



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

NOV 25 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Lindahl, Vice President
Lindahl Brothers, Inc.
3301 S California Street
Chicago, Illinois, 60608

Dear Mr. Lindahl:

Enclosed is an executed original of the final Administrative Consent Order (ACO) which addresses the violations regarding the Illinois State Implementation Plan (SIP).

The ACO requires Lindahl Brothers, Inc. (Lindahl) to incorporate a dust control plan into its air operating permit and continuously operate the additional water nozzle at its California Avenue Facility.

Please direct any questions regarding this case to Kathleen Schnieders, Associate Regional Counsel at 312-353-8912.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens, Chief
Minnesota/Ohio Air Enforcement and Compliance Assurance Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-15-113(a)-IL-1
)	
Lindahl Brothers Inc.)	Proceeding Under Section 113(a)(1)(3)
Chicago, IL)	of the Clean Air Act, 42 U.S.C. § 113(a)(1)(3)
)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Lindahl Brothers Inc. (Lindahl) under Section 113(a)(1)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1)(3).

Statutory and Regulatory Background

Illinois State Implementation Plan

2. 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.
3. Section 108(a)(2) of the Act, 42 U.S.C. § 7408(a)(2), requires the Administrator to issue air quality criteria for an air pollutant after it is included in the list required by Section 108(a)(1).
4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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. . . ."
11. "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.

12. 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.

Findings

13. Lindahl owns and operates a concrete recycling operation at 3301 S California Avenue, Chicago, Illinois (California Avenue Facility).
14. 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.
15. On May 5, 2014, EPA representatives observed fugitive particulate emissions originating from the California Avenue Facility traveling beyond its property line and crossing the I-55 highway.
16. On July 23, 2014, representatives of Lindahl and EPA discussed the alleged violations at the facility.
17. On July 28, 2014, the California Avenue Facility installed an additional water nozzle at the transfer point that caused the fugitive emission to cross the property boundary.

Compliance Program

18. Lindahl shall continuously operate the installed additional water nozzle at the end (aka drop point) of the stacking conveyor according to its Dust Control Plan California Avenue Recycle Facility (DCP).

19. Within 60 days of the effective date of this Order, Lindahl must submit a request to the Illinois EPA (IEPA) to revise its state air operating permit to incorporate the DCP, attached hereto as Attachment A, as federally enforceable conditions.
20. Lindahl must notify EPA that it has submitted its permit applications incorporating the DCP to IEPA, respectively, and shall send notice 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

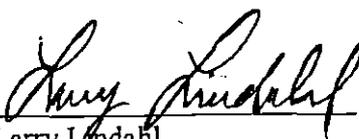
21. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that respondent may have with respect to any issue of fact or law set forth in this Order on Consent, including any right of judicial review under § 307 of the CAA, 42 Section 7607, or under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
22. This Order does not affect Lindahl's responsibility to comply with other federal, state and local laws.
23. This Order does not restrict EPA's authority to enforce Section 111 of the CAA, the Illinois SIP, or any other section of the CAA.
24. 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.
25. Failure to comply with this Order may subject Lindahl 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.

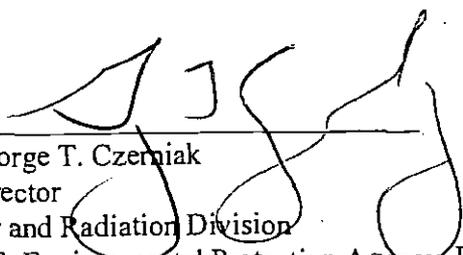
26. The terms of this Order are binding on Lindahl, its assignees and successors. Lindahl must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.
27. Lindahl may assert a claim 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 Lindahl 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.
28. 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.
29. EPA may use any information submitted under this Order in an administrative, civil, judicial or criminal action.
30. Lindahl agrees to the terms of this Order.
31. Lindahl neither admits nor denies the factual allegations in this order.
32. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Lindahl has complied with all terms of the Order, or when Lindahl has complied with the

requirements of Paragraphs 18 through 20 of this Order, whichever is earlier.

11/11/14
Date


Larry Lindahl
Vice President
Lindahl Brothers Inc.

11/25/14
Date


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

ATTACHMENT A

Dust Control Plan California Avenue Recycle Facility

Introduction

This Dust Control and Air Monitoring Plan has been prepared to address the control of fugitive and airborne dust emissions from the Concrete Recycling Facility located at 3321 S California Avenue, Chicago, IL. The primary objective of this plan is to formulate a strategy for controlling, to the greatest extent practicable, fugitive or airborne dust emissions at the Site. This will be accomplished by identifying specific sources and activities that have the highest potential to produce or generate fugitive or airborne dust emissions. As necessary, the scope of this plan will be revised to reflect changes in dust control strategy as site conditions or activities may change in the future.

As a precautionary and control measure for this project, this Dust Control Plan will be used as a standard operating procedure. This plan will be used:

- To eliminate origins of dust from the site;
- To identify potential dust migration pathways;
- To monitor for dust produced by site activities;
- To implement corrective actions as the need arises; and
- To train new and existing employees

The plan is prepared and submitted with the understanding that it can be modified to accommodate actual site conditions as they arise.

Site Description

The Concrete Recycling Facility is located at 3321 S California Avenue, Chicago, IL which is located north of 155 and east of California Avenue. The site takes in broken concrete which it processes through a recycling plant to produce reusable products. The western portion of the site contains a stockpile of broken concrete to be recycled, the center portion of the site is where the recycling plant is located and eastern portion of the site contains stockpiles of recycled material.

Potential Fugitive Dust Sources

The primary contaminants of concern are fugitive dust emissions. The following work areas have been identified as potential sources of fugitive dust emissions. At a minimum, dust control techniques will be employed in:

- Areas of heavy equipment and vehicular traffic;
- Keeping streets clean of tracked materials;
- Transfer of material into and through the recycling plant;
- Transfer points of all conveyors;
- Material stockpiles; and
- Loading and unloading operations.

Dust Control Procedures

The following methods will be used to prevent conditions conducive to dust generation and suppress dust should it occur.

- Adjacent paved areas and roads used for traffic shall be maintained to minimize tracked material. At minimum, paved traffic areas, driveways, sidewalks, and streets will be cleaned on a daily basis by wet sweeping and/or washing. More frequent cleaning will be provided as necessary. Adjacent paved areas and roads will be left clean at the end of each day.
- Unpaved traffic and work areas shall be wetted at least once a day, weather permitting, unless rainy conditions resulted in adequate wetting. If dust emissions from unpaved traffic and work areas are seen for more than 6 minutes, these areas will be rewet.
- During non-working hours, the Site will be left in a condition that will prevent dust from being generated.
- Daily maintenance of stockpiles and keep active surfaces moist.
- Daily maintenance of all material transfer points in the recycling operation. Daily maintenance includes inspection of the dust suppression apparatus at all transfer points and the repair/adjustment or replacement if found not performing up to par.

Best Management Practices

The following Best Management Practices (BMPs) will also be followed to help minimize and control dust emissions at the Site to the greatest extent possible:

Roads—All onsite traffic will be restricted to specific designated roads. Traffic speed will also be restricted to 10 mph on all designated roads. All designated roads will be considered as high potential dust source areas, and as such, will be a priority for dust controls utilizing water. Post signs at the entrance and along the designated roads clearly indicating the 10 mph speed limit.

Recycle Operation—Constant monitoring of all phases of the recycle process and material transfer points. All transfer point will be considered as high potential dust source areas.

- Minimize transfer and drop point heights
- Perform a pre-operation walkthrough to ensure all dust control measures are operating or have been performed. This includes, but is not limited to, ensuring all installed water nozzles are operating and that the water truck/sweeper have addressed all highlighted areas on the plant site map.

Environmental Regulations—Ensure compliance with federal and state regulations that pertain the fugitive dust emissions from the plant and its operations.

- State operating permit states that dust emissions from transfer point on belt conveyors and from the screen (except from truck dumping) shall not exceed 10% opacity
- State operating permit states that dust emissions from crushers (except from truck dumping) shall not exceed 15% opacity
- State regulation requires that no dust emissions originating from Lindahl's California Avenue facility shall cross its property line

Hours of Operation—This Plan will be in effect during all hours of operation at the Site. During non-business hours, there will be no activities generating dust; therefore, dust control actions will be restricted to hours of operation only.

Dust Monitoring/Correction

On site personal will perform dust control monitoring and will notify the site foreman and manager if conditions exist where dust could be a problem. The initial step of the program is to visually observe the infraction.

The sequential corrective action task list for the elimination of fugitive dust at this site is presented below:

1. Reduce the pace of, or cease, dust producing activity until the problem is corrected.
2. Notify the area supervisor of dust conditions and implement dust suppression procedures.
3. Isolate dust-generating areas/surfaces to shield them from wind sources.
4. Increase frequency, volume, and/or coverage of water misting, sprays, and foggers to prevent material from drying.
5. Provide additional dust suppression systems and operating personnel during the task duration.
6. Modify operating procedures and methods to eliminate problematic conditions.
7. Increase level of worker awareness and instruct them on implementation of any new or modified operating procedures

Training— Employees with responsibilities in the above material handling areas or equipment shall be trained annually as to the contents of this Plan or as procedure changes are made to this Plan.

Records- The following records shall be maintained:

- A plant site map highlighting the areas the water truck/sweeper are responsible for addressing, location of all water nozzles and location of air emission sources (ex. crusher, screener, material piles, etc.)
- Dates and times the water truck/sweeper were operated.
- Site Foreman's daily signoff that the pre-operations walkthrough was completed and that all dust control measures are working and in place prior to processing material through the plant.

The Plant Manager and Site Forman have the responsibility and authority to implement this Dust Control Plan.

CERTIFICATE OF MAILING

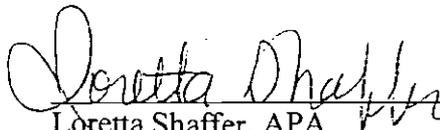
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-IL-1 by certified mail, return receipt requested, to:

Larry Lindahl
Lindahl Brothers Inc.
3301 S California Street
Chicago, Illinois 60608

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-IL-1, 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 10 day of December 2014.



Loretta Shaffer, APA
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7009 1680 0000 7670 0894