

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Triangle Construction) **NOTICE OF VIOLATION**
Company, Inc.)
Kankakee, Illinois) **EPA-5-00-IL-12**
)
)
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act, 42 U.S.C.)
§ 7413(a)(1))

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA or Agency) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Triangle Construction Company, Inc. is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On February 20, 1980, U.S. EPA approved Illinois Rule 203(f)(1) (recodified as 35 IAC 212.301) for controlling fugitive dust emissions as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11493.
2. 35 IAC 212.301 states that no person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source.
3. On May 31, 1972, U.S. EPA approved Illinois Rule 103(a)(6) (recodified as 35 IAC 201.156) for imposing conditions in a construction permit to accomplish the purposes of the Act as part of the federally enforceable SIP for Illinois. 37 Fed. Reg. 10862.
4. 35 IAC 201.156 states that the Agency may impose such conditions in a construction permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated by the Board

thereunder. Except as herein specified, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. Such conditions may include conditions specifying any testing operations that may be conducted under the construction permit.

Findings of Fact

5. Triangle Construction Company, Inc. (Triangle) owns and operates a Ready Mix Concrete Plant and a Hot Mix Asphalt Plant at 480 North Evergreen Avenue, Kankakee, Illinois.
6. On January 7, 1991, Triangle was issued a Joint Construction and Operating Permit for the Vincehagen Ready Mix Concrete Batch Plant (App. No. 90120001/ID No. 091055ACI) which included special conditions. Condition 4 addressed the fugitive dust rule at 35 IAC 212.301.
7. Emissions from Triangle's roadways (including gravel parking areas) are subject to the fugitive dust rule in the Illinois SIP at 35 IAC 212.301.
8. U.S. EPA conducted an inspection of the Triangle facility on October 21, 1999.

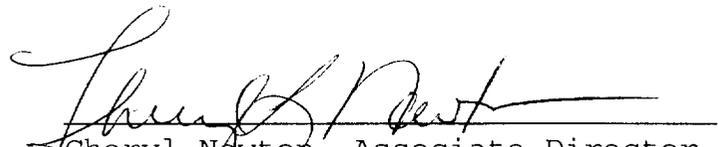
Violations

9. During the October 21, 1999 U.S. EPA inspection, fugitive dust was observed crossing Triangle's property line from the roadway leading to Triangle's Ready Mix Concrete Plant which violated 35 IAC 212.301 and Condition 4 of the above permit.
10. During the October 21, 1999 U.S. EPA inspection, fugitive dust was observed crossing Triangle's property line from Triangle's gravel truck parking area at the cold storage area which violated 35 IAC 212.301 and Condition 4 of the above permit.

Finding of Violation

The Administrator of U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Illinois and Triangle Construction Company, Incorporated., Kankakee, Illinois, that Triangle Construction Company, Incorporated is in violation of the Illinois State Implementation Plan as set forth in this Notice of Violation.

3/2/00
Date


Cheryl Newton, Associate Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation, No. EPA-5-00-IL-12, by Certified Mail, Return Receipt Requested, to:

John Nelson, President
Triangle Construction Company, Inc.
480 North Evergreen Avenue
Post Office Box 583
Kankakee, Illinois 60901-0583

I also certify that I sent copies of the Notice of Violation by first class mail to:

David Kolaz, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayan, Regional Manager
Illinois Environmental Protection Agency
Chicago Regional Office
1701 First Avenue-Suite 600
Maywood, Illinois 60153

on the 3rd day of March, 2000.


Betty Williams, Secretary
AECAS, (IL/IN)