



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

REPLY TO THE ATTENTION OF

DEC 12 2005

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul J. Dunteman Sr.
President
Du-Kane Asphalt Company
600 S. Lombard Road
Addison, Illinois 60101

Re: Finding of Violation
Du-Kane Asphalt Company
Addison, Illinois

Dear Mr. Dunteman:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Du-Kane Asphalt Company (you). We find that you are violating New Source Performance Standards (NSPS) for hot mix asphalt facilities at your plant located at 600 S. Lombard Road, Addison, Illinois.

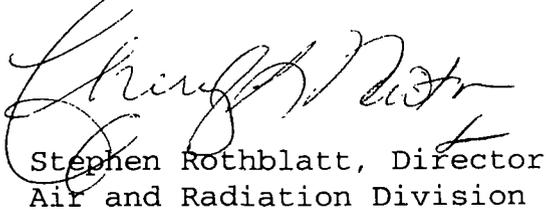
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Monica Onyszko. You may call her at (312) 353-5139 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Acting Manager
Compliance and Enforcement Section Bureau of Air
Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
Du-Kane Asphalt Company)	FINDING OF VIOLATION
Addison, Illinois)	
)	EPA-5-06-10-IL
)	
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Du-Kane Asphalt Company (Du-Kane) is violating Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e). The Administrator of the U.S. EPA is issuing this Finding of Violation (FOV) to Du-Kane for violating the New Source Performance Standards (NSPS) General Provisions at 40 C.F.R. Part 60, Subpart A and NSPS Standards of Performance for Hot Mix Asphalt Facilities at 40 C.F.R. Part 60, Subpart I as follows:

Statutory and Regulatory Background

1. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of a NSPS after the effective date of the applicable NSPS to such source.
2. The NSPS for Hot Mix Asphalt Facilities applies to any facility used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.
3. 40 C.F.R. § 60.90(a) provides that the NSPS for Hot Mix Asphalt Facilities applies to any affected facility that commences construction or operation after June 11, 1973.
4. 40 C.F.R. § 60.92(a)(2) mandates that no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected

facility any gases which exhibit 20 percent opacity, or greater.

5. 40 C.F.R. § 60.11(d) requires that at all times owners and operators shall 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.

Du-Kane Facility

6. The Du-Kane facility manufactures bituminous asphalt for use in paving.
7. Du-Kane is located at 600 S. Lombard Road, Addison, Illinois. Other listed addresses for the facility include 555 S. State Route 53, 555 S. Rohlwing Road and Donahue and Lemont Roads, all in Addison, Illinois.
8. Du-Kane is subject to a Lifetime Operating Permit, I.D. Number 043005AAM, issued by the Illinois Environmental Protection Agency (IEPA) on June 7, 2001.
9. Du-Kane's Lifetime Operating Permit notes that Du-Kane is subject to the NSPS.
10. Asphalt is manufactured at the facility via a natural gas-fired drum-mix process with batch-mode capability.
11. A baghouse is the air control device used at Du-Kane.
12. There are five employees at the facility, which includes officers.
13. On October 27, 2005, Du-Kane was operating its asphalt plant.
14. On October 27, 2005, a U.S. EPA certified inspector (inspector) conducted a Method 9 test at the Du-Kane facility in response to a citizen complaint regarding visible emissions. Readings were conducted from 9:19 to 9:49 A.M.

Violations

15. On October 27, 2005, the inspector observed emissions at Du-Kane exceeding 20 percent opacity, in violation of 40 C.F.R. § 60.92(a)(2). Six-minute averages taken of the 120 consecutive readings resulted in 30 minutes of violation.

Visible Emission Violations

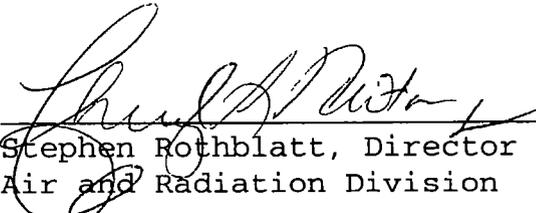
Date	Observation Period	6-Minute Average Opacity Observed
10/27/05	9:19 to 9:25 AM	74.6%
	9:25 to 9:31 AM	82.9%
	9:31 to 9:37 AM	80.8%
	9:37 to 9:43 AM	82.7%
	9:43 to 9:49 AM	85.2%
Total observation time - 30 minutes (9:19 to 9:49 A.M.)		
Total time exceeding standard from 9:19 to 9:49 A.M. - 30 minutes		

16. By exceeding the NSPS 20% opacity limit by 54.6 - 65.2%, as recorded on October 27, 2005, the facility also violated 40 C.F.R. § 60.11(d) by failing to maintain and operate pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

Finding of Violation

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Illinois and Du-Kane Asphalt Company that the facility described above is in violation of the applicable portions of the New Source Performance Standards, as set forth in this Finding of Violation.

12/12/05
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-06-10-IL, by Certified Mail, Return Receipt Requested, to:

Paul J. Dunteman Sr.
President
Du-Kane Asphalt Company
600 S. Lombard Road
Addison, Illinois 60101

I also certify that I sent a copy of the Finding of Violation, No. EPA-5-06-10-IL, 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

on the 13th day of December 2005.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589097582