



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

FEB 18 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Miles Lynch
Alton Materials
15 Hull Lane
Alton, Illinois 62002

Re: Administrative Consent Order EPA-5-16-113(a)-IL-01

Dear Mr. Lynch,

Enclosed is an executed original of the Administrative Consent Order (ACO) regarding the above captioned case. The ACO became effective upon the date of signature by the EPA Region 5 Air Division Director. If you have any questions about the ACO, please contact Sara Loiacono at (312) 353-9199 or Mark Koller at (312) 353-2591.

Sincerely,

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

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

Enclosure:

cc: Mark Koller, C-14J
Sara Loiacono, AE-17J
Eric Jones, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-16-113(a)-IL-01
)	
Prairie State Salvage and Recycling, Inc.,)	
d/b/a Alton Materials,)	Proceeding Under Sections 113(a)(1) and
Alton, Illinois,)	114(a)(1) of the Clean Air Act, 42 U.S.C.
)	§§ 7413(a)(1) and 7414(a)(1)
Respondent.)	
<hr/>)	

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 Prairie State Salvage and Recycling, Inc., d/b/a Alton Materials (Alton Materials or Respondent) 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 ACT, 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 ACT, 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. Alton Materials operates a facility that processes scrap at 15 Hull Lane, Alton, Illinois (Facility).

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

8. In satisfaction of the notice requirements of Section 113(a), on September 4, 2015, the EPA issued to Alton Materials 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 Alton Materials violated the SIP provision for fugitive dust, as described in SIP Rule 212.301.

Compliance Program

9. By the effective date of this Order, Alton Materials must achieve and maintain compliance with the SIP for fugitive dust at its Facility.

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

11. In order to demonstrate compliance with the Fugitive Dust Plan, on a quarterly basis for a period of one (1) year, Alton Materials must submit to EPA copies of the following records under Section 114(a)(1) of the ACT, 42 U.S.C. § 7414(a)(1):

- 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. Alton Materials 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

Other Terms and Conditions

- 13. Alton Materials admits the jurisdictional allegations contained in this Order.
- 14. Alton Materials 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, nor shall it 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 herein 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. Alton Materials 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 Alton Materials 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 to execute and bind legally the Parties 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).

Termination

24. This Order shall terminate on the earlier of the following (the "Termination Date") at which point Alton Materials shall operate in compliance with the Act::

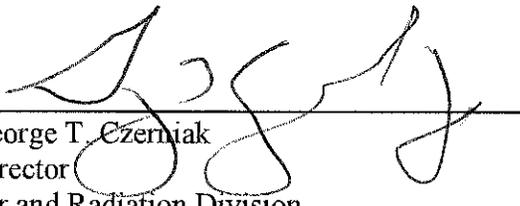
- a. One year after the Effective Date of this Order;

- 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 Alton Materials of notice from the EPA finding that an imminent and substantial endangerment to the public health, welfare, or the environment has occurred.

1/28/16
Date


Miles Lynch
President
Prairie State Salvage and Recycling, Inc.,
d/b/a Alton Materials

2/18/16
Date


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

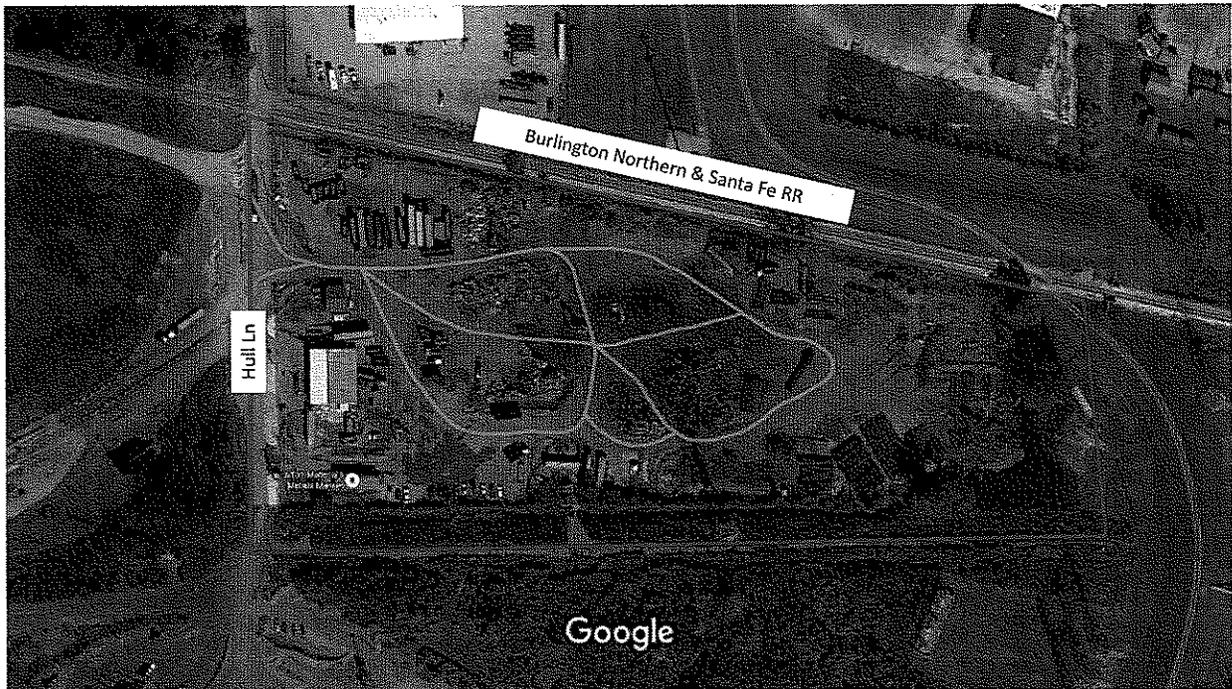
Appendix A

Fugitive Dust Plan (attached)

Appendix A: Fugitive Dust Control Plan Alton Materials, Alton, IL

1.0 Facility Site Map

The Alton Materials facility is outlined in red on the map below. Internal roads are indicated in blue.



Imagery ©2016 Google, Map data ©2016 Google 100 ft

2.0 Description of Operations

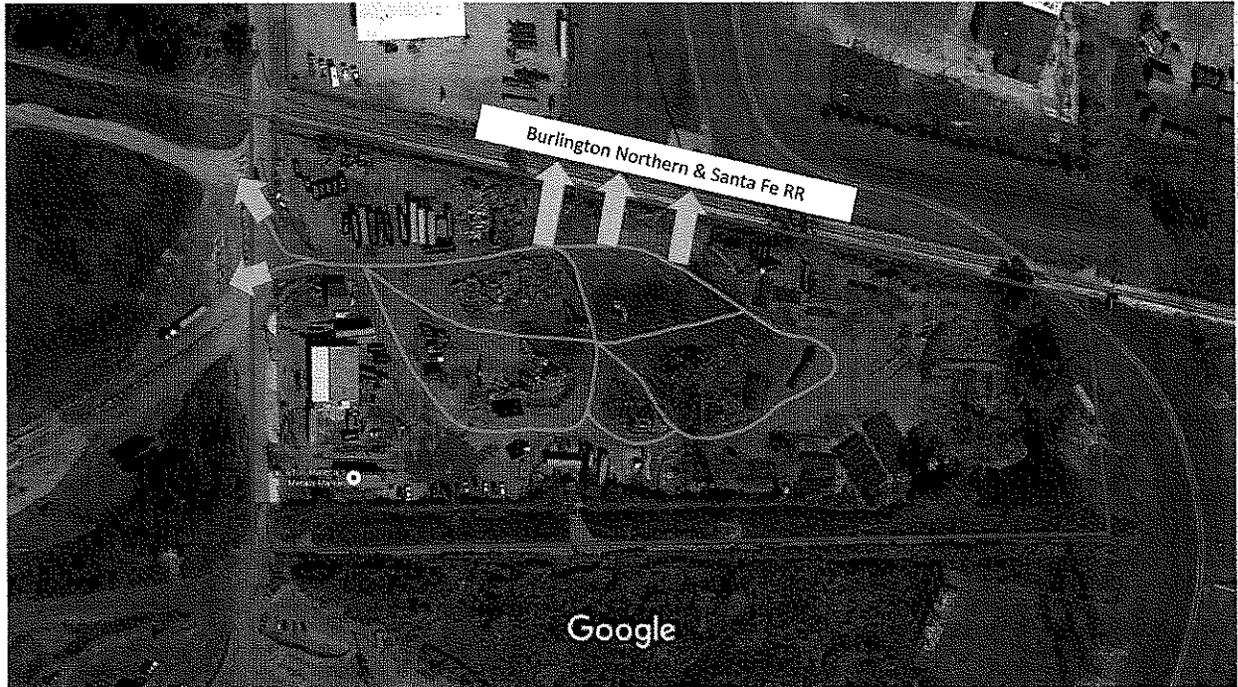
Alton Materials is a scrap metal recycling facility located at 15 Hull Lane, Alton, Illinois. The facility accepts ferrous and non-ferrous materials for processing and sale.

3.0 Vehicle Routes Into/Out of the Facility

- 3.1 There is one main vehicle route for entering and exiting Alton Materials, which is accessed from Hull Lane.
- 3.2 Dust will be controlled on unpaved roads with the use of a water truck for application of water/suppressant.
- 3.3 Any paved roads will be swept of dust or flushed with water.
- 3.4 Speed limits on unpaved roads will be clearly posted and enforced at 5 miles per hour (mph) to minimize disturbance of roadway materials and dust generation.
- 3.5 Vehicles leaving the facility will be cleaned of loose material through the use of wheel washers or manual spraying.

4.0 Map of Water Truck Route and Potential Dust Emission Sources

Water truck routes will cover all internal roads, as displayed on the map, below, in blue. Potential dust emission sources of concern are represented by yellow arrows. (Arrowheads indicate the direction of dust travel that is of high concern for generation of fugitive dust.)



Imagery ©2016 Google, Map data ©2016 Google 100 ft

5.0 General Dust Suppression

- 5.1 Unpaved access roads will be kept adequately watered as needed to prevent fugitive dust. Roads will be wetted a minimum of three times per day. Alton Materials management will visually monitor dust throughout the day, and during times of increased dust, additional dust suppression methods will be implemented, such as increased watering frequency or use of approved dust suppressants.
- 5.2 Any paved roads will be swept or cleaned with water flushing as needed to prevent fugitive dust.
- 5.3 Vehicle travel within the facility will be constrained to roads in which dust suppression methods are applied, and speed limits will be clearly posted and enforced at 5 mph.
- 5.4 Wheel washers or manual spraying will be utilized on vehicles exiting the facility onto Hull Lane in order to clear loose material and suppress dust.

6.0 Dust Suppression During Inclement Weather or Water Truck Malfunction

- 6.1 During precipitation events, the general watering schedule may be modified if natural precipitation provides adequate wetting to control airborne dust.
- 6.2 If snow/ice cover is present or the ground is frozen, dust suppression may be not be required.
- 6.3 In the event of a water truck malfunction, Alton Materials will seek assistance from a third-party to obtain use of an alternate water truck.

7.0 Sample and Description of Record Keeping System

- 7.1 During days of operation, dust suppression measures will be implemented a minimum of three times per day, according to the following schedule. During times of increased dust, additional passes will be conducted.

Weekly Dust Suppression Schedule				
Day	1 st Pass	2 nd Pass	3 rd Pass	Notes
Sunday	Facility Closed – No operations conducted.			If facility is open and operations: a) continue past 12 PM, the weekday schedule will be used. b) cease prior to 12 PM, the Saturday schedule will be used.
Monday	7:30 AM	10:30 AM	1:30 PM	During times of increased dust, additional watering passes will be conducted.
Tuesday	7:30 AM	10:30 AM	1:30 PM	During times of increased dust, additional watering passes will be conducted.
Wednesday	7:30 AM	10:30 AM	1:30 PM	During times of increased dust, additional watering passes will be conducted.
Thursday	7:30 AM	10:30 AM	1:30 PM	During times of increased dust, additional watering passes will be conducted.
Friday	7:30 AM	10:30 AM	1:30 PM	During times of increased dust, additional watering passes will be conducted.
Saturday	7:30 AM	10:30 AM		If facility operates past 12 PM, the weekday schedule will be used.

7.2 A logbook will be maintained to record the daily efforts made in order to track dust suppression measures. (See example, below).

Daily Logbook Sample			
Employee Name	Time	Dust Suppression Method (Select all that apply.)	Area Covered
1)		a) Water Truck b) Vehicle cleaning c) Other: _____	
2)		a) Water Truck b) Vehicle cleaning c) Other: _____	
3)		a) Water Truck b) Vehicle cleaning c) Other: _____	
4)		a) Water Truck b) Vehicle cleaning c) Other: _____	
5)		a) Water Truck b) Vehicle cleaning 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:	

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent the Administrative Consent Order, EPA-5-16-113(a)-IL-01, by certified mail, return receipt requested, to:

Miles Lynch
Alton Materials
15 Hull Lane
Alton, Illinois 62002

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-16-113(a)-IL-01, by first-class mail to:

Eric Jones
Bureau of Air, Compliance Unit
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 22 day of February 2015.



Kathy Jones, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7014 2870 0001 9577 8200