



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

MAR 3 1 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Etter, Vice President and General Manager
Reliable Asphalt Corporation
3741 S. Pulaski Road
Chicago, Illinois 60623

Re: Notice of Violation
Reliable Asphalt Corporation
Chicago, Illinois

Dear Mr. Etter:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Reliable Asphalt Corporation (Reliable Asphalt or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1). We find that you have violated provisions of the Illinois State Implementation Plan, resulting in violations of the Clean Air Act, pertaining to fugitive particulate matter at your Chicago, Illinois facility.

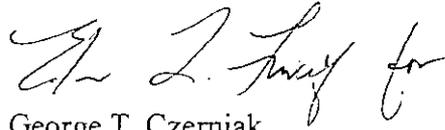
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you 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 Reza Bagherian, at (312) 886-0674. You may call him to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. T. Czerniak for".

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Eric Jones, Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Reliable Asphalt Corporation
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**
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) **EPA-5-15-IL-07**
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NOTICE OF VIOLATION

Reliable Asphalt Corporation (Reliable Asphalt or you) owns and operates an asphalt plant and a crushing plant at 3741 S. Pulaski Road, Chicago, Illinois (Facility).

The U.S. Environmental Protection Agency is sending this Notice of Violation (NOV or Notice) to notify you that we have found you are violating a provision of the Illinois State Implementation Plan pertaining to fugitive particulate matter, which constitutes a violation of the Clean Air Act (the Act or CAA).

Statutory and Regulatory Background

1. Section 110 of the CAA, 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 National Ambient Air Quality Standards (NAAQS).
2. 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.
3. IPCB Rule 103 is codified at 35 Illinois Administrative Code (Ill. Adm. Code) 201.142.
4. 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).
5. 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.
6. IPCB Rule 203 is codified at 35 Ill. Adm. Code 212.301.

7. 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.
8. On September 25, 2012, IEPA issued construction permit no. 12070034 to Reliable Asphalt to modify the crushing plant consisting of five (5) crushers, three (3) screens, and forty-one (41) conveyors to increase the permitted throughput from 600,000 tons/year to 750,000 tons/year.
9. Condition 4(c) of Reliable Asphalt'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.
10. Condition 11(e) of Reliable Asphalt's construction permit states the surface moisture content of the aggregate to be processed in the crushing plant shall be at least 1.5% by weight. The permittee shall show compliance with this requirement as follows:
 - a. Water sprays shall be used on the emission units associated with the crushing plant (e.g., crushers, conveyors, and stockpiles, etc.) as necessary, except when weather conditions are below or expected to fall below freezing temperatures, to produce a moisture content of 1.5% by weight or higher to reduce particulate matter emissions; or
 - b. Demonstrate compliance with Condition 11(e) by following the testing requirements of Condition 20(b)
11. Condition 20(b) of Reliable Asphalt's construction permit states the moisture content of a representative sample of the aggregate processed in the crushing plant shall be measured at least once per week using ASTM Procedures (C566-97) for total moisture content of material.
12. Condition 20(d) of Reliable Asphalt's construction permit states inspections of water spray equipment and operation (such as leaking, maintaining adequate flow, clogging of flow lines, etc.) shall be performed at least once per week when the crushing plant is in operation.
13. 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 or permit.

Explanation of Violation

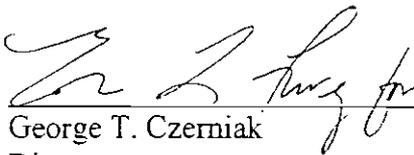
14. On August 1, 2014, EPA observed emissions of visible fugitive particulate matter originating from Reliable Asphalt's crushing plant and traveling beyond its property line.
15. On November 4, 2014, EPA inspected the facility to assess Reliable Asphalt's compliance with the Illinois SIP.
16. During the November 4, 2014, inspection, EPA reviewed Reliable Asphalt's records pertaining to the use of water sprays at the crushing plant.
17. The Reliable Asphalt records reviewed by EPA showed, and Reliable Asphalt's representative confirmed, that on August 1, 2014, Reliable Asphalt'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.
18. The August 1, 2014, emissions of visible fugitive particulate matter which originated from Reliable Asphalt'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 Reliable Asphalt's construction permit.
19. As violations of the Illinois SIP, the emissions also constitute violations of the Act.

Environmental Impact of Violation

20. Violations of opacity limits increase public exposure to, amongst other pollutants, unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date

3/31/15



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-15-IL-07, by

Certified Mail, Return Receipt Requested, to:

Paul Etter, Vice President and General
Manager
Reliable Asphalt Corporation
3741 S. Pulaski Road
Chicago, Illinois 60623

I also certify that I sent a copy of the Notice of Violation by first-class mail to:

Eric Jones, Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East

On the 31st day of March 2015.

for 
Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2639 3187