

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 24 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PETITION OF LAFARGE MIDWEST, INC.)
FOR AN ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 739.161 PURSUANT TO)
35 ILL. ADM. CODE 720.132 AND 720.133)
)

AS 06-001
(Adjusted Standard – Land)

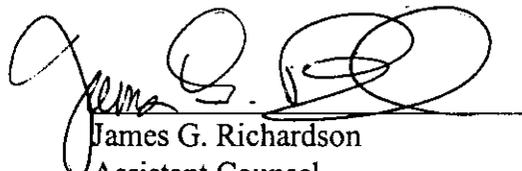
NOTICE

Dorothy Gunn
Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, Illinois 61602

PLEASE TAKE NOTICE that I have today caused to be filed an Appearance and Illinois EPA Recommendation with the Illinois Pollution Control Board, a copy of which is served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY


James G. Richardson
Assistant Counsel

Dated: October 20, 2005

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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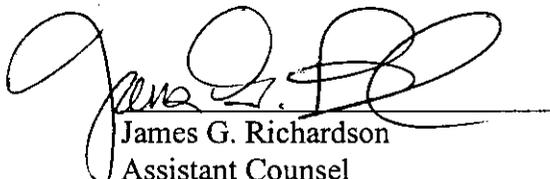
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APPEARANCE

I, James G. Richardson, hereby enter my appearance in this proceeding on behalf of the Illinois Environmental Protection Agency.


James G. Richardson
Assistant Counsel

Dated: October 20, 2005

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ILLINOIS EPA RECOMMENDATION

Now comes the Illinois Environmental Protection Agency (“Illinois EPA”) by its attorney, James G. Richardson, and pursuant to 35 Ill. Adm. Code 104.416 provides this Recommendation to the Petition for Adjusted Standard filed in this cause on September 12, 2005. The Illinois EPA recommends that the adjusted standard be granted.

I. BACKGROUND

LaFarge Midwest, Inc. (“Petitioner”) owns and operates the South Chicago Grinding Plant located at 2150 East 130th Street, Chicago, Cook County, Illinois. The primary product manufactured at the plant is NewCem, a slag cement product produced by drying and grinding a pelletized or granulated iron blast furnace slag. In the instant proceeding, Petitioner asks the Illinois Pollution Control Board (“Board”) for a determination that its slag dryer is a “boiler by designation” pursuant to 35 Ill. Adm. Code 720.110 so that off-specification used oil may be burned in the slag dryer.

As noted in the Petition for Adjusted Standard, the Illinois EPA did not agree with Petitioner when it sought confirmation in January 2004 that the slag dryer could be considered a boiler pursuant to 35 Ill. Adm. Code 720.110. Since that time, discussions and information exchanges concerning the requirements for a boiler determination have occurred between the Petitioner and the Illinois

EPA. Petitioner satisfactorily addressed questions and comments presented by the Illinois EPA during this period and the information used to do this has been incorporated in the Petition for Adjusted Standard. This accounts for the Illinois EPA's brevity in considering the informational requirements of 35 Ill. Adm. Code 104.406.

II. SECTION 104.406 FACTORS

A. Section 104.406(a) - Standard from which adjusted standard is sought

The Illinois EPA does not take issue with Petitioner's statements on this subject.

B. Section 104.106(b) – Regulation of general applicability

The Illinois EPA does not take issue with Petitioner's statements on this subject.

C. Section 104.106(c) – Level of justification

The Illinois EPA does not take issue with Petitioner's statements on this subject.

D. Section 104.106(d) – Petitioner's activity

The Illinois EPA does not take issue with Petitioner's statements on this subject.

E. Section 104.106(e) – Efforts necessary to comply

The Illinois EPA does not take issue with Petitioner's statements on this subject.

F. Section 104.106(f) – Proposed adjusted standard

The Illinois EPA does not take issue with Petitioner's statements on this subject.

G. Section 104.106(g) – Quantitative and qualitative impact on the environment

The Illinois EPA does not take issue with Petitioner's statements on this subject.

H. Section 104.106(h) – Justification of the proposed adjusted standard

The Illinois EPA does not take issue with Petitioner's statements on this subject.

I. Section 104.106(i) – Consistency with federal law

The Illinois EPA does not take issue with Petitioner's statements on this subject.

J. Section 104.106(j) – Hearing

The Illinois EPA does not take issue with Petitioner's statements on this subject.

K. Section 104.106(k) – Supporting documents or legal authorities

The Illinois EPA does not take issue with Petitioner's statements on this subject.

L. Section 104.106(l) – Additional information

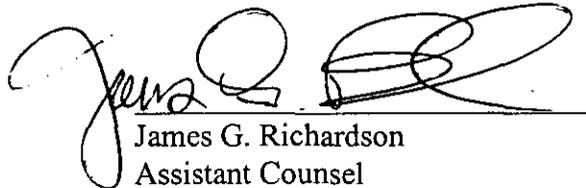
The Illinois EPA does not take issue with Petitioner's statements on this subject.

III. CONCLUSION

WHEREFORE the Illinois EPA recommends that the adjusted standard be granted.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



James G. Richardson
Assistant Counsel

PROOF OF SERVICE

I state under oath that I served the attached Appearance and Illinois EPA Recommendation upon the persons as follows:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601-3218

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, Illinois 61602

through the United States Postal Service by mailing said document in envelopes addressed to the aforementioned persons from Springfield, Illinois on October 20, 2005 with sufficient postage affixed for First Class Mail.

Meredith Kelley

Subscribed to and sworn before me this 20th day of October, 2005.

Brenda Boehner
Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER