



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

MAR 11 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lloyd Meyer, President Chicago Division
Ozinga Ready Mix Concrete, Inc.
2222 South Lumber Street
Chicago, Illinois 60616

Re: Notice of Violation
Ozinga Ready Mix Concrete, Inc., 1818 East 103rd Street, Chicago, Illinois

Dear Mr. Meyer:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Ozinga Ready Mix Concrete, Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Illinois State Implementation Plan at your Chicago, Illinois facility located at 1818 East 103rd Street, Chicago, Illinois.

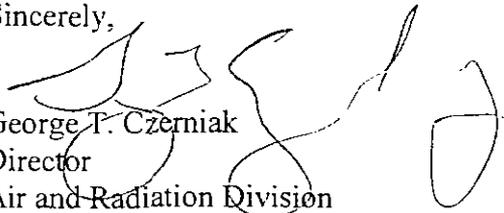
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. 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. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

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 EPA contact in this matter is Linda H. Rosen. You may call her at 312-886-6810 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

cc: Eric Jones, Manager
Bureau of Air – Compliance Unit
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Ozinga Ready Mix Concrete, Inc.
Chicago, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

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) **NOTICE OF VIOLATION**
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) **EPA-5-15-IL-03**
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NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Ozinga Ready Mix Concrete, Inc., 1818 East 103rd Street, Chicago, Illinois (Ozinga) is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On July 14, 1999, EPA approved 35 Illinois (Ill.) Administrative (Admin.) Code Part 212 (Visible and Particulate Matter Emissions), Subpart K (Fugitive Particulate Matter), Section 212.302 (Geographical Areas of Application) and Section 212.316 (Emission Limitations for Sources in Certain Areas) as part of the federally enforceable State Implementation Plan (SIP) for Illinois. These regulations became federally effective on September 13, 1999. 64 *Fed. Reg.* 37851.
2. On March 11, 1998, EPA approved 35 Ill. Admin. Code Part 212, Subpart L (Particulate Matter Emissions from Process Emission Sources), Section 212.324 (Process Emission Sources in Certain Areas) as part of the federally enforceable SIP for Illinois. This regulation became federally effective on May 11, 1998. 63 *Fed. Reg.* 11842.
3. The rule at 35 Ill. Admin. Code § 212.316 applies to the operations specified in Section 212.302 that are located in the areas defined in Section 212.324(a)(1).
4. The rule at 35 Ill. Admin. Code § 212.302 states that Sections 212.304 through 212.310 and 212.316 applies to, among other things, manufacturing operations (SIC major groups 20 through 39) located in the geographical areas defined in Section 212.324(a)(1).
5. The rule at 35 Ill. Admin. Code § 212.324(a)(1) defines three geographical areas, one in the vicinity of Lake Calumet in Cook County, Illinois: That area bounded by boundaries from Universal Transmercator (UTM) coordinate 445000mE, 4622180mN, east to 456265mE, 4622180mN, south to 456265E, 4609020N, west to 445000mE, 4609020mN, north to 445000ME, 4622180mN.

6. The rule at 35 Ill. Admin. Code § 212.316(c) (Emission Limitations for Roadways or Parking Areas) states that no person shall cause or allow fugitive particulate matter emissions from any roadway or parking area (except those at certain quarries) to exceed an opacity of 10 percent.
7. On February 21, 1980, EPA approved Illinois Pollution Control Board (IPCB) Rule 203(f)(3)(C) [now 35 Ill. Admin. Code § 212.306 (Traffic Areas)] as part of the federally enforceable SIP for Illinois. This regulation became federally effective on February 21, 1980. 45 *Fed. Reg.* 11472.
8. IPCB Rule 203(f)(3)(C) [35 Ill. Admin. Code § 212.306] requires, among other things, that all normal traffic pattern roads and parking facilities which are located on manufacturing property shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Rule 203(f)(3)(F) [35 Ill. Admin. Code § 212.309].
9. On July 14, 1999, EPA approved 35 Ill. Admin. Code Part 212, Subpart K, Section 212.309 (Operating Program) as part of the federally enforceable SIP for Illinois. This regulation became federally effective on September 13, 1999. 64 *Fed. Reg.* 37851.
10. The rule at 35 Ill. Admin. Code § 212.309 requires that the emission units described in Sections 212.304 through 212.308 and Section 212.316 of Subpart K be operated under the provisions of an operating program prepared by the owner or operator and submitted to the Illinois Environmental Protection Agency for review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.
11. On March 11, 1998, EPA approved 35 Ill. Code Part 212, Subpart A (General), Section 212.109 (Opacity Measurement Methods) as part of the federally enforceable SIP for Illinois. This regulation became federally effective on May 11, 1998. 63 *Fed. Reg.* 11842.
12. The rule at 35 Ill. Admin. Code § 212.109 states that opacity measurements from roadways shall be conducted in accordance with Method 9, 40 C.F.R. Part 60, Appendix A except that the number of readings required for each vehicle pass shall be three, taken at five (5)-second intervals. The first reading shall be at the point of maximum opacity and the second and third readings shall be made at the same point, the observer standing at right angles to the plume at least 15 feet away from the plume and observing 4 feet above the surface of the roadway or parking area. After four vehicles have passed, the 12 readings shall be averaged.

Relevant Factual Information

13. Ozinga owns and operates a ready mix concrete manufacturing plant at 1818 East 103rd Street, Chicago, Illinois (the Facility). Ozinga's Standard Industrial Classification (SIC) Code is 3273 (ready-mixed concrete manufacturing).

14. The Facility is located within the following geographical area: that area bounded by lines from UTM coordinate 445000mE, 4622180mN, east to 456265mE, 4622180mN, south to 456265E, 4609020N, west to 445000mE, 4609020mN, north to 445000ME, 4622180mN.
15. Emissions from the traffic areas at the Facility are subject to the fugitive particulate matter regulations in the Illinois SIP at IPCB Rule 203(f)(3)(C) and 35 Ill. Admin. Code §§ 212.302, 212.306, 212.309, and 212.316 and the opacity measurement methods in 35 Ill. Admin. Code § 212.109.
16. On September 9, 2014, EPA conducted an inspection of the Facility. During the inspection, the inspector observed the following:
 - a. Numerous Ozinga vehicles were driving on Facility roadways generating fugitive particulate matter;
 - b. Significant amounts of stones were present on the paved areas of the Facility; and
 - c. The Facility representative stated that the roadways and yard are swept and watered once per week by an outside company.
17. During the EPA inspection, the EPA inspector took opacity measurements of vehicles driving on the internal roadways using 40 C.F.R. Part 60, Appendix A, Method 9. The inspector took three readings for each of six vehicle passes. The readings were taken at five (5) second intervals. The readings were taken from a standing position at least 15 feet away from the plume. The results are shown below:

Vehicle	1 st Pass Opacity (%)	2 nd Pass Opacity (%)	3 rd Pass Opacity (%)	12-Reading (Four Vehicle) Average Opacity (%)
First	20	20	15	21.7 (4 th , 5 th , 6 th , 1 st)
Second	20	15	0	19.6 (5 th , 6 th , 1 st , 2 nd)
Third	30	20	15	19.6 (6 th , 1 st , 2 nd , 3 rd)
Fourth	20	20	20	17.9 (1 st , 2 nd , 3 rd , 4 th)
Fifth	20	30	15	18.8 (2 nd , 3 rd , 4 th , 5 th)
Sixth	30	30	20	22.5 (3 rd , 4 th , 5 th , 6 th)

18. When requested by the EPA inspector, the Facility representative provided the inspector with the Facility's Fugitive Particulate Matter Emission Control Plan, dated September 11, 2009.
19. Section 3.2 of the Facility's Fugitive Particulate Matter Emission Control Plan states that roads are swept two days per week in favorable conditions. Section 3.3 of the Facility's Fugitive Particulate Matter Emission Control Plan states that roadways and parking areas are swept and watered as needed to maintain an opacity of less than 10 percent.

Violations

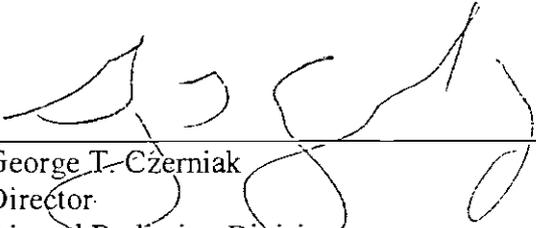
20. Ozinga caused or allowed fugitive particulate matter emissions from its internal roadways of 17.9 to 22.5 percent opacity, as an average of 12 readings, three readings per vehicle for six vehicles, in excess of the 10 percent limit, in violation of 35 Ill. Admin. Code § 212.316(c).
21. Ozinga is not cleaning its paved areas on a regular basis, in violation of IPCB Rule 203(f)(3)(C) [35 Ill. Admin. Code § 212.306].
22. Ozinga is not watering its roadways on a regular basis, as needed, in accordance with the operating program required by 35 Ill. Admin. Code § 212.309, in violation of IPCB Rule 203(f)(3)(C) [35 Ill. Admin. Code § 212.306].

Environmental Impact of Violations

23. These violations have caused or can cause excess emissions of particulate matter.
24. Particulate matter, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:
 - irritation of the airways, coughing, and difficulty breathing;
 - decreased lung function;
 - aggravated asthma;
 - chronic bronchitis;
 - irregular heartbeat;
 - nonfatal heart attacks; and
 - premature death in people with heart or lung disease.

Date

3/11/15


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-15-IL-03, by

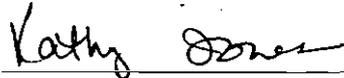
Certified Mail, Return Receipt Requested, to:

Lloyd Meyer, President Chicago Division
Ozinga Ready Mix, Inc.
2222 South Lumber Street
Chicago, Illinois 60616

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

Eric Jones, Manager
Bureau of Air - Compliance Unit
Illinois Environmental Protection Agency

On the 13th day of March 2015



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 6301