



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

JUL 12 2010

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AE-17J

Adam N. Swercheck
Corporate Environmental Manager
Buzzi Unicem USA
100 Brodhead Road,
Bethlehem, PA 18017

Re: Administrative Compliance Order EPA-05-10-113(a)-04

Dear Mr. Swercheck:

Enclosed is an Amendment to Administrative Compliance Order EPA-05-10-113(a)-04 (Order) issued to Lone Star Industries, Inc. (dba Buzzi Unicem USA) on June 4, 2010. This Order is amended based on information that you provided to the U.S. Environmental Protection Agency on June 16, 2010 regarding the company's suspension and future restart of kiln operations. This Amended Order does not levy any penalties.

The EPA is committed to ensuring compliance with the requirements of the Clean Air Act, and my staff will assist you in any way possible. Your cooperation and prompt attention will be appreciated. If you have any questions, please contact Ms. Shannon Downey, of my staff, at 312-353-2151.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Ray Pilapil, Illinois EPA, Springfield

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of)	
)	AMENDMENT TO
LONE STAR INDUSTRIES, Inc.)	ADMINISTRATIVE ORDER
(dba Buzzi Unicem USA))	EPA-05-10-113(a)-04
Portland Avenue)	
Oglesby, IL)	

BACKGROUND

On June 4, 2010, the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, issued Administrative Compliance Order Docket No. EPA-05-10-113(a)-04 (Order) to Lone Star Industries dba Buzzi Unicem USA (Buzzi) pursuant to the authority of Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) (hereinafter referred to as “the Act”). EPA issued the Order because Buzzi failed to conduct a Dioxin/Furan (D/F) within 30 months after the previous D/F test in violation of 40 C.F.R. § 63.1349(d). Buzzi had shut down its kiln system due to economic conditions. The Order required D/F performance testing within 60 days of the date that the kiln system returned to operations.

On June 16, 2010, Buzzi conferred with EPA regarding the Order and expressed concern that its kiln system would not achieve normal representative conditions within 60 days of startup because the kiln system had been down for such a long time. Buzzi requested that the performance test on the kiln system for Dioxin/Furan (D/F) under paragraph 6 of the Order be extended to 120 days from startup rather than the 60 day requirement of the Order. Performance tests to demonstrate compliance with 40 C.F.R. § 63.1349(d) must be operated at representative performance conditions in accordance with 40 C.F.R. § 63.7(e).

STATEMENT OF AUTHORITY

The EPA is issuing this Amendment to the Order pursuant to the authority of Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). Section 113(a)(3) of the Act authorizes the Administrator of the EPA to issue an order requiring compliance to any person whom the Administrator finds to be in violation of the Act. The authority to issue this Order has been delegated to the Director of the Air and Radiation Division, EPA, Region 5.

AMENDED ORDER

1. After a thorough investigation of the relevant facts, taking into account the seriousness of noncompliance and efforts made by Buzzi to comply with applicable regulations, and based upon the information in this Amendment and the Findings of Fact and Conclusions of Law in the Order, pursuant to the authority vested in me under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), Paragraph 6.a. through 6.e. of the Order is hereby amended and replaced with the following:

- (a) Buzzi shall complete the D/F performance testing required by 40 C.F.R. § 63.1349(d) within 120 calendar days after startup of the kiln system. Prior to startup, Buzzi shall notify EPA and Illinois EPA in writing of Buzzi's intention to return the kiln system to operations;
- (b) Buzzi shall notify EPA and Illinois EPA of its intention to conduct the D/F performance test at least 60 calendar days before the performance test is scheduled to begin;
- (c) Buzzi shall submit written notification to EPA and Illinois EPA within seven days after completing the requirements of paragraph 6.a;

- (d) At all times, Buzzi shall operate the kiln in accordance with all permit terms and all Federal, State, and local laws, regulations, and ordinances; and
- (e) Buzzi shall conduct the next scheduled performance test within 30 months from the performance test conducted under this Order, in accordance with 40 C.F.R. § 63.1349(d).

2. Any information or correspondence submitted by Buzzi to EPA under the Order and this Amendment shall be addressed to the following:

Shannon Downey
Air Enforcement Section
EPA, Region 5
77 West Jackson Blvd
Chicago, Illinois 60604
Telephone: 312/353-2151
Fax: 312/385-5398
Email: downey.shannon@epa.gov

3. Any information or correspondence submitted by Buzzi to Illinois EPA under the Order or this Amendment shall be addressed to the following:

Mr. Ray Pilapil, Manager
Illinois Environmental Protection Agency
Bureau of Air, Compliance Section #40
1021 North Grand Avenue East
Springfield, IL 62702

GENERAL PROVISIONS

4. The provisions of the Order and this Amendment shall apply to and be binding upon Buzzi, its officers, directors, agents, and employees.

5. The provisions of the Order and this Amendment shall be transferable to any other party, upon sale or other disposition of the facility. Upon such action, the provisions of this Amended Order shall then apply to and be binding upon any new owner/operator, its officers, directors, agents, employees, and any successor(s) in interest.

6. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the Administrator or authorized representatives of EPA, upon presentation of his or her credentials, shall have the right of entry into, upon and through the Buzzi facility, for the purpose of carrying out any inspections, taking photographs, and reviewing any records, and, subject to applicable safety requirements, observing tests, and conducting any tests, which are deemed by EPA to be necessary to ensure compliance with the Order and this Amendment.

7. Nothing in the Order or this Amendment shall be construed to affect EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.

8. Nothing contained in this Order or this Amendment shall affect the responsibility of Buzzi to comply with all other applicable federal, State or local laws or regulations, including Section 303 of the Act, 42 U.S.C. § 7603.

FAILURE TO COMPLY

9. Failure to comply with the Order or this Amendment may result in a civil action for a permanent or temporary injunction, or a civil penalty of up to \$37,500 per day for violations occurring on and after January 12, 2009, pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b) and 40 C.F.R. Part 19. Failure to comply with the Order or this Amendment may result in an administrative order assessing a civil administrative penalty of up to \$37,500, per day for violations occurring on and after January 12, 2009, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

EFFECTIVE DATE

This Amendment to the Order shall become effective upon signature. Buzzi has the right, pursuant to Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), to confer with EPA regarding this matter. In the absence of a request for a conference within seven days of the effective date, the right to a conference will be deemed waived.

7/12/10
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Adam. N. Swercheck
Corporate Environmental Manager
Buzzi Unicem USA
100 Brodhead Road,
Bethlehem, PA 18017

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

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

on the 13th day of July 2010.



Betty Williams
Administrative Program Assistant
AECAS(IL/IN)

Certified Mail Receipt Number: 7009 1680 0000 7666 5872