calculations, with the exception of the calculations for the increases at the existing storage piles. There will not be changes in the types and general characteristics of the materials stored in these existing storage piles as a result of this project since this system is simply an alternative method of delivering the feed material to the Finish Mill system. Therefore, it is unnecessary to record the type, silt

Mr. Kunj Patel – Page 3
March 23, 2007

content, and moisture content of each material handled to demonstrate compliance with the emissions limits. Buzzi requests that IEPA remove Draft Condition 10.a.iii. Buzzi also requests that IEPA modify Draft Condition 10.a.iv. as follows (deleted language is in strikeout):

iv. Records of the amount of material handled, by ~~type~~, tons/month and tons/year.

The Condition number formatting will need to be adjusted since 10.a.v. is missing.

Draft Condition 12.b. – Buzzi requests that this condition be replaced as follows to be consistent with similar conditions received in recent construction permits (i.e., Condition 1.1.10.c. of Application No. 06030057):

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.

It should be noted that the Clean Air Act Permit Program (CAAPP) permit for the Oglesby Plant is currently stayed; therefore, Buzzi is not currently required to report deviations.

Finally, the following are minor typographical errors:

- Draft Condition 2.a. – Remove the word “is”.
- Draft Condition 5.a. – Remove the word “are”.

If you have any questions concerning these comments, please contact me at 815/883-8431, extension 237.

Sincerely,
BUZZI UNICEM USA

Kathy L. Brady
Environmental Engineer

cc: Mr. Adam Swercheck, Buzzi Unicem USA, Inc. – Bethlehem, PA
Mr. James King, Buzzi Unicem USA, Inc. – Oglesby, IL
Mr. John Krolak, IEPA

Monica T. Rios

From: Kunj Patel [Kunj.Patel@illinois.gov]
Sent: Friday, March 30, 2007 2:35 PM
To: Brady, Kathy
Subject: Lone Star Industries -Oglesby Plant (Appl. #06120047)
Attachments: Buzzi Unicem_Lone Star_099816_06120047.doc

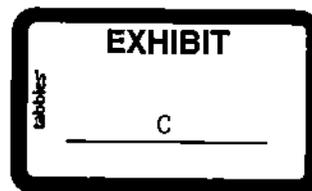
Kathy,

Attached is the final draft permit that Agency wants to issue early next week. If you have any significant comments let me know by Monday.

Thanks.

Kunj Patel

Please note that my new Email address is kunj.patel@illinois.gov



217/782-2113

CONSTRUCTION PERMIT - NESHAP SOURCE

PERMITTEE

Lone Star Industries, Inc
d/b/a Buzzi Unicem (USA)
Attn: Adam Swercheck, Environmental Engineer
100 Brodhead Road, Suite 230
Bethlehem, Pennsylvania 18017-8989

Application No.: 06120047

I.D. No.: 099816AAF

Applicant's Designation:

Date Received: December 22, 2006

Subject: Alternate Material Feed System for the Finish Mill

Date Issued: March 30, 2007

Location: 490 Portland Avenue, Oglesby, LaSalle County

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment for an alternate material feed system for the finish mill, including a new hopper and a conveyor, and associated increased material throughput for the existing finished mill operations, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. The new affected units for the purpose of this permit are the hopper and conveyor in the alternative material feed system.
- b. The existing affected units are the synthetic gypsum storage building, finish mill, and cement handling and storage system.
- 2a. This permit does not authorize physical changes to the existing affected units.
- b. This permit does not relax or otherwise revise any requirements or conditions that apply to the existing affected units, including applicable emission standards, testing, monitoring, recordkeeping, and reporting requirements established in the current CAAPP permit issued for this source.
- 3a. This permit is issued based on the source being a major source of hazardous air pollutants (HAPs) emissions so that it is subject to NESHAP regulations, 40 CFR 63, Subpart LLL.
- b. Pursuant to 40 CFR 63.1348, the opacity from the new affected units shall not exceed 10 percent.
- 4a. Pursuant to 35 IAC 212.321(a), the particulate matter (PM) emissions from the new affected units shall not exceed the applicable limit of 35 IAC 212.321(c).

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- b. The affected units are subject to certain requirements of applicable rules for Stone, Clay, Glass and Concrete Manufacturing, 35 IAC Part 212, Subpart Q, as follows:
 - i. Pursuant to 35 IAC Part 212.421, the emission of smoke or other particulate matter from the affected finish mill shall not have opacity greater than 10 percent.
 - ii. Pursuant to 35 IAC 212.423(c), there shall be no visible emissions from affected units other than the finish mill.
 - iii. The Permittee shall, maintain and operate the affected units in a manner consistent with good air pollution control practice to assure that the applicable emission limits of 35 IAC Part 212 Subpart Q, are met at all the times, consistent with the requirements of 35 IAC 212.423(d).
- 5a. This permit is issued based on new affected units not being subject to the New Source Performance Standard (NSPS) for Portland Cement Plants, 40 CFR 60, Subpart F, pursuant to 40 CFR 63.1356(a).
- b. This permit is issued based on this project, which includes construction of the affected new units and increase in material throughput for the existing affected units not being subject to the requirements of 40 CFR 52.21, Prevention of Significant Deterioration of Air Quality (PSD) because the increase in PM/PM₁₀ emissions are less than 25 and 15 tons/year, respectively. The limits in Condition 6 are intended to ensure that this project does not constitute a major modification pursuant to the PSD rules.
- 6a. The material throughput for the new affected units shall not exceed 8,760 tons/month and 87,600 tons/year.
- b. PM/PM₁₀ emissions from the new affected units, in total shall not exceed 0.75 pounds/hour and 3.25 tons/year.
- c. The increase in PM/PM₁₀ emissions from the existing affected units and associated increase in vehicle traffic, from this project, as determined in accordance with 40 CFR 52.21(r)(6)(iii) and (iv), shall not exceed 11 tons/year. (See also Condition 10(a).)
- d. Compliance with the annual limits shall be determined from a running total of 12 months of data.
- 7a. for the new affected units, the Permittee shall demonstrate initial compliance with the emission limits Condition 3(b) using the test method and procedures described in 40 CFR 63.1349(b)(2).
- b. Within 60 days upon written request by the Illinois EPA, the Permittee shall conduct observations of visible emissions or opacity, from the affected units during conditions which are representative of the

Page 3

- maximum performance using the test method and procedures described in 35 IAC 212.423(f).
- 8a. Inspections of the affected units shall be conducted at least monthly when the affected units are in operation to verify compliance with the requirements of this permit.
- b. Maintenance and repair of the affected units shall be performed to assure that each unit is functioning properly when materials are being handled.
- c. The Permittee shall maintain a log or other records of the above inspections and maintenance/repair activity. These records shall contain, at a minimum, the time, description of the inspections and maintenance/repair activity.
9. The Permittee shall comply with applicable requirements of 40 CFR 63.1350, which addresses preparation of and compliance with written operations and maintenance plan for each unit subject to the NESHAP.
- 10a. The Permittee shall maintain the following records for the new and existing affected units:
- i. The records required by the NESHAP, 40 CFR 63.1355.
- ii. The records required by 35 IAC 212.423(e).
- iii. Identification of each alternate material handled, e.g., slag, flyash, or synthetic gypsum, with relevant data to address the potential for PM emissions, e.g., typical range of fine material and moisture content, with supporting documentation.
- iv. Records of the amount of each alternate material handled, tons/month and tons/year.
- v. A file containing calculations for the maximum PM/PM10 emissions factors of each affected unit, with supporting documentation
- vi. Records of PM/PM10 emissions (tons/month and tons/yr) from each unit, with supporting documentation and calculations.
- vii. Records for any opacity observations performed for the affected units using the test method and procedures described in 40 CFR 63.1349(b)(2) that the Permittee conducts or are conducted on its behalf, including name of the observer, date and time, duration of observation, raw data, and conclusion.
11. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least five years from the date of entry and shall be made available for inspection and copying by the Illinois EPA upon request.

Page 4

- 12a. The Permittee shall fulfill all applicable notification and reporting requirements of the NESHAP, 40 CFR 63 Subpart LLL for the affected units.
- b. If there is any deviation from the requirements of this permit, the Permittee shall submit a report to the Illinois EPA, within 30 days after the deviation or such other time period specified in the existing permits for the source. The report shall include the emissions released, a copy of the relevant records, and a description of the deviation or violation and efforts/activities taken to reduce emissions and future occurrences.
13. Two copies of required reports and notifications shall be sent to the Illinois EPA's compliance section at the following address unless otherwise indicated:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276

and one copy shall be sent to the Illinois EPA's regional office at the following address unless otherwise indicated:

Illinois Environmental Protection Agency
Division of Air Pollution Control/ Regional Office
5415 North University
Peoria, Illinois 61614

Telephone: 309/693-5461 Facsimile: 309/693-5467

- 14a. The Permittee may operate the new and modified emission units addressed by this permit for a period of 180 days after commencing operation. This supersedes Standard Condition 1.
- b. Upon successful completion of the emission testing required by Condition 7(a) demonstrating compliance with the requirement of NESHAP, 40 CFR 63 Subpart LLL, the Permittee may continue to operate the new and modified emissions units, pursuant to this permit until the current CAAPP permit is modified or renewed to address these units.

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

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

ECB:CPR:KMP:psj

cc: Region 2

Monica T. Rios

From: Chris Romaine [Chris.Romaine@illinois.gov]
Sent: Monday, April 02, 2007 4:31 PM
To: Brady, Kathy
Cc: Kunj Patel
Subject: Alternate Feed System for Finish Mill - Response to March 23,2007 Letter

The following provides a brief response to each of the points in your letter dated March 23, 2007 :

Draft Condition 4(b): Change made.

Draft Condition 6(c): Reference corrected

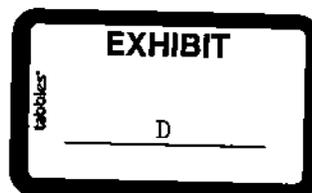
Draft Condition 6(d): No change. Construction permits for new/modified units address the emissions consequences of such units. Moreover, as confirmed by Buzzi's comments, the emission data provided in the application is an estimate based on assumptions. (How does the average moisture content of a particular class of material constitute a worst-case assumption for all materials?) If equipment is not operated properly at all times or different (newly available) alternate materials are handled, the emissions estimates in the application may understate emissions.

Draft Condition 8: No change made. This condition only identifies certain minimum practices to verify proper operation/compliance, which practices are apparently already being implemented by the source, as explained by Buzzi's comments. Similarly, the condition only identifies minimum requirements for associated records. The condition does not require redundant records, if the records that Buzzi currently keeps already meet these minimum requirements.

Draft Condition 9: Requested change not made. Condition reworked to better reflect applicable language of the NESHAP.

Draft Condition 10(a): Condition reworked but not removed. The application does not identify the "worst-case" assumptions about the nature of the alternate materials that would be handled for the finish mill. For example, it does not identify/address each of the different types of slag or stone that might be handled. (This recordkeeping would then be needed to verify that the properties of materials actually being handled are consistent with the assumptions used to predict emissions.) In any case, this data is needed to appropriately address actual emissions of the project (i.e., very dusty = higher concern, less dusty = lower concern).

Draft Condition 12(b): A further change will be made, which would allow the provisions of a CAAPP to replace the provisions of the construction permit. However, the CAAPP permit cannot be relied upon at this time because the issued CAAPP permit has been stayed and is currently not in effect.



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 - NESHP SOURCE

PERMITTEE

Lone Star Industries, Inc
d/b/a Buzzi Unicem (USA)
Attn: Adam Swercheck, Environmental Engineer
100 Brodhead Road, Suite 230
Bethlehem, Pennsylvania 18017-8989

Application No.: 06120047

I.D. No.: 099816AAF

Applicant's Designation:

Date Received: December 22, 2006

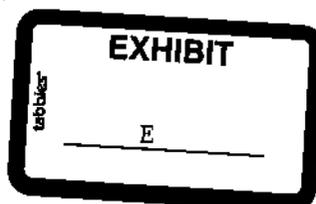
Subject: Alternate Material Feed System for the Finish Mill

Date Issued: April 6, 2007

Location: 490 Portland Avenue, Oglesby, LaSalle County

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment for an alternate material feed system for the finish mill, including a new hopper and a conveyor, and associated increased material throughput for the existing finished mill operations, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. The new affected units for the purpose of this permit are the hopper and conveyor in the alternative material feed system.
- b. The existing affected units are the synthetic gypsum storage building, finish mill, and cement handling and storage system.
- 2a. This permit does not authorize physical changes to the existing affected units.
- b. This permit does not relax or otherwise revise any requirements or conditions that apply to the existing affected units, including applicable emission standards, testing, monitoring, recordkeeping, and reporting requirements established in the current CAAPP permit issued for this source.
- 3a. This permit is issued based on the source being a major source of hazardous air pollutants (HAPs) emissions so that it is subject to NESHP regulations, 40 CFR 63, Subpart LLL.
- b. Pursuant to 40 CFR 63.1348, the opacity from the new affected units shall not exceed 10 percent.
- 4a. Pursuant to 35 IAC 212.321(a), the particulate matter (PM) emissions from the new affected units shall not exceed the applicable limit of 35 IAC 212.321(c).



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Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276

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Illinois Environmental Protection Agency
Division of Air Pollution Control/ Regional Office
5415 North University
Peoria, Illinois 61614

Telephone: 309/693-5461 Facsimile: 309/693-5467

- 14a. The Permittee may operate the new and modified emission units addressed by this permit for a period of 180 days after commencing operation. This supersedes Standard Condition 1.
- b. Upon successful completion of the emission testing required by Condition 7(a) demonstrating compliance with the requirement of NESHAP, 40 CFR 63 Subpart LLL, the Permittee may continue to operate the new and modified emissions units, pursuant to this permit until the current CAAPP permit is modified or renewed to address these units.

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



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

ECB:CPR:KMP:psj

cc: 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 Mail Street
Collinsville, Illinois 62234
618/346-5120

