



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

AUG 19 2013

REPLY TO THE ATTENTION OF

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Keith McLean, President  
HA International, LLC  
630 Oakmont Lane  
Westmont, Illinois 60559

Re: HA International, LLC, Oregon, Illinois

Dear Mr. McLean,

Enclosed is the Administrative Consent Order (ACO) entered into by HA International, LLC (HAI) and the United States Environmental Protection Agency. Please retain this copy for your records.

The terms of this ACO became effective on the date of signature by the Director of the Air and Radiation Division, and are binding for two years from the effective date. Failure to comply with this ACO may subject HAI to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

Should you have any questions, please contact Mr. Robert Peachey, Associate Regional Counsel, at (312) 353-4510, or Ms. Natalie Topinka, of my staff, at (312) 886-3853.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Frank".

Nathan Frank, Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosures: ACO

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-13-113(a)-IL-11</b>
	)	
<b>HA International, LLC</b>	)	<b>Proceeding Under Sections 113(a)(1) and</b>
<b>Oregon, Illinois,</b>	)	<b>114(a)(1) of the Clean Air Act, 42 U.S.C.</b>
	)	<b>§§ 7413(a)(1) and 7414(a)(1)</b>
<b>Respondent.</b>	)	
_____	)	

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is entering into this Administrative Consent Order (Order) with HA International, LLC (HAI) under Sections 113(a)(1) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA. *See* 42 U.S.C. § 7410.

3. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rule 102 as part of the federally enforceable state implementation plan (SIP) for the State of Illinois. *See* 37 Fed. Reg. 10,842. IPCB Rule 102 has been recodified at 35 Illinois Administrative Code (Ill. Admin. Code) § 201.141.

4. On February 21, 1980, EPA approved IPCB Rule 205 as part of the federally enforceable SIP for Illinois. *See* 45 Fed. Reg. 11,472. IPCB Rule 205 has been recodified at 35 Ill. Admin. Code Part 215.

5. 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.

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.

7. The Illinois SIP at 35 Ill. Admin. Code § 215.301 states that no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source, except as provided in 35 Ill. Admin. Code §§ 215.302, 215.303, 215.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.

8. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), the Administrator of EPA may issue an order requiring any person who has violated or is violating a SIP to comply with the SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

9. The Administrator of EPA may require any person who owns or operates an emission source to make reports and provide information required by the Administrator 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

10. HAI owns and operates a resin-coated sand production facility at 1449 Devils Backbone Road, Oregon, Illinois (the Oregon Facility). The Oregon Facility includes three resin-coated sand production lines (Plants 1, 2, and 3).

11. HAI owns or operates an “emission source” within the meaning of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Therefore, HAI is subject to the requirements of Section 114(a)(1).

12. Emissions from each of the three Plants include phenol and formaldehyde, both of which are classified as volatile organic material (VOM) under the Illinois SIP at 35 Ill. Admin. Code § 211.7150, and as organic material under 35 Ill. Admin. Code § 211.4250.

13. EPA received citizen complaints about the Oregon Facility’s odor via telephone on August 26, 2011, March 15, 2012, and June 27, 2012. On December 6, 2012, two EPA inspectors observed the odors from the Oregon Facility. Between January and July 2013, EPA recorded additional odor complaints from citizens about the Oregon Facility.

14. Since the formaldehyde, phenol, and other pollutants emitted by the Oregon Facility are classified as organic material, emissions from the Oregon Facility are subject to the organic material limits of no more than 8 lbs/hr from any emission source under 35 Ill. Admin. Code § 215.301.

15. Organic material emissions from each of HAI’s Plants 1, 2 and 3 are in excess of 8 lbs/hr, in violation of 35 Ill. Admin. Code § 215.301. These organic material emissions do not meet the criteria for exception under 35 Ill. Admin. Code § 215.301.

16. HAI caused or allowed the emission of VOM into the environment so as, either alone or in combination with the contaminants from other sources, to cause air pollution in Illinois, in violation of the Illinois SIP at 35 Ill. Admin. Code § 201.141.

17. On August 23, 2012, EPA issued to HAI a notice of violation alleging that HAI was violating 35 Ill. Admin. Code §§ 215.301 and § 201.141 at the Oregon Facility.

18. On October 4, 2012, representatives of HAI and EPA discussed the August 23, 2012 notice of violation.

19. HAI neither admits nor denies the factual findings and legal findings in this Order.

#### **Compliance Program**

20. By August 23, 2014, HAI must achieve, demonstrate and maintain compliance with the Illinois SIP at its Oregon, Illinois facility.

21. HAI must install and continuously operate recuperative thermal oxidizers (Oxidizers) on the Oregon Facility's Plants 2 and 3. The Oxidizers must be designed to achieve a volatile organic compound (VOC) destruction efficiency of at least 99%. HAI will use its best efforts to install and continuously operate the Oxidizers within 6 months of the effective date of this Order, but HAI will install and continuously operate the Oxidizers no later than August 23, 2014.

22. Within 60 days of the Oxidizers becoming operational, HAI must conduct performance testing of the VOC emissions from each of Plants 2 and 3 using EPA Reference Method (RM) 320 in order to demonstrate that the Oxidizers achieve 99% VOC destruction efficiency. The performance test will, at minimum, quantify phenol, formaldehyde, and total VOC emission rates, and establish minimum Oxidizer operating parameters necessary to achieve the 99% VOC destruction efficiency.

23. No later than 60 days prior to the performance test in paragraph 22, HAI must submit to the Illinois Environmental Protection Agency (IEPA) and EPA a performance test protocol for review. EPA reserves the right to require changes to the protocol before the performance test in paragraph 22 begins.

24. Within 45 days of completing the performance test in paragraph 22, HAI will submit to EPA a performance test report pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The report must include at minimum: emission results for phenol, for formaldehyde, and for total VOC, each expressed in pounds per hour; operating parameters of control equipment recorded during the test; total VOC destruction efficiency, including calculations and supporting data; and a discussion of errors or problems encountered, both real and apparent.

25. Based on the results of the performance test in paragraph 22, and within 45 days of completing the performance test, HAI must propose and submit to EPA the Oxidizer operating parameters, including minimum operating temperature, which must be met to ensure 99% VOC destruction efficiency. HAI will meet these Oxidizer operating parameters in order to comply with paragraph 21 of this Order.

26. Before beginning construction of the Oxidizers, HAI must submit an application for a Construction Permit to the IEPA to install the Oxidizers. The permit application must state that the Oxidizers shall be designed to achieve 99% VOC destruction efficiency.

27. HAI must submit two semi-annual compliance demonstration reports under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The reports must be submitted no later than February 28, 2015 and August 21, 2015, and must contain, at a minimum:

- a. Oxidizer operating temperature records for the previous six months of operation, provided in electronic format;

- b. Estimated hourly and monthly emissions for phenol, for formaldehyde, and for total VOC, expressed in pounds per hour, for Plants 1, 2, and 3 over the previous six months of operation;
- c. A description of the emission factors and calculation methodologies used to arrive at the values reported for paragraph 27, item b;
- d. A table of all periods of time when the Oxidizers were not operating, including the time, date, and duration of each instance when an Oxidizer was not operating, and a narrative explanation to explain each Oxidizer's downtime.

28. HAI must 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 W. Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

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

30. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the CAA.

31. 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 HAI's violation of the Illinois SIP.

32. Failure to comply with this Order may subject HAI 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.

33. The terms of this Order are binding on HAI, its assignees and successors. HAI must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the address in paragraph 28, that it has given the notice.

34. For purposes of this Order and enforcement of this Order, HAI waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review with respect to any issue of fact or law set forth in this Order.

35. HAI 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 HAI 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.

36. 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 of submittals 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.

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

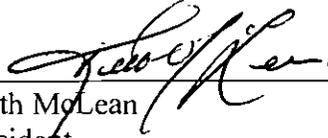
38. HAI agrees to the terms of this Order.

39. 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 HAI has complied with all terms of the Order throughout its duration.

40. Compliance with the terms of this Order will resolve Respondent's liability for injunctive relief arising from the NOV identified in paragraph 17 as of the effective date of this Order.

8-15-13

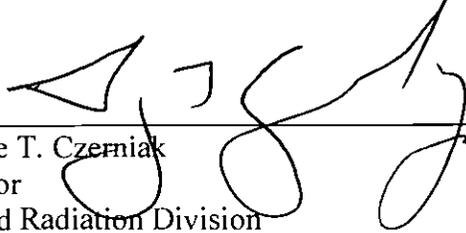
Date



Keith McLean  
President  
HA International, LLC

8/19/13

Date



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

CERTIFICATE OF MAILING

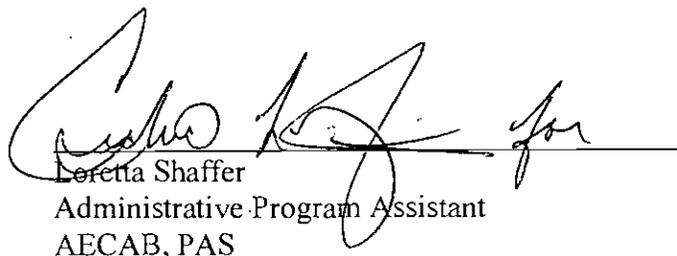
I, Georic L. Jones, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-IL-11, by certified mail, return receipt requested, to:

Keith McLean, President  
HA International, LLC  
630 Oakmont Lane  
Westmont, Illinois 60559

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-13-113(a)-IL-11, 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 62794

On the 20<sup>th</sup> day of AUGUST, 2013.

  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7809 1680 0000 7676 0966