



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

JUN 29 2012

REPLY TO THE ATTENTION OF:

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

Thomas Green  
Manager, Environmental Services  
Edward C. Levy Company  
51445 W. 12 Mile Road  
Wixom, Michigan 48393

Dear Mr. Green:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to The Levy Company, Inc. (you or Levy) located at U.S. Highway 12 in Burns Harbor, Indiana (facility) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Indiana State Implementation Plan at your Burns Harbor, 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 action.

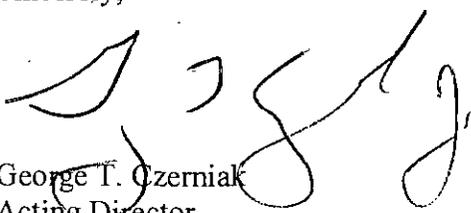
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations.

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 Monica Onyszko. You may call her at 312-353-5139 if you wish 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. EPA hopes that this NOV will encourage Levy's compliance with the requirements of the Clean Air Act.

Sincerely,



George T. Czerniak  
Acting Director  
Air and Radiation Division

cc: Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management

Enclosures: Notice of Violation EPA-5-12-IN-04  
Small Business Regulatory Enforcement Fairness Act fact sheet

bcc: Susan Prout, C-14J



2. In accordance with Section 502(b) of the Act, 42 U.S.C. § 7661a(b), EPA promulgated regulations implementing Title V of the Act. *See* 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.
3. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide 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 except in compliance with a Title V permit.
4. EPA approved Indiana's Title V program on December 4, 2001. *See* 66 Fed. Reg. 62969.
5. The Indiana Department of Environmental Management issued Levy a Significant Source Modification (No. 127-30302-00026) to its Title V operating permit T127-7656-00026 on June 14, 2011.
6. Part C.2(a) of Levy's Title V permit requires Levy to limit opacity emissions at its entire source to an average of forty percent (40%) in any one six-minute averaging period.
7. The regulation at 40 C.F.R. § 70.7(b) prohibits a source from operating except in compliance with a permit issued under a 40 C.F.R. Part 70 program.
8. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to violate any requirement of a permit issued under Title V of the Act.

#### Indiana SIP Requirements

9. On July 16, 2002 (67 Fed. Reg. 46589), EPA published its final action approving Indiana's SIP revision request regarding opacity. The rule became federally effective on August 15, 2002.
10. 326 IAC 5-1-2(1)(A) of the Indiana SIP states that opacity shall not exceed an average of forty percent (40%) in any one six-minute averaging period.
11. 326 IAC 5-1-2(1)(A) is incorporated into Levy's Title V permit in Part C.2(a).

#### Factual Background

12. Levy owns and operates a blast furnace and basic oxygen furnace slag Separation Plant and Finishing Plant on the premises of the ArcelorMittal integrated steel plant located at U.S. Highway 12 in Bums Harbor, Indiana (facility).
13. Particulate matter (PM) emissions at the facility, including at the conveyors, screens, feeders, hoppers, crushers, magnetic head pulleys and stackers of the Separation Plant, are controlled by wet suppression.

14. Opacity is used as a surrogate for PM emissions and provides qualitative information on the operation and maintenance of particulate control equipment.
15. In 2011, the area in which the facility is located was designated as a non-attainment area for the 1997 PM<sub>2.5</sub> standard.

Alleged Violations

16. A certified EPA inspector read opacity in accordance with 40 C.F.R. Part 60, Appendix A, Reference Method 9 at Levy's Separation Plant on June 28, 2011. A summary of the readings is below:

Time (PM)	6-Minute Average Opacity (%)
5:05 - 5:06	
5:06 - 5:07	
5:07 - 5:08	
5:08 - 5:09	
5:09 - 5:10	
5:10 - 5:11	55.0
5:11 - 5:12	63.8
5:12 - 5:13	65.6
5:13 - 5:14	72.7
5:14 - 5:15	76.9
5:15 - 5:16	82.9
5:16 - 5:17	86.5
5:17 - 5:18	87.1
5:18 - 5:19	82.3
5:19 - 5:20	76.7
5:20 - 5:21	66.5
5:21 - 5:22	56.7
5:22 - 5:23	46.7
5:23 - 5:24	38.8

Total observation time - 18 minutes (05:05 - 05:24 PM)

Total time exceeding standard from 05:05 - 05:24 PM - 18 minutes

17. Levy's excess opacity emissions from its Separation Plant are violations of the opacity limit found in Part C.2(a) of the facility's Title V permit and of the applicable Indiana SIP requirements specified in the Title V permit.

**Environmental Impact of Violations**

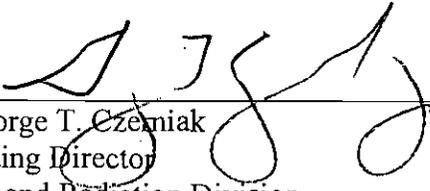
18. Violation of opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulates, contains microscopic solids or liquid

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

6/29/12

  
George T. Czerniak  
Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice of Violation, EPA-5- 12-IN-04, by Certified

Mail, Return Receipt Requested, to:

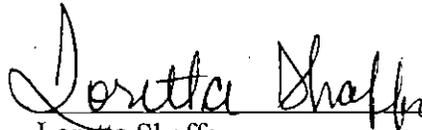
Thomas Green  
Manager, Environmental Services  
Edward C. Levy Company  
51445 W. 12 Mile Road  
Wixom, Michigan 48393

I also certify that I sent a copy of the Notice of Violation, EPA-5- 12-IN-04, 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 IOCN 1003  
Indianapolis, Indiana 46206-6015

on the 2<sup>nd</sup> day of July 2012.



Loretta Shaffer  
Administrative Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 9758