

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
 )  
Essroc Italcementi Group ) FINDING OF VIOLATION  
Speed, Indiana )  
 ) EPA-5-02-IN-02  
 )  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )  
\_\_\_\_\_ )

**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that Essroc Italcementi Group (Essroc) is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Specifically, Essroc is violating the Standards of Performance (NSPS) for Portland Cement Plants at 40 C.F.R. part 60, Subpart F and the NSPS General Provisions at 40 C.F.R. part 60, Subpart A as follows:

**Regulatory Authority**

1. The NSPS for Portland Cement Plants applies to kilns and raw mills, among other things, at Portland cement plants.
2. The NSPS, at 40 C.F.R. § 60.62(a)(2), prohibits the owner and operator of kilns from discharging to the atmosphere any gases which exhibit greater than 20 percent opacity.
3. The NSPS, at 40 C.F.R. § 60.62(c), prohibits the owner and operator of any affected facility other than kilns and clinker coolers from discharging to the atmosphere any gases which exhibit greater than 10 percent opacity.
4. The NSPS, at 40 C.F.R. § 60.7(c), requires the owner and operator of any facility required to install continuous monitoring to submit an excess emissions report and/or summary report form to the Administrator semi-annually.
5. The NSPS, at 40 C.F.R. § 60.11(d), requires the owner and operator of any affected facility to maintain and operate the affected facility in a manner consistent with good air pollution control practice for minimizing emissions.

Essroc's Speed, Indiana Facility

6. Essroc owns and operates a Portland cement plant at Highway 31, Speed, Indiana.
7. Essroc's kiln number 2 and raw mill were constructed after August 17, 1971, and therefore are subject to the requirements of NSPS Subpart F at 40 C.F.R. § 60.62 and the NSPS general requirements at 40 C.F.R. §§ 60.7-60.17.

Violations

8. Cement kiln number two is in violation of 40 C.F.R. § 60.62(a)(2) based on continuous opacity monitoring data as follows:

<u>Monitoring Period</u>	<u>Allowed Opacity</u>	<u>Percentage of Operating Time in Excess of Allowed Opacity</u>
10/1/00-12/31/00	20%	0.48
1/1/01-3/31/01	20%	1.19
4/1/01-6/30/01	20%	2.93
7/1/01-9/30/01	20%	1.69

9. The raw mill is in violation of 40 C.F.R. § 60.62(c) based on continuous opacity monitoring data as follows:

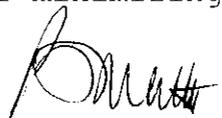
<u>Monitoring Period</u>	<u>Allowed Opacity</u>	<u>Percentage of Operating Time in Excess of Allowed Opacity</u>
10/1/00-12/31/00	10%	8.09
1/1/01-3/31/01	10%	11.95
4/1/01-6/30/01	10%	15.37
7/1/01-9/30/01	10%	10.03

10. Essroc is in violation of 40 C.F.R. § 60.7(c) as follows: no excess emissions report or summary report was submitted for the period from July 1, 2000, through September 30, 2000.

11. Essroc is in violation of 40 C.F.R. § 60.11(d) for failure to operate an affected facility in a manner consistent with good air pollution control practice for minimizing emissions.

12-10-01

Date




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 Bharat Mathur, Director  
 Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty J. Williams, certify that I sent a Finding of Violation, No. EPA-5-02-IN-02, by Certified Mail, Return Receipt Requested, to:

Gerry McKerverey, Plant Manager  
Essroc Italcementi Group, Speed Facility  
Highway 31  
Speed, Indiana 47172

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

Brian K. Graf, Senior Environmental Engineer  
Essroc Italcementi Group  
Highway 31  
Speed, Indiana 47172

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

on the 10<sup>th</sup> day of December, 2001.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9586 4624