



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

FEB 5 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Thacker, Plant Manager
Hydraulic Press Brick Company
P.O. Box 130
Brooklyn, Indiana 46111

Re: Notice of Violation and Finding of Violation
Hydraulic Press Brick Company
Brooklyn, Indiana

Dear Mr. Thacker:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Hydraulic Press Brick Company (HPBC or you) under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3). We find that you have violated the Indiana State Implementation Plan (SIP) and your Title V operating permit at your Brooklyn, Indiana facility.

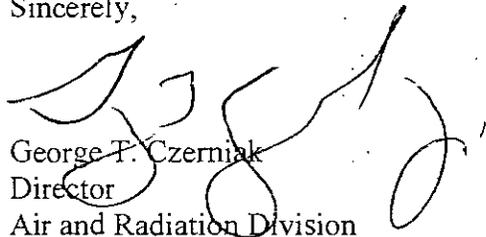
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings in the NOV/FOV, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your 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 Daniel Schaufelberger. You may call him at (312) 886-6814 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,



George F. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Phil Perry, Indiana Department of Environmental Management

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)

Hydraulic Press Brick Company)
Brooklyn, Indiana)

Proceedings Pursuant to)
the Clean Air Act)
42 U.S.C. §§ 7401 *et seq.*)

NOTICE OF VIOLATION and
FINDING OF VIOLATION

EPA-5-14-IN-02

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to Hydraulic Press Brick Company (HPBC), for violations of the Clean Air Act (the Act), 42 U.S.C. §§ 7401 *et seq.*, at its lightweight aggregate product manufacturing facility located at 6618 North Tidewater Road, Brooklyn, Indiana.

This Notice is issued pursuant to Sections 113(a)(1) and (3) of the Act, 42 U.S.C. §§ 7413(a)(1) and (3). The authority to issue this Notice has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division.

Statutory and Regulatory Background

1. The Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

Indiana SIP

2. Section 110(a) of the Act, 42 U.S.C. § 7410(a), establishes a program by which states prepare and submit to EPA plans to provide for the attainment and maintenance of the national ambient air quality standards. Once EPA approves a state's submission, it becomes part of the federally enforceable State Implementation Plan (SIP).
3. Pursuant to Section 110(a) of the Act, 42 U.S.C. § 7410(a), on March 12, 1982, EPA approved 325 IAC Article 7-1, governing sulfur dioxide (SO₂) emissions in Indiana as part of the Indiana SIP (47 FR 10813). The EPA has approved various codifications and revisions to this rule. *See, e.g., 70 Fed. Reg.* 56129 (October 26, 2005).

4. 326 IAC 7-1.1-1 states that all emissions units with a potential to emit twenty-five (25) tons per year or ten (10) pounds per hour of SO₂ shall comply with the limitations in Section 2 of this rule (326 IAC 7-1.1-2).
5. 326 IAC 7-1.1-2(a)(1) states that SO₂ emissions from fuel combustion emissions units shall be limited to six and zero-tenths (6.0) pounds per million British thermal units (MMBtu) for coal combustion.

Title V

6. Title V of the Act, 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including "major sources."
7. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.
8. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency (57 Fed. Reg. 32295). These regulations are codified at 40 C.F.R. Part 70.
8. 40 C.F.R. § 70.2 defines "major source," in part, as any stationary source belonging to a single major industrial grouping and that directly emits or has the potential to emit 100 tons per year (tpy) of any air pollutant, as defined under Section 302 of the CAA, 42 U.S.C. § 7602.
9. 40 C.F.R. § 70.7(b) provides that no source subject to Title V may operate the source except in compliance with a Title V permit.
10. The EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995, 60 Fed. Reg. 57191, and the program became effective on that date. This includes 326 IAC 2-7.
11. 326 IAC 2-7-5(1) provides that Title V permits shall incorporate emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of a Part 70 permit issuance.

Findings of Fact

12. HPBC is a corporation authorized to do business in Indiana.
13. HPBC is a "person," as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
14. At all times relevant to this Notice, HPBC owned and operated emission units at its lightweight aggregate product manufacturing facility at 6618 North Tidewater Road,

Brooklyn, Indiana ("Brooklyn Plant").

15. Kilns 4 and 5 at the Brooklyn Plant are "fuel combustion emissions units" under the Indiana SIP.
16. Kiln 4 and Kiln 5 at the Brooklyn Plant each have the potential to emit 25 tons per year or more of SO₂.
17. The Indiana Department of Environmental Management issued Title V Operating Permit No. T109-26822-00007 to HPBC, with an expiration date of July 23, 2014.
18. Condition D.2.3(a) of HPBC's Title V operating permit states that the SO₂ emissions from each of the three rotary kilns (Kilns 3, 4, and 5) when burning coal, shall not exceed six (6) pounds per MMBtu (lbs/MMBtu) of coal combustion.
19. On August 16, 2013, EPA issued a Section 114 Information Request to HPBC requesting that the company provide facility-specific production and fuel data, and perform stack emissions testing for the air pollutants lead, fluorides, and SO₂ at Kiln 4 and Kiln 5 exhaust stacks.
20. On November 7 and 8, 2013, HPBC's testing contractor, Wilcox Environmental Engineering (Wilcox), performed stack testing for lead, fluorides, and SO₂ at HPBC's Kiln 4 and Kiln 5 exhaust stacks. HPBC submitted the results of the tests to EPA on January 15, 2014. They showed an SO₂ emission rate of 379.22 pounds per hour (34.47 lbs/ton) for Kiln 4 exhaust and 800.26 pounds per hour (36.38 lbs/ton) for Kiln 5 exhaust.

Violations

Violation of Indiana SIP

21. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO₂ emissions from HPBC's Kiln 4 are, and have been, in excess of the 6 lbs/MMBtu Indiana SIP SO₂ limitation established at 326 IAC 7-1.1-2(a)(1) for fuel combustion emission units combusting coal.
22. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO₂ emissions from HPBC's Kiln 5 are, and have been, in excess of the 6 lbs/MMBtu Indiana SIP SO₂ limitation established at 326 IAC 7-1.1-2(a)(1) for fuel combustion emission units combusting coal.

Violation of the Title V Permit Program

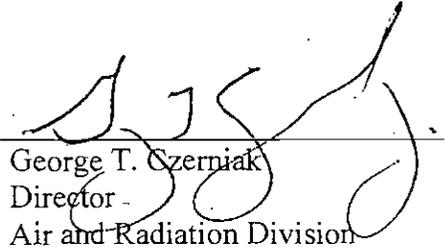
23. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO₂ emissions from HPBC's Kiln 4 are, and have been, in excess of the 6 lbs/MMBtu Title V permit limitation established at Condition D.2.3(a).

24. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO₂ emissions from HPBC's Kiln 5 are, and have been, in excess of the 6 lbs/MMBtu Title V permit limitation established at Condition D.2.3(a).

Environmental Impact of Violations

25. These violations have caused or can cause excess emissions of SO₂. Current scientific evidence links short-term exposures to SO₂ ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including bronchoconstriction and increased asthma symptoms.

2/4/14
Date


George T. Czerniak
Director -
Air and Radiation Division

CERTIFICATE OF MAILING

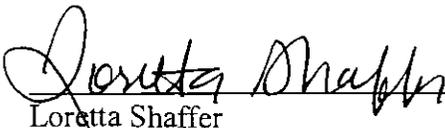
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. **EPA-5-14-IN-02** by Certified Mail, Return Receipt Requested, to:

Mark Thacker, Plant Manager
Hydraulic Press Brick Company
P.O. Box 130
Brooklyn, Indiana 46111

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

Phil Perry, Chief
Compliance and Enforcement Branch
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue, Room IGCN 1003
Indianapolis, Indiana 46204-2251

on the 6 day of Feb, 2014.


Loretta Shaffer
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 700916800000 7669 6784