

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Carmeuse Lime, Inc.) **NOTICE OF VIOLATION AND**
Chicago, Illinois) **FINDING OF VIOLATION**
)
) **EPA-5-03-IL-13**
Proceedings Pursuant to)
Section 113(a)(1) and (a)(3))
of the Clean Air Act, 42)
U.S.C. § 7413(a)(1) and (a)(3))

NOTICE AND FINDING OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation and Finding of Violation under Section 113(a)(1) and (a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1) and (a)(3). U.S. EPA finds that Carmeuse Lime, Inc. (Carmeuse) is violating the New Source Performance Standard (NSPS) for Lime Manufacturing Plants (40 C.F.R. Part 60, Subpart A), and the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

NSPS for Lime Manufacturing Plants (40 C.F.R. Part 60, Subparts A and HH)

1. 40 C.F.R. § 60.340(c) states that each rotary lime kiln used in the manufacture of lime that commences construction or modification after May 3, 1977, is subject to the requirements of this subpart.

2. 40 C.F.R. § 60.11(d) states that at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

Illinois SIP

3. 40 C.F.R § 52.23 states that failure to comply with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources shall render the person or general agency failing to comply in violation of a requirement of an applicable State Implementation Plan.
5. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board (PCB) Rule 103 (35 Ill. Admin. Code § 201.141), as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
6. Illinois PCB Rule 103(a)(1) (35 Ill. Admin. Code § 201.142) prohibits construction of any new emission source or any new air pollution control equipment without a construction permit.
7. On March 15, 1979, U.S. EPA issued to Carmeuse an Approval to Construct EPA-5-79-A-3 for rotary lime kiln # 5 (kiln #5). This Approval to Construct for kiln #5 was published in the Federal Register, Volume 44, No. 56, dated March 21, 1979 (44 Fed. Reg. 17215-16). The approval to construct requires that "any gases from rotary lime kiln #5 which may be discharged into the atmosphere shall not exhibit an opacity of 10 percent or greater."
8. On May 31, 1972, U.S. EPA approved Illinois PCB Rule 102 (35 Ill. Admin. Code § 201.141), as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
9. Illinois PCB Rule 102 states that no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois.
10. On May 31, 1972, U.S. EPA approved Illinois PCB Rule 101 (35 Ill. Admin. Code § 201.102), as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
11. Illinois PCB Rule 101 defines air pollution as the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life,

to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

Carmeuse's Facility

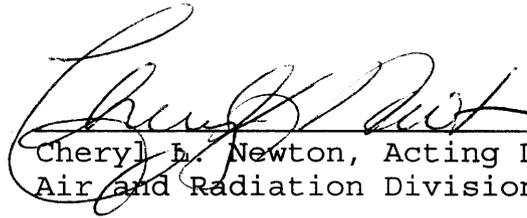
12. Carmeuse owns and operates a lime manufacturing facility, located at 3245 East 103rd Street, Chicago, Illinois.
13. Carmeuse's facility is subject to the requirements of NSPS Subparts A and HH because rotary lime kiln No. 5 (Kiln #5) is used in the manufacture of lime and commenced construction after May 3, 1977.
14. Carmeuse's lime manufacturing process is subject to the 10% opacity limit in the Approval to Construct EPA 5-79-A-3 as published in 44 Fed. Reg. 17215-16.
15. U.S. EPA received a Quarterly Summary Report for Third Quarter 2002 from Carmeuse on November 5, 2002. This report is dated October 29, 2002 and provides total duration of excess opacity emissions data for the time period from July 1, 2002, to September 30, 2002.
16. U.S. EPA had a telephone conversation with the City of Chicago Department of Environment on February 26, 2003 about multiple citizen complaints regarding air pollution from Carmeuse's South Chicago facility.
17. U.S. EPA conducted an inspection of the Carmeuse South Chicago facility on March 5, 2003.

Violations

18. During the March 5, 2003, inspection, U.S. EPA observed poor operation and maintenance of the lime manufacturing equipment leading to fugitive dust and particulate matter being emitted from the hatch door of Kiln #5 and the ductwork leading from Kiln #5 to Baghouse #5, which is a violation of 40 C.F.R. § 60.11(d).
19. During the Third Quarter 2002, Carmeuse reported total excess opacity emissions over the 10% opacity limit for 22.4% of their monitored opacity readings from July 1, 2002, to September 30, 2002, in violation of the Approval to Construct EPA 5-79-A-3 published at 44 Fed. Reg. 17215-16.
20. As observed during the March 5, 2003, U.S. EPA inspection, and based on numerous citizen complaints of air pollution

from the facility, Carmeuse caused, threatened or allowed the discharge or emission of contaminants into the air which tended to cause air pollution, in violation of Illinois PCB Rule 102.

4/3/03
Date


Cheryl E. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice and Finding of Violation, EPA-5-03-IL-13, by Certified Mail, Return Receipt Requested, to:

Daniel Shenck, Plant Manager
Carmeuse Lime, Inc. (formerly Marblehead Lime Company)
3245 East 103rd Street
Chicago, Illinois 60617

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

Julie Armitage, Acting Manager
Compliance and Enforcement Section, Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayan, Acting Regional Manager
Region I
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

N. Marcia Jimenez, Acting Commissioner
City of Chicago Department of Environment
30 North LaSalle Street, 25th Floor
Chicago, Illinois 60602

on the 8th day of April, 2003.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 01783042