



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

**FEB 02 2016**

REPLY TO THE ATTENTION OF:

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

Wade Schoeneweis  
Vice President of Operations  
Azcon Corporation  
121 Chessen Lane  
Alton, Illinois 62002

Re: Administrative Order EPA-5-16-113(a)-IL-05

Dear Mr. Schoeneweis:

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 312-886-3850.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", with a long horizontal flourish extending to the right.

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

Enclosure

cc: Mark Koller/C-14J  
Eric Jones, Illinois EPA



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-16-113(a)-IL-05</b>
	)	
<b>Azcon Inc., d/b/a Azcon Metals, Alton, Illinois,</b>	)	<b>Proceeding Under Sections 113(a)(1) and 114(a)(1) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1)</b>
<b>Respondent.</b>	)	
<hr/>	)	

**Administrative Compliance Order on Consent**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is entering into this Administrative Compliance Order on Consent (Order) with Azcon Inc., d/b/a Azcon Metals (Azcon Metals) under Sections 113(a)(1) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1).

**Statutory and Regulatory Background**

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

3. On February 21, 1980, the EPA approved Illinois State Implementation Plan (SIP) Rule 212.301 as part of the federally enforceable SIP for Illinois, 45 Fed. Reg. 11493.

4. SIP Rule 212.301 states, "[n]o 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."

5. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), the Administrator of the EPA may issue an order requiring compliance to any person who has violated or is violating a



SIP.

### **Findings**

6. Azcon Metals operates a facility that processes scrap at 121 Chessen Lane, Alton, Illinois (Facility).

7. In satisfaction of the notice requirements of Section 113(a), on September 2, 2015, the EPA issued to Azcon Metals a Notice of Violation (NOV) and provided a copy of the NOV to the State of Illinois, providing notice to both that the EPA found that Azcon Metals violated the SIP provision for fugitive dust, as described in SIP Rule 212.301, 45 Fed. Reg. 11493.

8. On May 5, 2015, two EPA inspectors observed the emission of fugitive particulate matter from the Azcon Metals operation while looking generally toward the zenith at a point beyond the property boundary with a rail line.

### **Compliance Program**

9. By the effective date of this Order, Azcon Metals must achieve and maintain compliance with the SIP for fugitive dust at its 121 Chessen Lane, Alton, Illinois facility.

10. Within thirty (30) days of the effective date of this Order, Azcon Metals must begin implementation of the Fugitive Dust Plan delineated in Appendix A of this Order.

11. In order to demonstrate compliance with its approved Fugitive Dust Plan, on a quarterly basis for a period of one (1) year (i.e., three, six, nine and twelve months after the effective date of this Order), Azcon Metals must submit to EPA copies of the following records:

- a. the completed daily schedules for the times the water truck operated;
- b. the completed schedule for the water truck that was used during times of increased fugitive dust (in addition to the minimum routes required); and
- c. the completed routine inspection schedule of the facility to ensure there was no visible



fugitive dust crossing the property line.

12. Azcon Metals 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 West Jackson Boulevard  
Chicago, Illinois 60604

**Other Terms and Conditions**

13. Azcon Metals admits the jurisdictional allegations contained in this Order.
14. Azcon Metals neither admits nor denies the findings (above) in this Order.

**General Provisions**

15. Any violation of this Order may result in a civil administrative or judicial action for an injunction or civil penalties of up to \$37,500 per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d)(1), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

16. Nothing in this Order shall relieve Respondent of the duty to comply with all applicable provisions of the Act or other federal, state or local laws or statutes or restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

17. Nothing in this Order shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.



18. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this Order until the Termination Date as set out in paragraph 24 below, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless the EPA has provided written approval of the release of said obligations or liabilities.

19. Azcon Metals 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 Azcon Metals 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 Act, 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.

20. Each undersigned representative of the Parties certifies that he or she is authorized to enter into the terms and conditions of this Order, and to execute and bind legally his or her respective Party to this document.

21. 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.

#### **Effective Date and Opportunity for a Conference**

22. Pursuant to Section 113(a)(4) of the Act, an Order does not take effect until the person to whom it has been issued has had an opportunity to confer with the EPA concerning the alleged violations. By signing this Order, Respondent acknowledges and agrees that it has been provided an opportunity to confer with the EPA prior to issuance of this Order. Accordingly, this Order will take effect immediately upon signature by the Director of the Air and Radiation Division.

#### **Judicial Review**

23. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1). Respondent's waiver is limited to review or enforcement of this Order.

#### **Termination**

24. This Order shall terminate on the earlier of the following (the "Termination Date") at which point Azcon Metals shall operate in compliance with the Act:
- a. One year after the Effective Date of this Order;
  - b. The effective date of any determination by the EPA that Respondent has achieved compliance with all terms of this Order; or
  - c. Immediately upon receipt by Azcon Metals of notice from the EPA finding that an



imminent and substantial endangerment to the public health, welfare, or the environment has occurred related to the matters addressed by this Order.

01/05/16

Date

Wade P. Schoeneweis

Wade Schoeneweis  
Vice President of Operations  
Azcon Corporation

2/2/16

Date

George T. Czerpiak

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



**Appendix A**  
Fugitive Dust Control Plan

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# Fugitive Dust Control Plan

Prepared by: Jake Brooks (Azcon Metals EHS Manager)

Date: 10/8/2015

Location: Alton, IL

## 1.0 Facility Site Maps

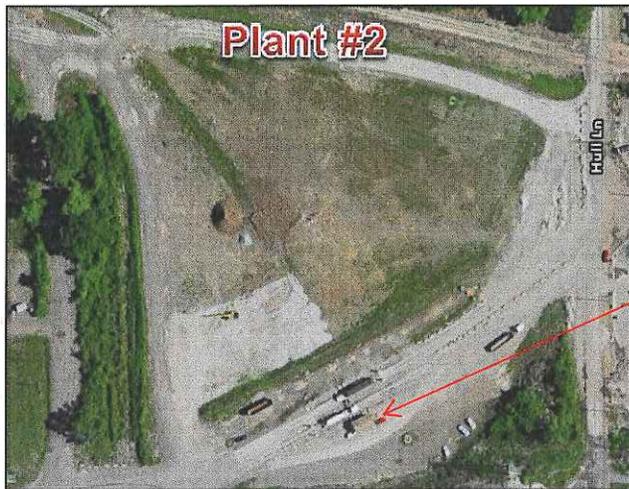
### 1.1 Facility Site Map



### 1.2 Map of Buildings, Internal Roads, and Utilities



- Rail Scale Building
- Maintenance Building
- Main Office
- Storage Building



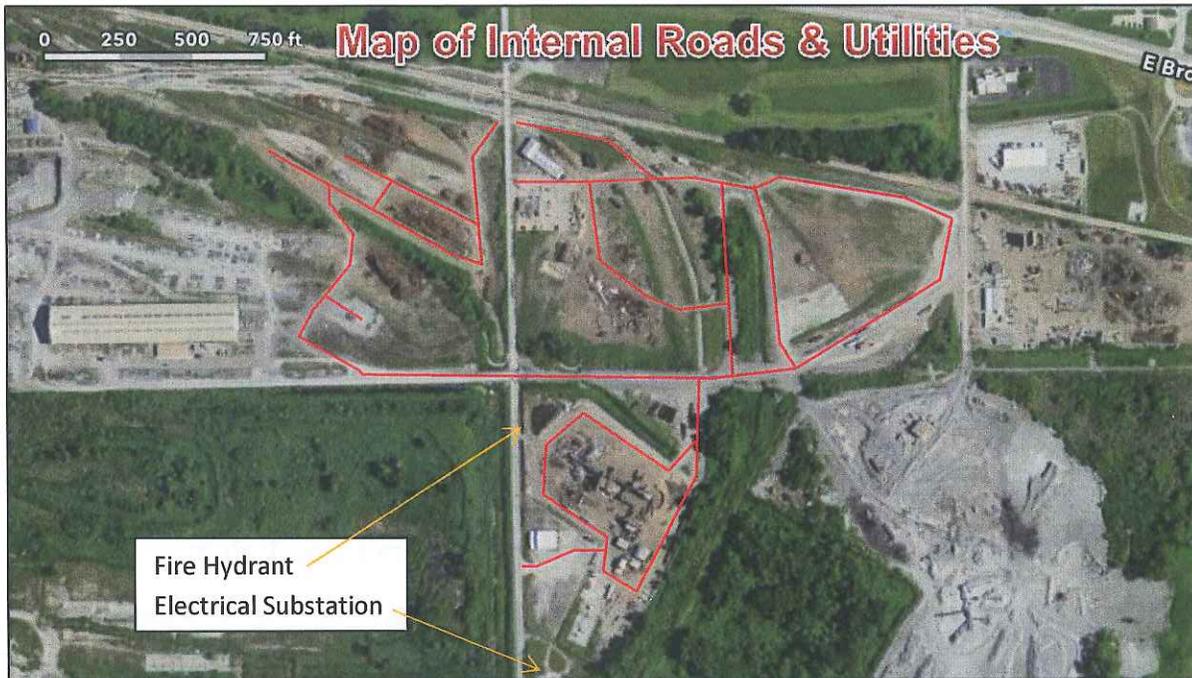
Truck Scale Building



Alton Steel Inc. SBQ Building



Shredder Facility  
Retail Building  
Retail Truck Scale Building



## 2.0 Description of Operations

Azcon Metals is a scrap processor located at 121 Chessen Lane in Alton, IL 62002. This facility accepts ferrous/non-ferrous materials to be sold or processed as necessary.

## 3.0 Description of Vehicle Routes In/Out of the Facility

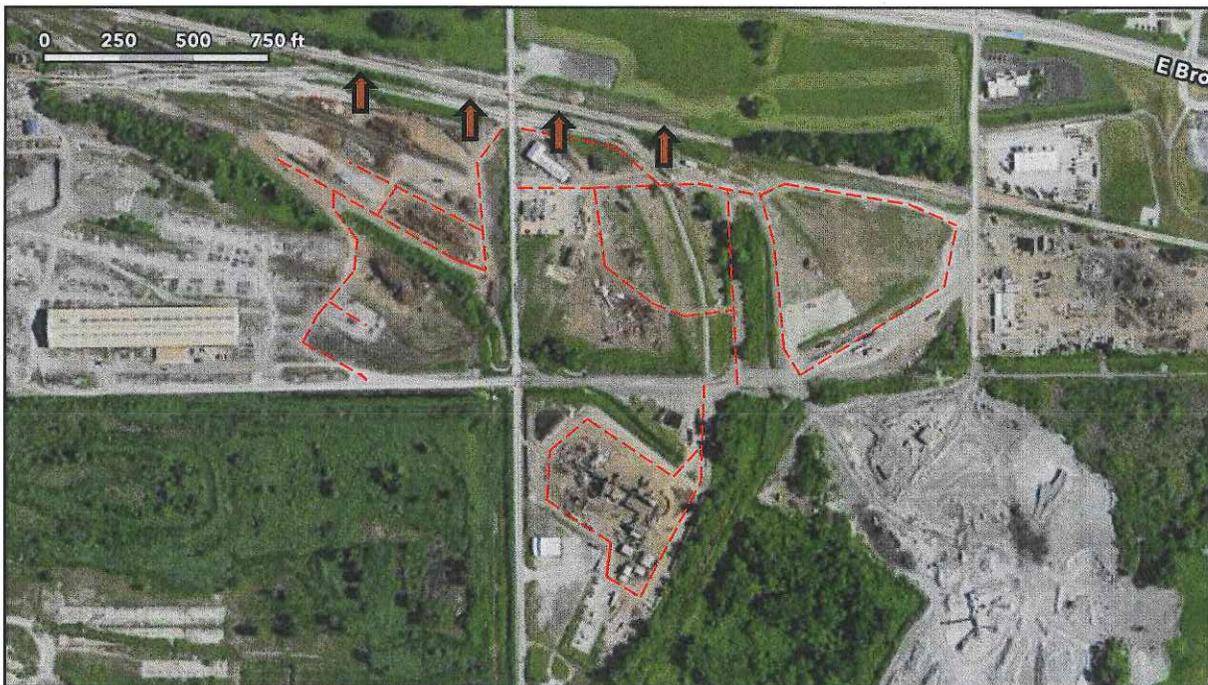
There are three (3) vehicle routes for entering and leaving Azcon Metals as follows:

- 1) The entrance/exit located at Hull Lane (Plant #2) is an asphalt paved road that leads up to the Inbound and Outbound Truck Scale.
- 2) The entrance/exit at Chessen Lane (Plant #3) near the railroad tracks is comprised of  $\frac{3}{4}$ " (grade 8) limestone gravel.
- 3) The entrance/exit located at the Retail Facility is comprised of an "oil and chip" gravel surface.

Dust is controlled in these areas with the use of a water truck to keep the roads adequately wet and sweeping/cleaning the asphalt surfaces with a broom attachment on a skid steer loader. Drivers are also instructed to operate mobile equipment at a slow speed to minimize the possibility of producing airborne dust.

Due to the improved road surfaces at Azcon Metals, Trucks entering and leaving Azcon Metals property do not require any loose materials to be cleaned from the trucks prior to leaving the facility. "Speed Bumps" are in place at the Inbound/Outbound Truck Scale to assist in dislodging any loose materials from the trucks entering and leaving the facility.

#### 4.0 Map of the Water Truck Route & Potential Dust Emission Points



 : Potential Dust Emission Points

 : Internal Roads

**5.0 Dust Suppression Schedule & Requirements**

All roads depicted in Section 4.0 shall be kept adequately watered as needed to prevent fugitive dust. During the times of increased fugitive dust, Azcon Metals Management will visually monitor throughout the day for any dust becoming airborne. If fugitive dust is observed, management will implement additional dust suppression efforts as needed.

During the winter months when the use of the dust suppression water truck is not feasible, efforts such as additional sweeping/cleaning of paved roadways and approved dust suppressants will be applied to unpaved roadways on an as needed basis.

In the event that the dust suppression water truck is malfunctioning, Azcon Metals will seek assistance from a 3<sup>rd</sup> Party, who possess a dust suppression water truck.

**6.0 Sample and Description of Record Keeping System**

A logbook will be maintained to record the daily efforts made in order to track the dust suppression. The following is an example of the logbook that will be maintained:

Employee Name	Time	Means of Dust Suppression (circle all that apply)
1)		a) Water Truck b) Sweep/Clean Roads c) Other: _____
2)		a) Water Truck b) Sweep/Clean Roads c) Other: _____
3)		a) Water Truck b) Sweep/Clean Roads c) Other: _____
4)		a) Water Truck b) Sweep/Clean Roads c) Other: _____
If no dust suppression is required for the day, explain the reason a) Rain b) Snow/Ice Cover c) Freezing Temperature/Frozen Ground d) Other: _____		
Date:		Supervisor Signature:

The dust suppression requirements will be evaluated at the beginning of the work shift and throughout the day by Azcon Metals Management. On days that dust suppression must be implemented, the efforts will typically be executed at the start of the shift, before the lunch break, midafternoon, and/or as needed.

On days where ground moisture content is elevated (after heavy rainfall, during cooler/wetter months, etc.) and the possibility of fugitive dust is minimal, the daily dust suppression schedule may be decreased under the direct observation of Azcon Metals Management.

The following chart is an example of the Dust Suppression Schedules, as well as the Schedule for Routine Inspections.

Dust Suppression Schedule			
Day	1 <sup>st</sup> Pass	2 <sup>nd</sup> Pass	3 <sup>rd</sup> Pass
Sunday	No work conducted		
Monday	7:00 A.M.	10:30 A.M.	1:00 P.M.
Tuesday	7:00 A.M.	10:30 A.M.	1:00 P.M.
Wednesday	7:00 A.M.	10:30 A.M.	1:00 P.M.
Thursday	7:00 A.M.	10:30 A.M.	1:00 P.M.
Friday	7:00 A.M.	10:30 A.M.	1:00 P.M.
Saturday	No work conducted		

Increased Dust Suppression Schedule				
Day	1 <sup>st</sup> Pass	2 <sup>nd</sup> Pass	3 <sup>rd</sup> Pass	4 <sup>th</sup> Pass
Sunday	No work conducted			
Monday	7:00 A.M.	9:30 A.M.	11:00 A.M.	1:30 P.M.
Tuesday	7:00 A.M.	9:30 A.M.	11:00 A.M.	1:30 P.M.
Wednesday	7:00 A.M.	9:30 A.M.	11:00 A.M.	1:30 P.M.
Thursday	7:00 A.M.	9:30 A.M.	11:00 A.M.	1:30 P.M.
Friday	7:00 A.M.	9:30 A.M.	11:00 A.M.	1:30 P.M.
Saturday	No work conducted			

Routine Inspection for Fugitive Dust	
Day	Daily visual observations shall be conducted
Sunday	No work conducted
Monday	throughout the day
Tuesday	throughout the day
Wednesday	throughout the day
Thursday	throughout the day
Friday	throughout the day
Saturday	No work conducted

**CERTIFICATE OF MAILING**

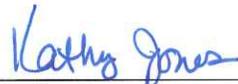
I, Kathy Jones, certify that I sent the Administrative Consent Order, EPA-5-16-113(a)-IL-05, by certified mail, return receipt requested, to:

Wade Schoeneweis, Vice President of Operations  
Azcon Corporation  
121 Chessen Lane  
Alton, Illinois 62002

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-16-113(a)-IL-05, 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 3<sup>rd</sup> day of February 2016.



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Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT  
NUMBER:

7014 2870 0001 9577 7999

