

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 20 2009

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PETITION OF WESTWOOD LANDS)
INC. for an ADJUSTED STANDARD from)
portions of 35 Ill.Adm.Code 807.104 and)
35 Ill.Adm.Code 810.103, or)
in the alternative, A FINDING OF)
INAPPLICABILITY.)

AS 09- 03
(Adjusted Standard – Land)

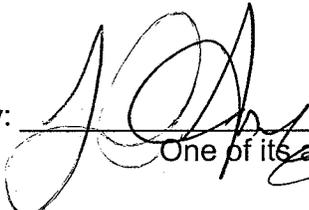
NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 20th day of April 2009, the following was filed with the Illinois Pollution Control Board: **Petitioner Westwood Lands Inc.'s Proof of Publication**, which is attached and herewith served upon you.

WESTWOOD LANDS INC.

By:


One of its attorneys

Elizabeth S. Harvey
John P. Arranz
Swanson, Martin & Bell
330 North Wabash Avenue
Suite 3300
Chicago, IL 60611
312.321.9100
312.321.0990 (facsimile)

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the above-described document to counsel of record via U.S. Mail at 330 North Wabash Avenue, Chicago, IL 60611, at or before 5:00 p.m. on April 20, 2009.


Jeanette M. Podlin

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

4376-001

SERVICE LIST

Westwood Lands, Inc. v. Illinois Environmental Protection Agency

AS 09-03

(Adjusted Standard – Land)

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

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AS 09-03
(Adjusted Standard – Land)

PROOF OF PUBLICATION

Petitioner WESTWOOD LANDS, INC. ("Westwood"), by its attorneys Swanson, Martin & Bell LLP, hereby files proof of compliance with the petition notice requirements:

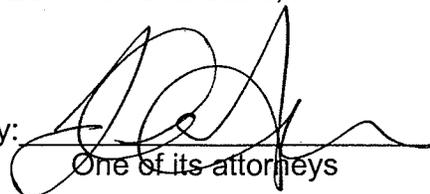
1. Westwood filed its petition for adjusted standard, or in the alternative, a finding of inapplicability, on March 31, 2009.

2. Westwood then caused publication, in the Belleville News-Democrat, of the required notice of filing of an adjusted standard petition. The Belleville News-Democrat is a newspaper of general circulation in Madison County, Illinois. The notice was published on April 14, 2009, and was thus published within the 14-day period allowed by 415 ILCS 5/28.1 and 35 Ill.Adm.Code 104.408. The publisher's certificate of publication is attached as Exhibit A.

Respectfully submitted,

WESTWOOD LANDS, INC.

By:


One of its attorneys

Elizabeth S. Harvey
John P. Arranz
Swanson, Martin & Bell, LLP
330 North Wabash Avenue, Suite 3300
Chicago, IL 60611
312.321.9100
312.321.0990 (facsimile)

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR) ss.

This is to certify that the undersigned Jay Tebbe is the president and publisher of the NEWS-DEMOCRAT a public and English secular newspaper of general circulation, which has been regularly published daily in the City of Belleville, County of St. Clair and State of Illinois, for at least one year prior to the first publication of the notice hereinafter mentioned, and that a notice of which the annexed is a true printed copy, has been published in said newspaper ONCE, the publication thereof having been made in the issue of said newspaper, published on April 14, 2009.

JAY TEBBE
President and Publisher

By D. Anderson
His Authorized Agent

Publisher's fee: \$311.02

PUBLIC NOTICE
NOTICE OF PETITION BY
WESTWOOD LANDS, INC.
FOR AN ADJUSTED STANDARD BEFORE THE
POLLUTION CONTROL BOARD

Pursuant to the provisions of 415 ILCS 5/28.1 and 35 Ill.Adm.Code 104.408, please take notice that on March 31, 2009, petitioner Westwood Lands, Inc. ("Westwood"), filed a petition for adjusted standard with the Illinois Pollution Control Board. The petition seeks an adjusted standard from the provisions of 35 Ill.Adm.Code Part 807.103 and 35 Ill.Adm.Code 810.103, or, in the alternative, a finding that portions of those regulations are inapplicable to Westwood.

Westwood owns a facility at 4 Caine Drive, Madison, Madison County, Illinois, that will process steelmaking slag fines into a usable product. Westwood will process the slag fines at its facility, and produce two products for sale: 1) a coarse metallic fraction, to be sold in bulk form; and 2) a fine metallic fraction that can be sold either in bulk form or processed into a briquette. Both products will then be sold for industrial use. (The City of Madison has approved the location of the facility.) Westwood seeks a declaration that the steelmaking slag fines are not a "waste," and thus Westwood's process is not subject to the requirements of 35 Ill.Adm.Code Part 807 or 35 Ill.Adm.Code Part 810. In the alternative, Westwood seeks the following adjusted standard:

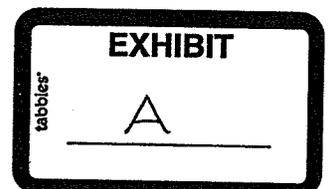
Westwood Lands, Inc. is hereby granted an adjusted standard from the following definitions of 35 Ill.Adm.Code 807.104: "facility," "solid waste," "solid waste management," "waste," and "unit." Westwood Lands, Inc. is further granted an adjusted standard from the following definitions of 35 Ill.Adm.Code 810.103: "facility," "landfill," and "solid waste." These enumerated definitions do not apply to operations conducted by Westwood at the facility in Madison County, Illinois, so long as:

1. Westwood uses only steelmaking slag fines.
2. For purposes of this adjusted standard, "steelmaking slag fines" is defined as "slag fines generated from the processing of raw steelmaking slag." "Raw steelmaking slag" means "the residual material produced in steelmaking operations."
3. Westwood retains control of the quality of steelmaking slag fines, including the right to reject any steelmaking slag fines that do not comply with Westwood's standards for fines.
4. Westwood operates the facility in compliance with other provisions of the Environmental Protection Act.

The docket number of the petition is AS 09-03.

Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the adjusted standard proceeding, as found in this notice, and must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

L-48755300 (April 14)



ACCOUNT ID: 6068200
AD NUMBER: 48755300