



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

JUN 29 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Nathaniel Smith  
Operations Manager  
Meyer Industrial Container LLC  
610 West 81<sup>st</sup> Street  
Chicago, Illinois 60620

Re: Notice of Violation and Finding of Violation  
Meyer Industrial Container LLC  
Chicago, Illinois

Dear Mr. Smith:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) and Finding of Violation (FOV) to Meyer Industrial Container LLC (you) under Section 113(a)(1) and (a)(3) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you have violated the CAA, the Illinois State Implementation Plan, and Title V Permit No. 95120062 at your Chicago, Illinois facility.

Section 113 of the CAA 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/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. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV 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 Ray Cullen. You may call him at (312) 886-0538 to request a conference. You should make this 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

Enclosure

cc: Eric Jones, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )

Meyer Industrial Container LLC )  
Chicago, Illinois )

NOTICE OF VIOLATION and  
FINDING OF VIOLATION

EPA-5-15-IL-10

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 OF VIOLATION and FINDING OF VIOLATION**

The U.S. Environmental Protection Agency is issuing this Notice of Violation and Finding of Violation under Section 113(a)(1) and (a)(3) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(1) and (a)(3). EPA finds that Meyer Industrial Container LLC (MIC) has violated the CAA, the Illinois State Implementation Plan (SIP), and its Title V Permit No. 95120062, as follows:

**Statutory and Regulatory Background**

State Implementation Plan

1. Pursuant to Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), each state is responsible for submitting to EPA for approval an implementation plan which specifies how the state will achieve, maintain, and enforce all primary and secondary National Ambient Air Quality Standards (NAAQS) in the state.
2. Under Section 110(a)(2) of the CAA, 42 U.S.C. § 7410(a)(2), each SIP must include enforceable emission limitations and other control measures, means, or techniques, as well as schedules for compliance, as may be necessary to meet applicable requirements, and must include a permit program to provide for the enforcement of these limitations, measures, and schedules as necessary to assure the NAAQS are achieved. Upon EPA's approval of a SIP, the plans become independently enforceable by the federal government, as stated under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).
3. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rule 102 as part of the federally-enforceable Illinois SIP. 37 *Fed. Reg.* 10842 (May 31, 1972). IPCB Rule 102 has been recodified at 35 Illinois Administrative Code (IAC) 201.141.
4. 35 IAC 201.141 of the federally-enforceable Illinois SIP 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, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable air quality standard.

5. On September 9, 1994, EPA approved definitions in 35 IAC § 211.121-7350 as part of the federally-enforceable Illinois SIP. *59 Fed. Reg.* 46567 (September 9, 1994). 35 IAC § 211.121-7350 became federally effective on October 11, 1994.
6. 35 IAC 211.4550 of the federally-enforceable Illinois SIP and Section 302(e) of the CAA, 42 U.S.C. § 7602(e), define “person” as, among other things, any corporation.
7. 35 IAC 211.390 of the federally-enforceable Illinois SIP defines “air pollution” as the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration 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.
8. 35 IAC 211.310 of the federally-enforceable Illinois SIP defines “air contaminant” as any solid, liquid, or gaseous matter, any odor, or any form of energy, that is capable of being released into the atmosphere.

#### Title V Permit Program

9. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, and its implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources, including major sources, and other sources made subject under Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).
10. For the purposes of Title V, Section 501(2)(A) of the CAA, 42 U.S.C. § 7661(2)(A), and 40 C.F.R. § 70.2 define “major source” as, among other things, any stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant (HAP) or 25 tpy or more of any combination of HAPs.
11. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *57 Fed. Reg.* 32295 (July 21, 1992). These regulations are codified at 40 C.F.R. Part 70.
12. On March 7, 1995, EPA granted interim approval of Illinois’ Title V operating permit program. EPA granted final approval effective on November 30, 2001. 40 C.F.R. Part 70, Appendix A. The Illinois Title V operating permit program, known as the Clean Air Act Permit Program, is codified at 415 ILCS 5/39.5.
13. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA’s implementing regulations at 40 C.F.R. § 70.7(b) have at all relevant times made it unlawful for any person to

violate any requirement of a permit issued under Title V or to operate a major source except in compliance with a permit issued by a permitting authority under Title V.

14. The Illinois Environmental Protection Agency issued Title V Permit No. 95120062 to MIC on September 7, 2005 (2005 Title V Permit), and reissued the permit on September 20, 2013 (2013 Title V Permit).
15. Section 4.1.2.i.ii.E of MIC's 2013 Title V Permit requires that MIC shall maintain records of the hours of operation of the regenerative thermal oxidizer (RTO) fuel burners in hours per months and hours per year.
16. Section 4.2.2.c.i.B of MIC's 2013 Title V Permit and Condition 7.2.5.a of the 2005 Title V Permit require that MIC shall preheat the secondary combustion chamber (afterburner) to 1,600°F prior to introducing drums into the drum cleaning reclamation furnace (furnace) and shall maintain this temperature until burnout of residue inside the primary chamber is completed.
17. Section 4.2.2.b.ii.D of MIC's 2013 Title V Permit requires that MIC shall determine the particulate matter (PM) and PM<sub>10</sub> emissions from the furnace by using EPA Methods 5 and 201/201A, respectively, within 9 months of the effective date of the permit and every 5 years thereafter.
18. Section 4.2.2.c.ii.D of MIC's 2013 Title V Permit requires that MIC shall determine the volatile organic material (VOM) emissions from the furnace by using EPA Method 25 or 25A within 9 months of the effective date of the permit and every 5 years thereafter.
19. Section 4.2.2.d.ii.B of MIC's 2013 Title V Permit requires that MIC shall determine the nitrogen oxides (NO<sub>x</sub>) emissions from the furnace by using EPA Method 7E within 9 months of the effective date of the permit.
20. Section 4.3.2.b.ii of MIC's 2013 Title V Permit requires that MIC shall determine the PM and PM<sub>10</sub> emissions from the shot blaster by using EPA Methods 5 and 201/201A, respectively, within 9 months of the effective date of the permit and every 5 years thereafter.
21. Section 4.2.2.d.i.A of MIC's 2013 Title V Permit requires that NO<sub>x</sub> emissions from the furnace and afterburner not exceed 0.6 pounds per hour (lbs/hr).
22. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan, regulation, or permit. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a Title V permit.

### Findings of Fact

23. MIC owns and operates a steel drum reconditioning facility at 610 West 81<sup>st</sup> Street, Chicago, Illinois (facility), which contains, as relevant to this NOV, a RTO, a furnace with afterburner, and a shot blaster.
24. MIC is a "person," as that term is defined at 35 IAC 211.4550 of the federally-enforceable Illinois SIP and Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
25. MIC's facility has the potential to emit 10 tpy or more of any HAP and/or 25 tpy or more of any combination of HAPs, making it a "major source," as that term is defined at Section 501(2)(A) of the CAA, 42 U.S.C. § 7661(2)(A), and 40 C.F.R. § 70.2.
26. On February 27, 2015, EPA inspected the facility for compliance with the CAA, the federally-enforceable Illinois SIP, and its 2005 and 2013 Title V Permits.
27. Shortly after the inspection, MIC's environmental consultant provided EPA with semiannual reports that are required under the facility's 2005 and 2013 Title V permits and reports for performance tests conducted of the furnace and shot blaster.
28. During the inspection, MIC stated that it does not maintain records of RTO operating hours.
29. In the semiannual reports provided by MIC's environmental consultant, MIC listed the following dates from 2012 through 2014 when the temperature of the afterburner fell below 1,600°F:  
  
2014 (38): 1/2, 1/6, 1/7, 1/8, 1/22, 2/4, 2/14, 3/3, 3/17, 3/24, 3/27, 4/2, 4/3, 4/4, 4/16, 4/30, 5/9, 5/22, 5/26, 6/25, 7/2, 7/8, 7/9, 7/16, 7/21, 7/23, 7/30, 8/18, 8/21, 9/29, 9/30, 10/27, 11/5, 11/13, 12/9, 12/15, 12/19, 12/22.  
  
2013 (56): 1/8, 1/9, 1/15, 2/4, 2/8, 2/18, 3/4, 3/7, 3/18, 3/25, 3/26, 4/3, 4/4, 4/10, 4/16, 4/24, 5/4, 5/9, 5/16, 5/20, 6/7, 6/25, 6/26, 6/27, 7/3, 7/5, 7/15, 7/19, 8/1, 8/5, 8/6, 8/9, 8/26, 8/30, 9/4, 9/5, 9/16, 9/19, 9/26, 10/2, 10/4, 10/21, 10/25, 10/31, 11/14, 12/2, 12/3, 12/4, 12/6, 12/9, 12/10, 12/11, 12/16, 12/18, 12/23, 12/27.  
  
2012 (54): 1/17, 2/8, 2/23, 3/6, 3/21, 3/22, 3/24, 3/26, 4/3, 4/17, 4/25, 4/30, 5/3, 5/4, 5/10, 5/11, 5/16, 6/5, 6/11, 6/14, 6/15, 6/19, 6/20, 6/25, 6/26, 6/27, 6/29, 7/6, 7/10, 7/11, 7/12, 7/16, 7/18, 7/23, 8/6, 8/10, 8/13, 8/27, 8/28, 9/4, 9/7, 9/19, 9/24, 9/25, 9/28, 10/11, 10/30, 10/31, 11/1, 11/20, 11/28, 12/17, 12/18, 12/20.
30. On December 16, 2014, TRC Environmental Corporation (TRC) conducted a performance test for MIC to determine the emission rate of PM, VOM, and NO<sub>x</sub> from the furnace. TRC did not test for PM<sub>10</sub>.

31. MIC's environmental consultant stated that, prior to December 16, 2014, the last performance test of the furnace was conducted by a previous owner of the facility in 1994.
32. On December 17, 2014, TRC conducted a performance test for MIC to determine the emission rate of PM from the shot blaster. TRC did not test for PM<sub>10</sub>.
33. MIC's environmental consultant stated that, December 17, 2014, is the first time a performance test was conducted of the shot blaster.
34. According to reports dated February 4, 2015, for the performance tests referenced in paragraphs 30 and 32, above, TRC used only EPA Methods 5 and 202 to determine the emission rates of PM from the furnace and shot blaster. TRC did not use EPA Methods 201/201A to determine the emission rates of PM<sub>10</sub> from the furnace and shot blaster.
35. According to the February 4, 2015, report for the December 16, 2014, performance test of the furnace, the test demonstrated a NO<sub>x</sub> emission rate from the furnace of 1.99 lbs/hr or more than three times the emission limit in the 2013 Title V Permit.
36. NO<sub>x</sub> is an "air contaminant," as that term is defined at 35 IAC 211.310 of the federally-enforceable Illinois SIP.

#### Violations

37. MIC has failed to record the operating hours of the RTO, in violation of the recordkeeping requirements in Section 4.1.2.i.ii.E of its 2013 Title V Permit from at least September 20, 2013, to February 27, 2015. As a result of MIC's failure to meet this recordkeeping requirement, MIC has violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA's implementing regulations at 40 C.F.R. § 70.7(b).
38. On the dates from September 26, 2013, to December 22, 2014, that are listed in paragraph 29, above, MIC failed to maintain the temperature of the afterburner at no less than 1,600°F during burnout of residue on drums in the furnace, in violation of Section 4.2.2.c.i.B of its 2013 Title V Permit. As a result of MIC's failure to meet this temperature requirement, MIC has violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA's implementing regulations at 40 C.F.R. § 70.7(b).
39. On the dates from January 17, 2012, to September 19, 2013, that are listed in paragraph 29, above, MIC failed to maintain the temperature of the afterburner at no less than 1,600°F during burnout of residue on drums in the furnace, in violation of Condition 7.2.5.a of its 2005 Title V Permit. As a result of MIC's failure to meet this temperature requirement, MIC has violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA's implementing regulations at 40 C.F.R. § 70.7(b).

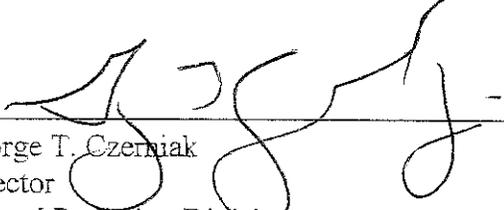
40. MIC failed to conduct a performance test to determine the emissions of PM, VOM, and NO<sub>x</sub> from the furnace within 9 months of the effective date of its 2013 Title V Permit, in violation of the testing requirements in Sections 4.2.2.b.ii.D, 4.2.2.c.ii.D, and 4.2.2.d.ii.B of its 2013 Title V Permit. As a result of MIC's failure to meet these testing requirements, MIC has violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA's implementing regulations at 40 C.F.R. § 70.7(b).
41. MIC failed to conduct a performance test to determine the emissions of PM from the shot blaster within 9 months of the effective date of its Title V Permit, in violation of the testing requirement in Section 4.3.2.b.ii of its 2013 Title V Permit. As a result of MIC's failure to meet this testing requirement, MIC has violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA's implementing regulations at 40 C.F.R. § 70.7(b).
42. To date, MIC has failed to conduct performance tests using EPA Method 201 or 201A to determine the emissions of PM<sub>10</sub> from the furnace and the shot blaster, in violation of the requirement to conduct a performance test within 9 months of the effective date of its 2013 Title V Permit in Sections 4.2.2.b.ii.D and 4.3.2.b.ii of its 2013 Title V Permit. As a result of MIC's failure to meet these testing requirements, MIC has violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA's implementing regulations at 40 C.F.R. § 70.7(b).
43. Based on the results of the December 16, 2014, performance test of the furnace, MIC has failed to maintain the emission rate of NO<sub>x</sub> from the furnace below the limit in its 2013 Title V Permit, in violation of 35 IAC 201.141 of the federally-enforceable Illinois SIP and Section 4.2.2.d.i.A of its 2013 Title V Permit from at least December 16, 2014, until the present. As a result of MIC's failure to meet this emission limitation, MIC has violated Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and EPA's implementing regulations at 40 C.F.R. § 70.7(b).

#### **Environmental Impact of Violations**

44. PM emissions, especially fine PM, contain microscopic solids or liquid droplets which can get deep into the lungs and cause serious health problems. PM 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.
45. Excess VOM emissions can cause eye, nose, and throat irritation, headaches, loss of coordination, nausea, and damage to liver, kidney, and central nervous system. Some organics can cause cancer in animals and some are suspected or known to cause cancer in humans. In addition, VOM emissions are a precursor to ground-level ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

46. Current scientific evidence links short-term NO<sub>x</sub> exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma. In addition, studies show a connection between breathing elevated short-term NO<sub>x</sub> concentrations and increased hospital admissions for respiratory issues, especially asthma.

6/29/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
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-10, by Certified Mail, Return Receipt Requested, to:

Nathaniel Smith  
Operations Manager  
Meyer Industrial Container  
610 West 81<sup>st</sup> Street  
Chicago, Illinois 60620

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

Glenn Wentink  
Environmental Consultant  
103 East Cossitt Avenue, Suite 204  
LaGrange, Illinois 60525

Eric Jones  
Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794

On the 30<sup>th</sup> day of June 2015.

*for* Kathy Jones  
Loretta Shaffer  
Program Technician  
AECAB, PAS

Certified Mail Receipt Number: 7009 1680 0000 7644 3289