

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PETITION OF BIG RIVER ZINC
CORPORATION FOR AN ADJUSTED
STANDARD UNDER 35 ILL. ADM. CODE
720.131(c)

AS 08-9
(Adjusted Standard-Land)

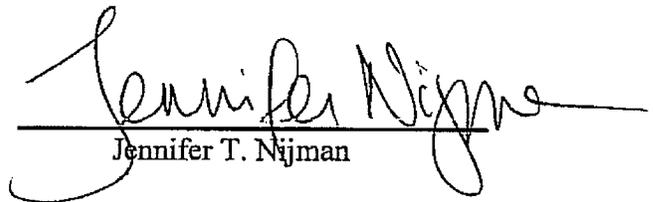
NOTICE OF FILING

To: Pollution Control Board, Attn: John T. Therriault
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

William D. Ingersoll
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the
Pollution Control Board the attached Big River Zinc Corporation's Motion for Expedited Board
Decision, a copy of which is herewith served upon you.


Jennifer T. Nijman

Date: July 29, 2008

Jennifer T. Nijman
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BIG RIVER ZINC CORPORATION'S MOTION FOR
EXPEDITED BOARD DECISION

Pursuant to 35 Ill. Adm. Code 101.512, Big River Zinc Corporation (BRZ), by its undersigned counsel and for its Motion for Expedited Board Decision, requests that the Board consider BRZ's Petition for Adjusted Standard by the scheduled Board Hearing date of August 7, 2008 (or, in the alternative, by August 21st). In support of its Motion, BRZ states as follows:

1. On April 1, 2008, BRZ filed a petition for adjusted standard under 35 Ill. Adm. Code 720.131(c) ("Petition") seeking to amend a single condition of an existing adjusted standard granted by the Board to BRZ in 1999 (AS 99-3). On May 15, 2008, the Board found that BRZ had satisfied the jurisdiction requirement of providing newspaper notice of its Petition.

2. The Illinois Environmental Protection Agency ("Agency") filed a Response to BRZ's Petition on May 9, 2008, recommending that the Board grant BRZ's petition.

See Response, p.1; paragraph 10, p. 3; p. 5. The Agency confirms that the amended condition requested by BRZ is identical to the condition granted by this Board in In Re Horsehead Resource and Development Company, Inc., AS 00-2, February 17, 2000. See Response, paragraph 9, p. 3. The Agency made two suggestions that did not affect the Agency

recommendation to grant BRZ's Petition. BRZ filed its Reply to the Agency, responding to the Agency's suggestions, on May 22, 2008.

3. On June 26, 2008, the Hearing Officer issued an Order directing BRZ to file an amended petition responding to specific issues outlined by the Board, and allowing the Agency 21 days to file an amended recommendation. BRZ filed its Amended Petition on July 14, 2008.

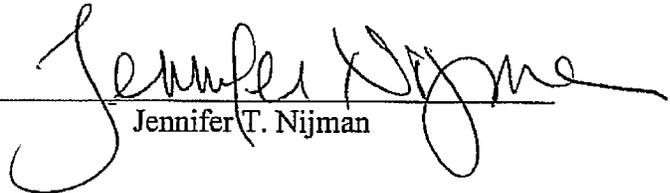
4. On July 28, 2008 the undersigned counsel conferred with counsel for the Agency and was informed that the Agency has no comment to the Amended Petition and the Agency confirmed its recommendation that BRZ's Petition be granted. Because the Agency has no further comment and recommends granting the Petition, no material prejudice will result from this Motion for Expedited Decision being granted.

5. In its Amended Petition, BRZ explained that it was close to finalizing a washing agreement with a supplier (Steel Dust Recycling) to deliver to BRZ approximately 1500 tons per month of zinc oxide to be washed. BRZ stated that deliveries from Steel Dust Recycling could begin as soon as BRZ's Petition was granted. Amended Petition at p. 2. Since that date, the terms of the agreement with Steel Dust Recycling have been finalized and Steel Dust Recycling would like to begin shipments to BRZ as soon as possible. In order to begin washing the EAF zinc oxide, BRZ needs to make preparations such as scheduling employees to return to work and readying the facility and equipment for operation. See attached Affidavit of George Obeldobel in Support of Motion for Expedited Board Decision. As a result, time is of the essence to meet the expectations of the supplier agreement.

WHEREFORE, BRZ respectfully requests the Board grant its Motion for Expedited Board Decision and consider BRZ's Amended Petition for Adjusted Standard by the scheduled Board Hearing date of August 7, 2008, (or, in the alternative, by August 21st).

Respectfully submitted,

BIG RIVER ZINC CORPORATION

By: 
Jennifer T. Nijman

Date: July 29, 2008

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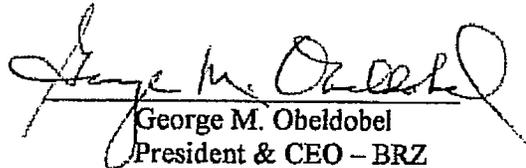
AFFIDAVIT OF GEORGE OBELDOBEL IN SUPPORT OF
MOTION FOR EXPEDITED BOARD DECISION

I, George Obeldobel, being first duly sworn on oath, depose and state as follows:

1. I am over the age of 18 years and am a resident of Chesterfield, Missouri.
2. The information in this Affidavit is based on my personal knowledge or belief in my capacity as President and Chief Executive Officer of Big River Zinc Corporation (“BRZ” or the “Facility”) in Sauget, Illinois, and I would testify to such matters if called as a witness.
3. The facts cited in BRZ’s Motion for Expedited Board Decision are true and correct.
4. BRZ has finalized an agreement with Steel Dust Recycling to deliver to BRZ EAF zinc oxide for washing. In order to prepare BRZ’s Sauget facility to begin washing, BRZ will need to retain employees and ready the facility. These activities will take approximately 3-4 weeks to complete.

5. Specifically, BRZ will need to perform the following tasks to undertake washing operations at the Sauget facility:
- a) Call back 7 employees (or retain new employees) – BRZ's former employees have not been working for BRZ since mid-2006;
 - b) Conduct training – BRZ will train any new employees as required;
 - c) Clean out the entire system and dry run test all equipment;
 - d) Get all systems in place (safety, lab, accounting, record keeping, etc);
 - e) Overhaul the Oxide washing filter press (requires rebuilding cylinders at a cost of about \$40,000 and 3 weeks work);
 - f) Rebuild the pumps and install variable frequency drives on each pump;
 - g) Provide compressed air, either by renting a cooling tower to run the main compressor, or by renting a compressor more adequately sized for the job;
 - h) Clean spaces to be used for handling the washed oxide.
 - i) Update lab equipment and/or retain a part-time assayer to monitor assay results for washed oxide and effluent;
 - j) Purchase adequate safety supplies and spare parts to support the operation.
6. Time is of the essence as BRZ does not want to lose the washing contract with Steel Dust Recycling. The contract could be lost if BRZ cannot begin washing for several months since a long delay will force SDR to look for alternatives. BRZ cannot afford to begin preparing the facility for washing until the Board issues its decision to amend the condition in BRZ's existing Adjusted Standard Petition. BRZ seeks the Board's decision in an expedited manner in order to meet Steel Dust Recycling's request to begin washing as soon as possible.

FURTHER AFFIANT SAYETH NOT.


George M. Obeldobel
President & CEO – BRZ

Subscribed and Sworn to before me
on July 29th 2008.



Sandra K. Anderson
Notary Public

My Commission Expires: 11/01/2010

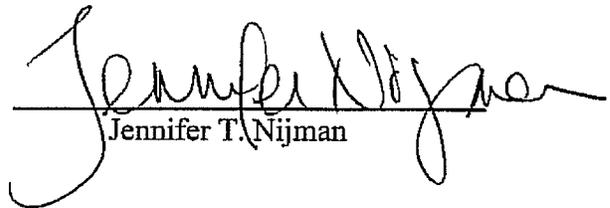
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Big River Zinc Corporation's Motion for Expedited Board Decision by electronic filing and by first class mail to the Clerk and by first class mail upon the remaining parties:

Pollution Control Board
Attn: John T. Therriault
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218

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Date: July 29, 2008

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