



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

**AUG 12 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: Metal Management Midwest, Inc., Chicago, Illinois  
Notice of Violation and Proposed Administrative Consent Order

Dear Mr. O'Connor:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Metal Management Midwest, Inc. ("Sims") under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan (SIP) at your Chicago, Illinois, facility by causing or allowing fugitive particulate matter to be visible from the property line of your emission source.

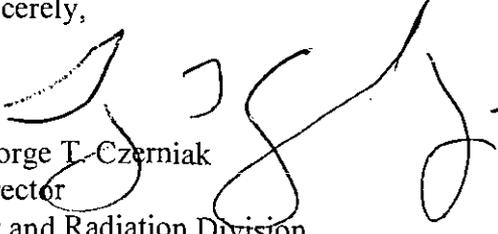
Section 113 of the Clean Air Act gives EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. Accordingly, EPA is enclosing with the NOV an administrative consent order (ACO) by which Sims may expeditiously resolve the NOV. The ACO provides that Sims will comply in the future with the SIP provisions prohibiting excessive emissions of fugitive particulate matter from emission sources. The ACO also requires Sims to develop and submit to EPA a fugitive dust plan containing certain delineated components and to submit to EPA, on a periodic basis for a period of one year, certain information in connection with Sims's compliance with its fugitive dust plan.

Alternatively, if you do not wish to resolve the alleged violations delineated in the NOV through the enclosed ACO at this time, EPA is 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 Molly Smith. You may call her at (312) 353-8773 if you have any questions regarding the enclosed ACO or NOV, or if you wish to request a conference to discuss the NOV. If you wish to resolve this matter through the attached ACO, you should return a signed copy of the ACO to Ms. Smith within 45 days following the receipt of this letter; after the signed ACO goes through the approval process and is signed by the proper EPA official, a fully-executed original of the ACO will be returned to you. Alternatively, if you wish to request a conference to discuss the NOV, you should make the request of Ms. Smith within 30 calendar days following receipt of this letter; we will hold the conference promptly after your request.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: 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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Metal Management Midwest, 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-12**

**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 Metal Management Midwest, Inc. ("Sims") is violating the Illinois State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On February 21, 1980, EPA approved SIP Rule 212.301 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11493.
2. 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."

**Finding of Fact**

3. Sims owns and operates a scrap yard at 9331 South Ewing Avenue, Chicago, Illinois.
4. Emissions from Sims' facility are subject to the fugitive dust regulations in the Illinois SIP at 212.301.
5. EPA inspected the Sims facility on May 8, 2014.
6. Sims has a water truck on site that can be used to wet roads. Sims keeps a log of when the water truck is used.
7. During the May 8, 2014, inspection, EPA collected copies of twelve months of water truck usage logs.
8. During the May 8, 2014, inspection, the Sims facility's water truck was inoperable due to a flat tire.

9. Around 12:45 pm on May 8, 2014, EPA inspectors witnessed fugitive emissions from normal operations at the facility, including truck traffic, crossing Sims' eastern property line.
10. Around 2:00 pm on May 8, 2014, EPA inspectors witnessed fugitive emissions from a fire, in one of the scrap piles on site, crossing Sims' eastern property line.

**Violations**

11. By causing or allowing fugitive particulate matter to be visible by an observer looking from the property line of the emission source, Sims has violated, and continues to violate, Illinois SIP Rule 212.301.

**Environmental Impact of Violations**

12. 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

8/12/14

George T. Czerniak  
Director  
Air and Radiation Division