



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

AUG 26 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Josh Quinn
Manager of Environmental Compliance
Reliable Asphalt Corporation
3741 South Pulaski Road
Chicago, Illinois 60623

Re: Administrative Order EPA-5-15-113(a)-IL-16

Dear Mr. Quinn:

Enclosed is an executed original of the Administrative Consent Order regarding the above-captioned case. If you have any questions about the Order, please contact me at (312) 886-6073.

Sincerely,

Brian Dickens

Brian Dickens
Air Enforcement and Compliance Assurance Branch, OH/MN

Enclosure

cc: Regional Hearing Clerk/E-19J
Kathleen Schnieders, C-14J
Reza Bagherian, AE-17J
Eric Jones, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:) **EPA-5-15-113(a)-IL-16**
)
Reliable Asphalt Corporation) **Proceeding Under Sections 113(a)(3) and 114(a)(1)**
Chicago, Illinois) **of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3)**
) **and 7414(a)(1)**

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Reliable Asphalt Corporation (RAC) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to the EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). Under Section 110(a) of the CAA, 42 U.S.C. § 7410(a), each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113.

3. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rule 103 as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.

4. IPCB Rule 103 is codified at 35 Illinois Administrative Code (Ill. Adm. Code) 201.142.

5. IPCB Rule 103(a)(1) [35 Ill. Adm. Code 201.142] states that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA).

6. On February 21, 1980, EPA approved IPCB Rule 203 as part of the federally enforceable SIP for the State of Illinois. 45 Fed. Reg. 11493.

7. IPCB Rule 203 is codified at 35 Ill. Adm. Code 212.301.

8. IPCB Rule 203(f)(1) [35 Ill. Adm. Code 212.301] states 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. On September 25, 2012, IEPA issued construction permit no. 12070034 to RAC.

10. Condition 4(c) of RAC's construction permit states 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 source.

11. Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

12. The Administrator of EPA may require any person who owns or operates an emission source to make and submit reports under Section 114(a)(1) of the CAA, 42 U.S.C.

§ 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

13. On August 1, 2014, EPA observed emissions of visible fugitive particulate matter originating from RAC's crushing plant and traveling beyond its property line.

14. On November 4, 2014, EPA inspected the facility to assess RAC's compliance with the Illinois SIP.

15. During the November 4, 2014, inspection, EPA reviewed RAC's records pertaining to the use of water sprays at the crushing plant.

16. The Reliable Asphalt records reviewed by EPA showed, and RAC's representative confirmed, that on August 1, 2014, RAC's water sprays at the crushing plant were not working properly when EPA observed emissions of visible fugitive particulate matter traveling beyond the facility's property line.

17. The August 1, 2014, emissions of visible fugitive particulate matter which originated from RAC's crushing plant and traveled beyond its property line was a violation of the Illinois SIP at 35 Ill. Adm. Code 212.301, and Condition 4(c) of RAC's construction permit.

18. As violations of the Illinois SIP, the emissions also constitute violations of the CAA.

Compliance Program

19. By September 30, 2015, RAC shall complete the following six action items at its crushing plant to ensure compliance with the Illinois SIP requirements:

- A. Realignment of dust suppression controls and water sprays to ensure even distribution of water to the crushers;

- B. Installation of manifold to distribute water evenly to the crushers;
- C. Installation of meters to track water usage for each pump installed within the plant;
- D. Installation and use of a backup pump in the event of an equipment failure;
- E. Development and implementation of an annual air monitoring training for employees at the crushing plant with regards to maintaining compliance with RAC's air permit conditions;
- F. Amending RAC's fugitive dust plan to incorporate the actions stated above.

20. By October 30, 2015, RAC shall submit a notice of completion report to the EPA certifying that all actions specified above, in Paragraph 19, have been completed.

21. RAC shall send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

General Provisions

22. This Order does not affect RAC's responsibility to comply with other federal, state, and local laws.

23. This Order does not restrict EPA's authority to enforce Section 110 of the CAA, 42 U.S.C. § 7410, 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, for RAC's violation of the CAA.

25. Failure to comply with this Order may subject RAC 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 RAC, its assignees, and its successors. RAC 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. RAC 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 RAC 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. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

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, however, are acceptable.

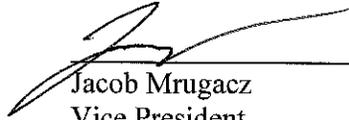
29. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

30. RAC agrees to the terms of this Order.

31. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that RAC has complied with all terms of the Order throughout its duration.

Reliable Asphalt Corporation, Respondent

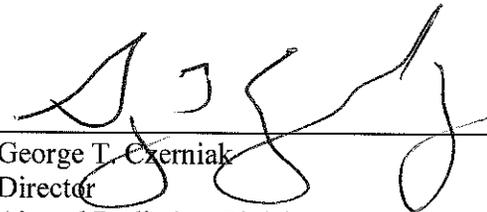
8/11/15
Date



Jacob Mrugacz
Vice President
Reliable Asphalt Corporation

United States Environmental Protection Agency, Complainant

8/26/15
Date



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

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-IL-16 by certified mail, return receipt requested, to:

Josh Quinn
Manager of Environmental Compliance
Reliable Asphalt Corporation
3741 South Pulaski Road
Chicago, Illinois 60623

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-IL-16 by first-class mail to:

Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

On the 27th day of August 2015.

Loretta Shaffer
for Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER(S):

7014 2870 0001 9580 4589