



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

APR 20 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard Chapman Jr., President
H. Kramer & Co.
1345 West 21st Street
Chicago, Illinois 60608

Re: Notice of Violation
H. Kramer & Co.
Chicago, Illinois

Dear Mr. Chapman:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to H. Kramer & Co. (Kramer). The NOV is being issued under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are in violation of the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and 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.

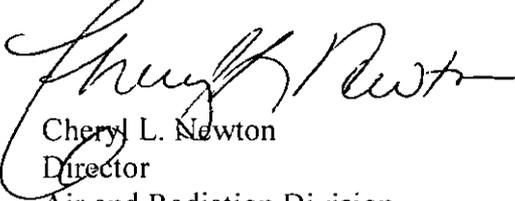
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

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 technical contacts in this matter are Kushal Som and Dakota Prentice. You may call either Kushal Som at (312) 353-5792 or Dakota Prentice at (312) 886-6761 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,



Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

Todd R. Wiener
McDermott Will & Emery LLP

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	NOTICE OF VIOLATION
)	
H. Kramer & Co.)	EPA-5-11-IL-11
Chicago, Illinois)	
)	
Proceedings Pursuant to Section 113(a)(1))	
of the Clean Air Act,)	
42 U.S.C. § 7413(a)(1))	

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 (CAA), 42 U.S.C. § 7413(a)(1). EPA finds that H. Kramer & Co. (Kramer) in Chicago, Illinois, is in violation of the CAA, 42 U.S.C. §§ 7401 *et seq.*, and the Illinois State Implementation Plan (SIP) as follows:

Statutory and Regulatory Authority

1. The CAA, 42 U.S.C §§ 7401, *et seq.*, and the regulations promulgated thereunder, establish a statutory and regulatory scheme 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.

National Ambient Air Quality Standards

2. Pursuant to Sections 108 and 109 of the CAA, 42 U.S.C. §§ 7408 and 7409, EPA revised the National Ambient Air Quality Standards (NAAQS) for lead on November 12, 2008. 73 Fed. Reg. 67052 (2008). The revised national primary and secondary ambient air quality standards for lead and its compounds are 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), arithmetic mean concentration over a 3-month period. *See* 40 C.F.R. § 50.16. EPA revised the primary NAAQS for lead to provide increased protection for children and other at-risk populations against an array of adverse health effects, most notably including neurological effects in children. EPA revised the secondary standard to be identical to the revised primary standard.

Illinois SIP

3. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rules 101 and 102 as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842. IPCB Rule 101 has been recodified at 35 Illinois Administrative Code (Ill. Admin. Code) § 201.102. IPCB Rule 102 has been recodified at 35 Ill. Admin. Code § 201.141.

4. The Illinois SIP at 35 Ill. Admin. Code § 201.141 provides, in pertinent part, that no person shall 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 or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

5. The Illinois SIP at 35 Ill. Admin. Code § 201.102 defines “Ambient Air Quality Standard” as those standards promulgated from time to time by the IPCB or by the EPA.

6. The Illinois SIP at 35 Ill. Admin. Code § 201.102 defines “Air Pollution” 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.

Factual Background

7. Kramer owns and operates a secondary copper smelting facility located at 1345 West 21st Street in Chicago, Illinois (the Facility). The Facility includes one 35 ton rotary furnace (Rotary Furnace #1), one 60 ton rotary furnace (Rotary Furnace #2), three coreless electric induction furnaces, and two channel furnaces.

8. Rotary Furnace #1 and Rotary Furnace #2 produce the copper alloys, brass and bronze ingots.

9. The two rotary furnaces, three electric induction furnaces, and two channel furnaces are emission sources. Emissions from these furnaces include lead.

10. To control air pollution emissions, Kramer operates five baghouses of varying capacity for the two rotary furnaces (Baghouse Nos. 1, 2, 5, and 6) and three electric induction furnaces (Baghouse No. 4). The emissions from the two channel furnaces are controlled by a venturi scrubber and mist eliminator, in series.

11. To determine compliance with the revised NAAQS for lead, the Illinois Environmental Protection Agency, with assistance from EPA, placed an air monitor on the roof of the Perez Elementary School located at 1241 West 19th Street in Chicago, Illinois. The location was chosen to monitor and capture metals emitted from the Facility.

12. Based on a three month rolling average from October through December of 2010, EPA determined that the revised NAAQS for lead had been exceeded at the air monitor located at the Perez Elementary School. The three month rolling average lead concentration at the monitor was 0.241 $\mu\text{g}/\text{m}^3$.

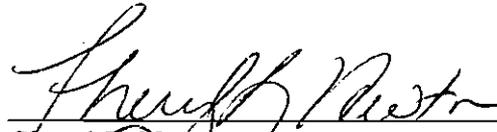
13. Based on a three month rolling average from November 2010 through January 2011, EPA determined that the revised NAAQS for lead had been exceeded at the air monitor located at the Perez Elementary School. The three month rolling average lead concentration at the monitor was 0.294 $\mu\text{g}/\text{m}^3$.

14. The highest concentrations of lead from October 2010 through January 2011 occurred when there was a southerly/southwesterly wind direction (as recorded at the nearest meteorological station in Alsip, Illinois). The Kramer Facility is located southwest of the air monitor.

Violations

15. Kramer caused or allowed the emission of lead into the air so as, either alone or in combination with contaminants from other sources, to cause air pollution in Illinois and /or to prevent the attainment or maintenance of the revised NAAQS for lead in violation of the Illinois SIP at 35 Ill. Admin. Code § 201.141.

4/20/11
Date



Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Notice of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Howard Chapman Jr., President
H. Kramer & Co.
1345 West 21st Street
Chicago, Illinois 60608

I also certify that I sent copies of the NOV by first class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Todd R. Wiener, Esq.
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, Illinois 60606

on the 20th day of April, 2011.



Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 2508