

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 14 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.)

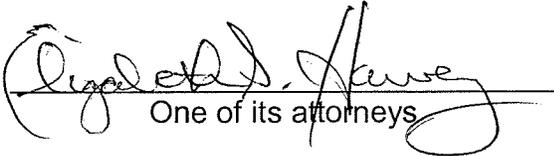
AS 09-03
(Adjusted Standard -- Land)

NOTICE OF FILING

To: (See attached Service List.)

PLEASE TAKE NOTICE that on this 14th day of July 2009, the following was filed with the Illinois Pollution Control Board: **Petitioner Westwood Lands Inc.'s Notice 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 July 14, 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)

William Ingersoll
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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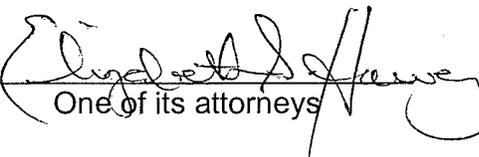
NOTICE OF PUBLICATION

Petitioner WESTWOOD LANDS, INC. ("Westwood"), by its attorneys Swanson, Martin & Bell LLP, hereby files notice of publication:

1. Westwood filed its amended petition on June 22, 2009.
2. Westwood is not required to publish notice of the amended petition in the newspaper, because the amended petition does not make a "substantive change to the requested relief in that it requests additional or alternative relief". 35 Ill.Adm.Code 104.418(a). Although published notice of the amended petition is not required, Westwood chose to publish notice. Westwood chose to publish notice to ensure as much public awareness as possible.
3. Notice of the amended petition was published in the Belleville News-Democrat on July 8, 2009. The publisher's certificate of publication is attached as Exhibit A.

Respectfully submitted,

WESTWOOD LANDS, INC.

By: 
One of its attorneys

Dated: July 14, 2009

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 July 8, 2009.

JAY TEBBE
President and Publisher

By D Anderson
His Authorized Agent

Publisher's fee: \$311.02

PUBLIC NOTICE
NOTICE OF AMENDED 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 Part 104 Subpart D, please take notice that on June 22, 2009, petitioner Westwood Lands, Inc. ("Westwood") filed an amended petition for adjusted standard with the Illinois Pollution Control Board. The amended petition includes additional information in support of Westwood's March 31, 2009 petition for adjusted standard. That March 31, 2009 petition seeks an adjusted standard from the provisions of 35 Ill Adm Code 807.104 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 product. Both products will then be sold for use in steelmaking operations. (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:

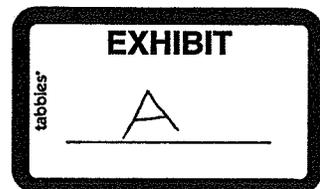
Westwood Lands, Inc. is hereby granted an adjusted standard from the following definitions of 35 Ill Adm Code 807.104: "facility," "solid waste," "solid waste management," "waste," and "unit." Westwood Lands, Inc. is further granted an adjusted standard from the following definitions of 35 Ill Adm Code 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 claims control of the quality of steelmaking slag fines, in giving 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 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.

IL 50094400 (July 8)



ACCOUNT ID: 6068200
AD NUMBER: 50094400