



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

MAY 23 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mike DeJong
President
Welsch Ready Mix, Inc.
10175 Vans Drive
Frankfort, Illinois 60423

Re: Notice of Violation
Welsch Ready Mix, Inc., 2330 South Morgan Street, Chicago, Illinois

Dear Mr. Barker:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Welsch Ready Mix, 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 the address above.

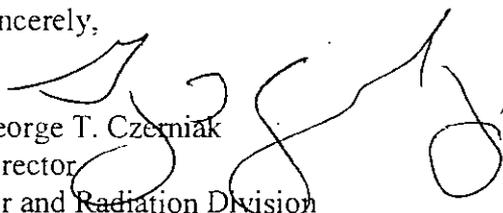
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

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:)

Welsch Ready Mix, Inc.)
Chicago, Illinois)

NOTICE OF VIOLATION

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

EPA-5-14-IL-11

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 Welsch Ready Mix, Inc., 2330 South Morgan Street, Chicago, Illinois (Welsch Ready Mix) 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) as part of the federally enforceable State Implementation Plan (SIP) for Illinois. This regulation became federally effective on September 13, 1999. 64 Fed. Reg. 37847.
2. 35 Ill. Admin. Code § 212.302 states that Sections 212.304 through 212.310 and 212.312 of Subpart K shall apply to, among other things, manufacturing operations (except certain grain handling operations) located in Cook County, Illinois.
3. 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.
4. 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 paved or treated with water, oils or chemical dust suppressants. All paved areas 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 and 212.310].
5. On July 14, 1999, EPA approved 35 Ill. Admin. Code § 212.309 (Operating Program) as part of the federally enforceable SIP for Illinois. This regulation became federally effective on July 14, 1999. 64 Fed. Reg. 37847.

6. 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, consistent with the requirements sets forth in Sections 212.310 and 212.312 of Subpart K, and 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.
7. On February 21, 1980, EPA approved IPCB Rule 203(f)(3)(F) [35 Ill. Admin. Code § 212.310 (Minimum Operating Program)] as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11472.
8. IPCB 203(f)(3)(F) [35 Ill. Admin. Code § 212.310] requires that an operating program include certain specific information.
9. On February 21, 1980, EPA approved IPCB Rule 203(f)(3)(Fa) [35 Ill. Admin. Code § 212.312] as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11472.
10. IPCB Rule 203(f)(3)(Fa) [35 Ill. Admin. Code § 212.312 (Amendment to Operating Program)] requires that the operating program be amended from time to time so that it is current.

Relevant Factual Information

11. Welsch Ready Mix, Inc. owns and operates a ready mix concrete batch plant at 2330 South Morgan Street, Chicago, Illinois 60608 (the Facility).
12. 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), (F) and (Fa) and 35 Ill. Admin. Code §§ 212.302, 212.306, 212.309, 212.310, and 212.312.
13. On August 14, 2013, in response to a complaint from a nearby business, an EPA inspector inspected the Facility. During the inspection, the inspector observed the following:
 - a. Welsch vehicles driving on Facility property were generating fugitive particulate matter;
 - b. Welsch vehicles leaving the Facility and driving on Morgan Street were generating fugitive particulate matter;
 - c. Significant amounts of rocks and stones were present on the paved areas of the Facility.
14. When requested by the inspector, the Facility could not produce a fugitive particulate matter operating program.

Violations

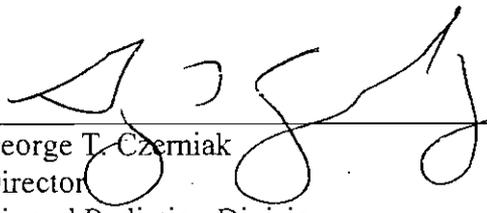
15. Welsch Ready Mix did not have a fugitive particulate matter operating program in place at the Facility in violation of 35 Ill. Admin. Code §§ 212.309 and 212.310.
16. Welsch Ready Mix was not watering roadways and traffic areas at the Facility in accordance with the operating program required by 35 Ill. Admin. Code § 212.309 or regularly cleaning paved traffic areas in violation of IPCB Rule 203(f)(3)(C) [35 Ill. Admin. Code § 212.306].

Environmental Impact of Violations

17. These violations have caused or can cause excess emissions of particulate matter.
18. 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

5/23/14


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-14-IL-11, by

Certified Mail, Return Receipt Requested, to:

Mike DeJong, President
Welsch Ready Mix, Inc.
10175 Vans Drive
Frankfort, Illinois 60423

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 29 day of May 2014



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 3288