



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

JUN 24 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dave Novak
Plant Manager
Lindahl Brothers
3301 S California Street
Chicago, Illinois, 60608

Re: Notice of Violation
Lindahl Brothers
Chicago, Illinois

Dear Mr. Novak:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Lindahl Brothers Inc. (Lindahl or 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.

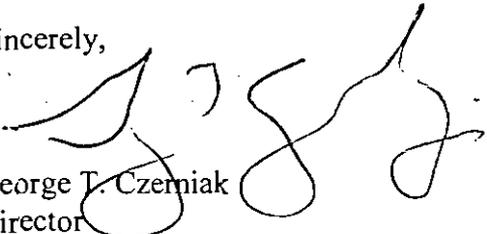
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial, civil or criminal action.

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 Shilpa Patel. You may call her at (312) 886-0120 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

Enclosure

cc: Eric Jones
Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Lindahl Brothers 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

EPA-5-14-IL-14

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 Lindahl Brothers Inc. (Lindahl) is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. Section 108(a)(1) of the Act, 42 U.S.C. § 7408(a)(1), requires the Administrator to publish, and from time to time revise, a list which includes each air pollutant: (A) emissions of which, in the Administrator's judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, (B) the presence of which in the ambient air results from numerous or diverse mobile or stationary sources, and (C) for which air quality criteria had not been issued before the date of enactment of the Clean Air Amendments of 1970, but for which the Administrator plans to issue air quality criteria under this section.
2. Section 108(a)(2) of the Act, 42 U.S.C. § 7408(a)(2), requires the Administrator issue air quality criteria for an air pollutant after it is included in the list required by Section 108(a)(1).
3. Section 109 of the Act, 42 U.S.C. § 7409, requires the Administrator to promulgate national primary and secondary ambient air quality standards (NAAQS) requisite to protect the public health and welfare.
4. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to the Administrator for approval a state implementation plan (SIP) that provides for the attainment and maintenance of the NAAQS.
5. Upon the Administrator's approval, SIP requirements are federally enforceable under Section 113 of the Act, 42 U.S.C. §§ 7413(a), (b); 40 C.F.R. § 52.23.

6. The Administrator approved Title 35 of the Illinois Administrative Code (35 IAC) § 212.301, governing fugitive particulate matter emissions, as part of the Illinois SIP on February 21, 1980. 45 Fed. Reg. 11493.
7. 35 IAC § 212.301 provides that no 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.
8. The Administrator approved Illinois Pollution Control Board (IPCB) Rule 102, which includes 35 IAC § 201.141, as part of the Illinois SIP on May 31, 1972. 37 Fed. Reg. 10842.
9. 35 IAC § 201.141 requires that no person "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. . . ."
10. "Air Pollution" is defined as "the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as 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." 35 IAC § 201.102.
11. Section 113(a) 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.

Factual Background

12. Lindahl owns and operates a concrete recycling operation at 3301 S California Street, Chicago, Illinois.
13. Emissions from Lindahl's concrete recycling operation are subject to the fugitive particulate emissions regulations in the Illinois SIP at 35 IAC § 212.301 and 35 IAC § 201.141.
14. On May 5, 2014, EPA representatives observed fugitive particulate emissions originating from Lindahl traveling beyond its property line and crossing the I-55 highway.

Violations

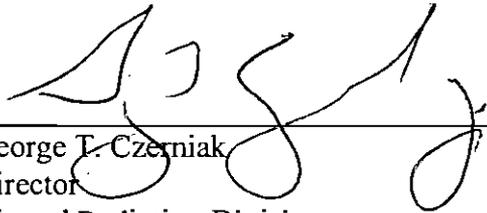
15. Lindahl violated the Illinois SIP at 35 IAC § 212.301 by causing visible emissions of fugitive particulate matter from its concrete recycling operation to cross its property boundary.
16. The facility caused, threatened or allowed the discharge or emission of contaminants into the air which tended to cause air pollution, in violation of IPCB Rule 102 (35 IAC § 201.141).

Environmental Impact of Violations

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

6/20/14


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-14, by

Certified Mail, Return Receipt Requested, to:

Dave Novak
Plant Manager
Lindahl Brothers, Inc.
3301 S California Street
Chicago, Illinois, 60608

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

Eric Jones
Manager, Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1000 Converse Avenue
Floor 4
Springfield, Illinois 62794

On the 24 day of June 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601859983