

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
) **Administrative Order**
Lone Star Industries, Inc.)
Greencastle, Indiana) **EPA-5-03-113(a)-05**
)
Proceeding Under Section)
113(a) (3) of the)
Clean Air Act,)
42 U.S.C. § 7413(a) (3))
_____)

Agreed Administrative Order

The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Administrative Order (Order) to Lone Star Industries, Inc. (Lonestar) at 3301 S. County Road, 150W, Greencastle, Indiana, under Section 113(a) (3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a) (3).

STATUTORY AND REGULATORY BACKGROUND

1. On January 7, 1993, in accordance with Section 112(d) of the Act, U.S. EPA promulgated the National Emission Standard for Benzene Waste Operations at 40 C.F.R. Part 61, Subpart FF, §§ 61.340 - 61.358 (Subpart FF).
2. Under 40 C.F.R. § 61.340 (b), Subpart FF applies to the owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDF) that treat, store, or dispose of hazardous waste generated by chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries. A hazardous waste TSDF is a facility that must obtain a hazardous waste management permit under subtitle C of the Solid Waste Disposal Act.
3. Pursuant to 40 C.F.R. § 61.355(a) (3), facilities with Total Annual Benzene (TAB) quantities equal to or greater than 10 Mg/yr must comply with one of the three compliance options listed at 40 C.F.R. § 61.342(c), (d), or (e).
4. Pursuant to 40 C.F.R. § 61.343(a) (1) (ii), for each fixed-roof and closed-vent system that routes all organic vapors vented from a tank to a control device, the closed-vent system and control device shall be designed and operated in accordance with the requirements of 40 C.F.R. § 61.349.
5. Pursuant to 40 C.F.R. § 61.349(b), each closed-vent system and control device used to comply with Subpart FF shall be operated at all times when waste is placed in the waste management unit vented to the control device except when

maintenance or repair of the waste management unit cannot be completed without a shutdown of the control device.

6. As provided in 40 C.F.R. § 61.342(g), compliance with Subpart FF will be determined by reviewing facility records and results from tests and inspections.

Off-Site Waste MACT

7. On July 1, 1996, in accordance with Section 112(d) of the Act, U.S. EPA promulgated the NESHAP for Off-Site Waste and Recovery Operations (OSWRO). The regulations are codified at 40 C.F.R. Part 63, Subpart DD, §§ 63.680 - 61.698. According to 40 C.F.R. § 63.680, the OSWRO NESHAP regulations apply to the owner or operator of a waste management or recovery operation that:

- (a) is a major source of hazardous air pollutants (HAP) emissions as defined in 40 C.F.R. § 63.2;
- (b) receives "off-site material" as defined in 40 C.F.R. §§ 63.680(b) and 63.681; and
- (c) is a waste management operation or recovery operation as specified in 40 C.F.R. §§ 63.680(a)(2) and 63.681.

8. The NESHAP at 40 C.F.R. § 63.680(e)(1)(i) specifies that the owner or operator of an affected source that commenced construction or reconstruction before October 13, 1994, and receives off-site material for the first time before February 1, 2000, must achieve compliance with the provisions of 40 C.F.R. Part 63, Subpart DD, on or before February 1, 2000.

9. The NESHAP at 40 C.F.R. § 63.685(d)(3) specifies that the owner or operator controlling air emissions from a tank using Tank Level 2 controls shall vent through a closed-vent system to a control device in accordance to 40 C.F.R. § 63.685(g).

10. The NESHAP at 40 C.F.R. § 63.685(g) specifies that the owner or operator who controls tank air emissions by venting to a control device shall meet the requirements specified in 40 C.F.R. § 63.685(g)(1) through (g)(3).

11. The NESHAP at 40 C.F.R. § 63.685(g)(1)(iv) specifies that the closed-vent system and control device shall be designed and operated in accordance with the requirements of 40 C.F.R. § 63.693.

12. The NESHAP at 40 C.F.R. § 63.693(b)(3) specifies that whenever gases or vapors containing HAPs are vented through a closed-vent system connected to a control device, the control device must be operating at all times, except during planned routine maintenance or malfunction of the closed-vent system or control device.

13. The NESHAP at 40 C.F.R. § 63.697(b) specifies that the owner or operator of a control device used to meet the requirement of 40 C.F.R. § 63.693 shall submit to U.S. EPA summary reports on a semi-annual basis (i.e. once every 6-month period).

Findings

14. Lone Star owns and operates a hazardous waste TSDF, located at 3301 South C.R. 150 West, Greencastle, Indiana, that treats, stores, or disposes of hazardous waste generated by chemical manufacturing plants, coke by-product recovery plants and/or petroleum refineries.

15. Lone Star commenced construction or reconstruction of its facility before October 13, 1994, and received off-site material for the first time before February 1, 2000.

16. On March 13, 2000, Lone Star reported that during calendar year 1999, its TAB quantity was greater than 10 Mg/yr. In the 2001 and 2002 reports, Lone Star reported that its TAB was less than 10 Mg/yr. However, on March 14, 2003, Lone Star reported a TAB quantity of greater than 10 Mg/yr.

17. On August 20-23, 2001, U.S. EPA conducted a multimedia inspection at the Lone Star facility.

18. During the August 2001 inspection, U.S. EPA observed that Lone Star failed to operate its control device (the dual carbon canister) when waste was in the tanks. Vapors from the tanks' headspace are routed through the closed-vent system, but are not reaching the carbon canisters.

19. Lone Star did not submit summary reports to U.S. EPA on a semi-annual basis.

IT IS HEREBY ORDERED THAT:

20. Lone Star will not open the hatches to the tanks to check levels in the tanks on a daily basis. Lone Star may only open tanks on a once monthly or once quarterly basis or for equipment inspection, maintenance or repair as allowed under 40 C.F.R. § 61.343(a)(1)(i)(B).

21. Lone Star will immediately implement a plan to further minimize emissions when connecting and disconnecting the vapor balance system as described in Attachment A.

22. Lone Star will set the pressure relief valves on the tanks (tanks 1 through 8) to a psi setting of 0.76 or greater to prevent breathing losses.

23. Lone Star will comply with the TAB reporting requirements set forth in 40 C.F.R. § 61.357.

24. All reports/notifications, and all other information required by this Order, shall be submitted to:

George Czerniak, Chief
Air Enforcement and Compliance Assurance Branch
United States Environmental Protection Agency
Region 5, Mail Code (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604
Attn: Noel Vargas

With a copy to:

David McIver, Chief
Office of Enforcement, Air Section
Indiana Department of Environmental Management
100 N. Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

General Provisions

25. Lone Star's signature below shall signify Lone Star's intent to comply with the terms of this Order, and in particular the requirements of Paragraphs 20 through 23 above.

26. Lone Star agrees to comply with the requirements of Paragraphs 20 through 23 following the termination of this Order.

27. Failure to comply with the terms of this Order may subject Lone Star and its owner(s) to civil penalties and/or further enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

28. Any information submitted in response to this Order may be used by U.S. EPA in support of an administrative, civil, or criminal action against Lone Star. Knowing submittal of false information to U.S. EPA, in response to this Order, may be actionable under Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), as well as 18 U.S.C. § 1341.

29. Nothing contained in this Order shall affect the responsibility of Lone Star to comply with all applicable Federal, State or local laws or regulations, including other applicable provisions of 40 C.F.R. Parts 61 and 63.

30. Nothing in this Order shall be construed to prevent or limit U.S. EPA's authority to collect penalties and pursue appropriate relief under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d).

31. This Order is not subject to the Paperwork Reduction Act, because it seeks collection of information in an administrative action, or investigation involving U.S. EPA and specific individuals or entities.

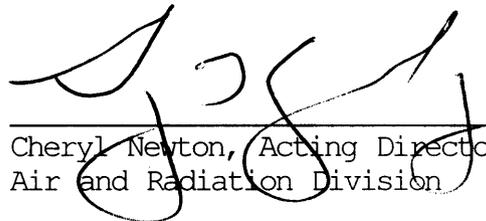
32. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. Therefore, U.S. EPA is giving Lone Star an opportunity to confer with U.S. EPA concerning this Order. Lone Star may schedule a conference with U.S. EPA by calling Mr. Noel Vargas, at (312)353-3575 within five (5) days of Lone Star's receipt of this Order.

6-16-03
Date



Lone Star Industries, Inc.

7/3/03
Date

 FOR

Cheryl Newton, Acting Director
Air and Radiation Division

ATTACHMENT A

LONE STAR INDUSTRIES, INC. PLAN TO MINIMIZE EMISSIONS WHEN CONNECTING AND DISCONNECTING VAPOR BALANCE SYSTEM

The following procedures shall be implemented to further minimize emissions when connecting and disconnecting the vapor balance system at the Lone Star Industries, Inc. waste fuel handling facility in Greencastle, Indiana:

1. No valves on the closed vent system will be opened to the atmosphere prior to sealing the connection to the tanker truck that is being unloaded and during unloading of the tanker truck.
2. None of the lids on the tanker trucks that are being unloaded will be opened during unloading. The only exception will be to allow sampling, the attachment of the vapor balance system to the tanker, or to prevent the vacuum crush of the tanker.
3. Routine inspections of the seals and interface connections will be documented. In the event that such an inspection reveals deterioration, cracks, holes or gaps in the seals, repairs will be commenced within 24 hours of detection. All such repairs will be completed as soon as possible and will be completed no longer than 5 days after detection.

CERTIFICATE OF MAILING

Re: Agreed Administrative Order at Lone Star Industries, Inc.,
Greencastle, Indiana

I, Betty Williams, do hereby certify that an Amended
Administrative Order Pursuant to the Clean Air Act was sent by Certified
Mail, Return Receipt Requested, to:

Craig Chrispell
Environmental Manager
Lone Star Industries, Inc.
3301 S. County Road. 150W
P.O. Box 486
Greencastle, IN 46135-0486

and

Frank Deveau
Sommer Barnhard Ackerson
111 Monument Circle, #4000
Indianapolis, IN 46204-5198

I, Betty Williams, certify that a copy of the Amended
Administrative Order Pursuant to the Clean Air Act was sent by First
Class Mail to:

David McIver, Chief
Office of Enforcement, Air Section
Indiana Department of Environmental Management
100 N. Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

on the 8th day of July, 2003.


Betty Williams, Secretary
AECAS - IL/IN

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0178 2762 - Craig Chrispell

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0178 2816 - Frank Deveau