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ENVIR. APPEALS BOARD

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Brown Todd** LLC
ATTORNEYS

Philip J. Schworer
Member
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pschworer@fbtlaw.com

July 5, 2013

Via United Parcel Service / Overnight Delivery

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

RE: Final Federal RCRA Permit, ESSROC Cement Corporation
Logansport, Indiana, IND 005 081 542

To Whom It May Concern:

Enclosed please find another copy of ESSROC's petition for review of the above-captioned RCRA permit. The original copy (signed in blue ink) and five copies were sent to the EAB's Colorado Building address as directed by Ms. Margaret M. Guerrero's letter dated June 5, 2013. A copy of Ms. Guerrero's letter is enclosed. Today, I received the UPS Tracking Update for the package advising that "The receiver has moved. UPS attempting to locate receiver to complete delivery, no delivery was made." Upon receipt of the Tracking Update, I went to the EAB's web page and learned that the address for UPS delivery had changed. A copy of the Tracking Update is included with this letter.

This letter is directed to the address listed on the web page. We will provide the new address (listed above) to UPS so that it may complete delivery on the original package sent on July 3, 2013 for "Next Day Air" delivery. A copy of the New Delivery Address Confirmation from UPS is included with this letter.

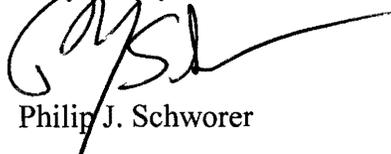
I called the EAB this afternoon. There was no answer. The recorded message did not indicate that the office was closed or open. I left a detailed message seeking to confirm receipt of the petition or additional directions on filing. I have not received a response.

Additionally, as directed by Ms. Guerrero's letter, we also sent a copy of the petition to EPA Region V on July 3, 2013 for "Next Day Air" delivery. The UPS Tracking Update reports that on today's date, "Delivery rescheduled due to the holiday." A copy of the Tracking Update is included with this letter.

U.S. Environmental Protection Agency
July 5, 2013
Page 2

We trust that the EAB will accept this petition for hearing as being timely filed. If there are any questions or problems, I can be reached at the telephone number listed above.

Very truly yours,

A handwritten signature in black ink, appearing to read 'PJS', with a long horizontal flourish extending to the right.

Philip J. Schworer

PJS:mdl
Enclosures

CINLibrary 0117787.0569984 2990406v1




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Track Shipments

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Your package has experienced an exception.

Tracking Number: 1Z 5F6 4R3 01 9720 149 7
 Type: Package
 Status: **Exception**
 See description below
 Shipped To: U.S. ENVIRONMENTAL PROTECTION AGENC
 REGION 5 - RCRA BRANCH (LR-8J)
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL, US-606043511
 Shipped/Billed On: 07/03/2013
 Reference Number(s): 0117787 0569984, PHILIP J. SCHWORER
 Service: NEXT DAY AIR

Package Progress

Location	Date	Local Time	Description
CHICAGO, IL, US	07/05/2013	9:50 A.M.	Delivery rescheduled due to the holiday
	07/05/2013	6:51 A.M.	Forwarded to the facility in the destination city.
	07/05/2013	6:31 A.M.	Out For Delivery
	07/05/2013	5:32 A.M.	Arrival Scan
	07/05/2013	4:56 A.M.	Departure Scan
CHICAGO, IL, US	07/04/2013	4:22 A.M.	Arrival Scan
LOUISVILLE, KY, US	07/04/2013	4:22 A.M.	Departure Scan
ELSMERE, KY, US	07/03/2013	9:33 P.M.	Origin Scan
	07/03/2013	8:42 P.M.	Pickup Scan
US	07/03/2013	12:38 P.M.	Order Processed: Ready for UPS

Tracking results provided by UPS: 07/05/2013 1:51 P.M. ET

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Get Notified: Quantum View NotifySM

E-mail this page to up to three recipients. UPS can also notify you via e-mail when this shipment is delivered or if an [exception](#) occurs.

Send:

<input type="checkbox"/> This Tracking Page	<input type="checkbox"/> Exception Notification	<input type="checkbox"/> Delivery Notification
E-mail: jdavis@fbtlaw.com	Country and Language: United States - English ▼ United States - English ▼ United States - English ▼	
Personal E-mail Message: (maximum 150 characters)		
Send →		

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Your package has experienced an exception.

Tracking Number: 1Z 5F6 4R3 01 9553 768 3
 Type: Package
 Status: **Exception**
 See description below
 Rescheduled Delivery: 07/08/2013
 Shipped To: U.S. ENVIRONMENTAL PROTECTION AGENC
 CLERK OF THE BOARD
 COLORADO BUILDING
 1341 G STREET, N.W.
 SUITE 600
 WASHINGTON, DC, US 200053135
 Shipped/Billed On: 07/03/2013
 Reference Number(s): 0117787 0569984, PHILIP J. SCHWORER, ESQ.
 Service: NEXT DAY AIR

Package Progress

Location	Date	Local Time	Description
LANDOVER, DC, US	07/05/2013	9:43 A.M.	The receiver has moved. UPS attempting to locate receiver to complete delivery, no delivery was made.
LANDOVER, MD, US	07/05/2013	7:29 A.M.	Out For Delivery
	07/05/2013	6:20 A.M.	Arrival Scan
LINTHICUM, MD, US	07/05/2013	5:44 A.M.	Departure Scan
	07/05/2013	5:28 A.M.	Arrival Scan
LOUISVILLE, KY, US	07/05/2013	3:53 A.M.	Departure Scan
ELSMERE, KY, US	07/03/2013	9:33 P.M.	Origin Scan
	07/03/2013	8:42 P.M.	Pickup Scan
US	07/03/2013	12:36 P.M.	Order Processed: Ready for UPS

Tracking results provided by UPS: 07/05/2013 1:47 P.M. ET

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Get Notified: Quantum View NotifySM

E-mail this page to up to three recipients. UPS can also notify you via e-mail when this



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 05 2013

REPLY TO THE ATTENTION OF:

Mr. Corey Conn
ESSROC Cement Corporation
3084 West C.R. 225 South
Logansport, Indiana 46947

Petition

Re: Final Federal RCRA Permit, ESSROC Cement Corporation
Logansport, Indiana, IND 005 081 542

Dear Mr. Conn:

Enclosed is a copy of the final EPA portion of the Resource Conservation and Recovery Act (RCRA) permit for ESSROC Cement Corporation (ESSROC), Logansport, Indiana.

This draft federal RCRA permit was publicly noticed in the "Pharos-Tribune" on July 22, 2012, and a copy of the draft federal RCRA permit was made available for review at the Logansport-Cass County Public Library, 616 East Broadway, Logansport, Indiana 46947. The public comment period extended from July 22 to October 23, 2012.

ESSROC submitted the only comments that the U.S. Environmental Protection Agency received regarding the draft federal permit during the public comment period. EPA's response to the comment is enclosed with this letter.

Eligibility to appeal the federal permit is discussed in 40 CFR § 124.19. Please note that if you chose to petition to appeal this permit decision, all original documents are to be signed in blue ink with five copies marked as such. EPA must receive the petition for review in Washington, DC via U.S. Postal Service at the address indicated below within thirty (30) days after service of notice of the final permit decision.

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board (1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Submissions can also be made by hand-delivery or courier, mailed via Federal Express, UPS, or non-U.S. Postal Service to the following address:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, DC 20005

A copy of the petition should also be sent to:

U.S. Environmental Protection Agency, Region 5
RCRA Branch (LR-8J)
77 West Jackson Boulevard
Chicago, Illinois 60604

The procedures for filing an appeal are found in 40 CFR § 124.19. The administrative appeal procedure must be completed prior to any action seeking judicial review.

If you have questions concerning the final federal RCRA permit, please contact Mr. Jae Lee of my staff at (312) 886-3781.

Sincerely,



Margaret M. Guernero
Director
Land and Chemicals Division

Enclosure

cc: Vic Windle, IDEM



View History or Void Shipment

Package **International Forms**

New Delivery Address Confirmation

[Print](#)

You have chosen to have your package(s) delivered to another address..

Tracking Number(s): 1Z5F64R30195537683

Original Delivery Address: COLORADO BUILDING
1341 G STREET, N.W.
SUITE 600
WASHINGTON, DC, US
200053135

New Delivery Address: U.S. Environmental Protection Agenc
Clerk of the Board
1201 Constitution Ave, NW East Bldg
Rm 3334
Washington, DC, US
20004

Telephone: 202-233-0122

Your Name: Philip J. Schworer

Your Telephone: 513-651-6800

New Delivery Address Charges Information

The following charges may apply and will be billed using the original form of payment. Charges will only be assessed if the delivery change occurs.

Tracking Number	Accessorial Charge	Transportation Charge	Total	Estimated Delivery
1Z5F64R30195537683	12.00 USD	0 00 USD	12 00 USD	07/09/2013
Total	12.00 USD	0.00 USD	12.00 USD	

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