



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

DEC 19 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tim O'Connor
Plant Manager
Metal Management Midwest, Inc.
9331 South Ewing
Chicago, Illinois 60617

Re: Administrative Order EPA-5-15-113(a)-IL-06

Dear Mr. O'Connor,

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-6797.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Marshall".

Sarah Marshall
Chief
Air Enforcement and Compliance Assurance Section (MI/WT)

Enclosure: Administrative Consent Order EPA-5-15-113(a)-IL-06

cc: Eric Jones,
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-15-113(a)-IL-06
)	
Metal Management Midwest, Inc.)	Proceeding Under Sections 113(a)(1)(3) and
Chicago, Illinois)	114(a)(1) of the Clean Air Act, 42 U.S.C.
)	§§ 113(a)(1)(3) and 114(a)(1)
<hr/>)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5 (EPA), is issuing this Order to Metal Management Midwest, Inc. ("Metal Management") under Sections 113(a)(1)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.
3. On February 21, 1980, EPA approved Illinois State Implementation Plan (SIP) Rule 212.301 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11493.
4. SIP Rule 212.301 states, "[n]o person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source."
5. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP.

Findings

6. Metal Management owns and operates a scrap material handler at 9331 South Ewing Avenue, Chicago, Illinois.
7. On August 12, 2014, EPA issued to Metal Management a Notice of Violation (NOV) alleging that Metal Management violated the SIP provision for fugitive dust, as described in SIP Rule 212.301. 45 Fed. Reg. 11493.
8. Metal Management violated SIP Rule 212.301 on at least two occasions on May 8, 2014.

Compliance Program

9. By the effective date of this Order, Metal Management must achieve, demonstrate and maintain compliance with the SIP for fugitive dust at its 9331 South Ewing Avenue, Chicago, Illinois facility.
10. Within thirty (30) days of the effective date of this Order, Metal Management must develop and submit to EPA for approval a Fugitive Dust Plan that incorporates all the components delineated in Appendix A of this Order.
11. In order to demonstrate compliance with its approved Fugitive Dust Plan, on a quarterly basis for a period of one (1) year, Metal Management must submit to EPA copies of the following records:
 - a. the completed daily schedules for the times the water truck operated;
 - b. the completed schedule for the water truck that was used during times of increased fugitive dust (in addition to the minimum routes required);
 - c. the completed routine inspection schedule of the facility to ensure there was no visible fugitive dust crossing the property line; and

- d. in the event of any fire at the facility, the completed fire contingency plan check-list for each fire.
12. Metal Management must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

13. This Order does not affect Metal Management's responsibility to comply with other federal, state, and local laws.
14. This Order does not restrict EPA's authority to enforce the SIP or any other section of the CAA.
15. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Metal Management's violations of the SIP.
16. Failure to comply with this Order may subject Metal Management to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.
17. The terms of this Order are binding on Metal Management, its assignees, and successors. Metal Management must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.
18. Metal Management may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R.

Part 2, Subpart B. If Metal Management fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

19. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive, or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

20. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

21. Metal Management agrees to the terms of this Order.

22. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate upon Metal Management's submission of its eighth quarterly submittal, pursuant to Paragraph 11 of this Order, provided that Metal Management has complied with all terms of the Order throughout its duration.

In the Matter of:
Metal Management Midwest, Inc.
EPA-5-15-113(a)-IL-06

12/12/14

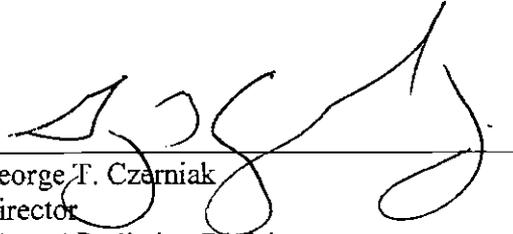
Date



Lew Ross
President
Metal Management Midwest, Inc.

1/8/15

Date



George T. Czarniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Appendix A
Fugitive Dust Plan

Metal Management Midwest, Inc. ("Metal Management"), located at 9331 South Ewing Avenue, Chicago, Illinois ("facility") must develop and implement a Fugitive Dust Plan and submit the Fugitive Dust Plan to EPA for approval within 30 days of the effective date of this Order.

The Fugitive Dust Plan must include the following:

1. Facility Site Map (scale included):
 - a. Facility boundaries;
 - b. All building, internal roads, and utilities; and
 - c. All potential fugitive dust emission points.
2. A description of Metal Management's operations at the facility.
3. A description of vehicle routes in and out of the facility. Include an explanation of how dust will be minimized during transport in and a description of how vehicles are cleaned of loose material before they leave the facility.
4. A map showing the path for the water truck and the scheduled times the water-truck must be operated daily (minimum of three times).
5. A description of how the water truck will be used during times of increased fugitive dust, in addition to the minimum times required.
6. A description of how the facility will suppress fugitive dust when the water truck is inoperable (including periods of inclement weather and equipment malfunction).
7. A description of all control measures, devices, and/or technologies used to minimize fires at the facility. Include a contingency plan for actions required when a fire is reported.
8. A sample and description of the record keeping system, including the employee and supervisor assigned to each task:
 - a. A schedule for the times the water truck must be operated daily (minimum of three times);
 - b. A schedule for the water truck, which will be used during times of increased fugitive dust (in addition to the minimum routes required);
 - c. A schedule for routine inspections of the facility to ensure there is no visible fugitive dust crossing the property line; and
 - d. A check-list for the fire contingency plan.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-IL-06 by certified mail, return receipt requested, to:

Tim O'Connor
Plant Manager
Metal Management Midwest, Inc.
9331 South Ewing
Chicago, Illinois 60617

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-IL-06 by first-class mail to:

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

Deborah Hays
Safety, Health, and Environmental Compliance Director, Central Region
Metal Management Midwest, Inc.
2500 South Paulina Street
Chicago, Illinois 60606

On the 13th day of January 2015.


for Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7011 1150 0000 2640 5908