



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

TDD 217/782-9143

~~OCT 24 2013~~

Certified Mail # 7009 3410 0002 3750 1787
Return Receipt Requested

Peter Smith
Beemsterboer Slag Corp.
2900 E. 106th Street
Chicago, Illinois 60617

**RE: Violation Notice A-2013-00235
I.D. 031600FES**

Dear Mr. Smith:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the source wishes to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If the source wishes to enter into a CCA, the written response must also include proposed terms for the CCA that contains dates for achieving each commitment and may also include a statement that compliance has been achieved for some or all of the alleged violations. In order to increase the likelihood of the Illinois EPA accepting such terms, the written response should specifically propose them in a manner that can be formalized into an enforceable agreement between the Illinois EPA and the source. As such, proposed conditions should be as detailed as possible, including steps to be taken to achieve compliance, the manner of compliance, interim and completion dates, etc.

SETF EXHIBIT ONE

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Beemsterboer Slag Corp., I.D. 031600FES

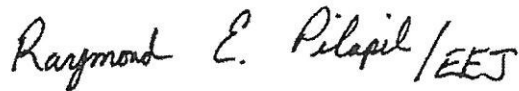
The Illinois EPA will review the proposed terms for a CCA provided by the source and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the source must respond in writing by either agreeing to and signing the proposed CCA or by notifying the Illinois EPA that the source rejects the terms of the proposed CCA.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to the prosecutorial authority.

Written communications should be directed to JOHN REKESIUS, Illinois EPA, Bureau of Air, Compliance Unit, P.O. Box 19276, Springfield, Illinois 62794-9276. All communications must include reference to the Violation Notice number in this matter.

Questions regarding this matter should be directed to JOSEPH KOTAS at 847/294-4023.

Sincerely,

Handwritten signature of Raymond E. Pilapil in cursive script, followed by the initials "REP" in a stylized font.

Raymond E. Pilapil, Manager
Compliance Section
Bureau of Air

REP: jr

ATTACHMENT A

Per observations by Joseph Kotas on September 6, 11, and 13, 2013, and other available information:

VIOLATIONS:

1. Section 9(b) of the Act and 35 Ill. Adm. Code 201.142: Beemsterboer Slag Corp. failed to obtain construction permits prior to the construction of a screener and modification to the materials handled at the facility by handling materials other than coal.
2. Section 9(b) of the Act and 35 Ill. Adm. Code 201.143: Beemsterboer Slag Corp. failed to obtain an operating permit prior to the operation of the screener and allowing the handling any material other than coal.
3. Section 9.12 of the Act: Beemsterboer Slag Corp. failed to pay applicable construction permit application fees.
4. Section 9(a) of the Act and 35 Ill. Adm. Code 212.309, 212.310, and 212.312: Beemsterboer Slag Corp. failed to develop, maintain, amend, and submit to the Illinois EPA, an operating program designed to significantly reduce fugitive particulate matter emissions.
5. Section 9(a) of the Act and 35 Ill. Adm. Code 212.316(g)(1) and (g)(5): Beemsterboer Slag Corp. failed to submit annual and quarterly reports for activities involving fugitive particulate matter control measures.
6. Section 9(a) of the Act and 35 Ill. Adm. Code 212.316 (g)(2) and (g)(4): Beemsterboer Slag Corp. may have failed to document and maintain the records required by 35 Ill. Adm. Code 212.316(g)(2).
7. Section 9(a) of the Act and 35 Ill. Adm. Code 212.701: Beemsterboer Slag Corp. failed to develop, maintain, and submit a PM-10 contingency measure plan to the Illinois EPA.
8. Section 9(a) of the Act and 35 Ill. Adm. Code 201.302(a) and 254.132(a): Beemsterboer Slag Corp. failed to submit an Annual Emissions Report ("AER") to the Illinois EPA for calendar year 2012. Specifically this AER was due May 1, 2013. In addition, Beemsterboer Slag Corp. may have failed to submit complete, true, and accurate AERs for at least calendar years 2000 through 2011.

ATTACHMENT A (Continued)

9. Section 9.1(d) of the Act and 40 CFR 63.6595, 63.6600, 63.6603, 63.6605, 63.6612, 63.6615, 63.6620, 63.6625, 63.6640, 63.6645, 63.6650, 63.6655, 63.6660, 63.6665: Beemsterboer Slag Corp. may have failed to comply with the emission limitation standards; the corresponding operation, maintenance, and monitoring plan requirements; the testing and initial compliance requirements; the monitoring requirements; and the notification, reporting, and record keeping requirements of 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (“Subpart ZZZZ”) and NESHAP Subpart A- General Provisions as identified in Table 8 of Subpart ZZZZ.
10. Section 9(a) of the Act and 35 Ill. Adm. Code 201.141: Beemsterboer Slag Corp. caused, threatened, or allowed the discharge of particulate matter into the atmosphere generated during material handling and storage operations causing or tending to cause air pollution.

RECOMMENDATIONS:

The Illinois EPA suggests that Beemsterboer Slag Corp. take the following actions to address the violations stated above:

1. Immediately cease causing or tending air pollution from the material handling and storage operations.
2. Within 45 days of receipt of this Violation Notice, develop, implement, and submit a compliance plan, along with dates of implementation, which will ensure the prevention of air pollution from the facility that cause, threaten, or allows the unreasonable interference with the enjoyment of life and property of local citizens. This compliance plan should include at a minimum any and all interim and/or permanent measures and procedures that will be undertaken.
3. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA a complete, true, accurate, and acceptable operating permit application for all current emission units and all materials that will be handled at this facility.
4. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, the applicable avoided construction fees. Note the construction fee form can be found at: <http://www.epa.state.il.us/air/permits/construction-fees.html>

ATTACHMENT A (Continued)

RECOMMENDATIONS (Continued):

5. Within 45 days of receipt of this Violation Notice, develop, implement, maintain, and submit to the Illinois EPA, Bureau of Air, Compliance Section a complete, true, accurate, and acceptable operating program in accordance with 35 Ill. Adm. Code 212.309 and 212.310.
6. Within 45 days of receipt of this Violation Notice, develop, implement, and submit to the Illinois EPA internal policy to ensure that the operating program is documented, maintained, and amended, as specified in 35 Ill. Adm. Code 212.309, 212.310, and 212.312.
7. Within 45 days of receipt of this Violation Notice, develop, implement, and submit to the Illinois EPA, Bureau of Air, Compliance Section an internal policy to ensure the documentation of the records of fugitive emission control measures required by 35 Ill. Adm. Code 212.316(g)(2) and these records are maintained and readily accessible upon inspection in accordance with 35 Ill. Adm. Code 212.316(g)(4).
8. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, fugitive particulate matter control measures reports covering calendar years 2008, 2009, 2010, 2011, and 2012. Specifically, these reports will list the dates that fugitive particulate matter control measures were and were not implemented, a listing of those control measures implemented, the reasons that the control measures were not implemented, and any other corrective actions taken.
9. Within 45 days of receipt of this Violation Notice, develop, implement, and submit to the Illinois EPA, Bureau of Air, Compliance Section, an internal policy that will ensure the quarterly fugitive particulate matter control measures reports, required by 35 Ill. Adm. Code 212.316(g)(5) are submitted to the Illinois EPA within 30 calendar days from the end of a quarter (Quarters end March 31, June 30, September 30, and December 31).
10. Within 45 days of receipt of this Violation Notice, develop, implement, and submit to the Illinois EPA, an internal policy to ensure the annual report containing the written records of the application of control measures, as may be needed for compliance with opacity limitations, will be prepared and submitted timely.
11. Within 45 days of receipt of this Violation Notice, submit a PM-10 Contingency Measure Plan to the Illinois EPA, Compliance Section, in accordance with 35 Ill. Adm. Code 212.701 and 212.703.

ATTACHMENT A (Continued)

RECOMMENDATIONS (Continued):

12. Within 45 days of receipt of this Violation Notice, develop, implement, and submit to the Illinois EPA, an internal policy to ensure the Contingency Measures Plan is documented, maintained, implemented, and amended as specified in 35 Ill. Adm. Code 212.701, 212.702, 212.703, and 212.704.
13. Within 45 days of the receipt of this Violation Notice, submit the following information to the Illinois EPA, Bureau of Air, Compliance Section, date of construction, date of initial operation, and the monthly and 12-month rolling annual emissions of nitrogen oxides ("NO_x"), carbon monoxide ("CO"), particulate matter ("PM"), particulate matter less than 10 microns ("PM₁₀"), sulfur dioxide ("SO₂"), volatile organic materials ("VOM"), and hazardous air pollutants ("HAPs") for calendar years 2000 through 2012 for each emission source, along with supporting documentation.
14. Within 45 days of receipt of this Violation Notice, submit a complete, true, and accurate AER for calendar years 2000 through 2012 to the Illinois EPA, Bureau of Air, Compliance Section.
15. Within 45 days of receipt of this Violation Notice, develop, implement, and submit an internal policy that will ensure AERs will be complete, true, accurate, and timely submitted to the Illinois EPA, Bureau of Air, Compliance Section.
16. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA a detailed explanation identifying how and when compliance with Subpart ZZZZ regulations cited above will be achieved.
 - a. Testing shall be conducted, documented, and reported by an independent testing service in accordance with appropriate USEPA Methods and an approvable stack test protocol. Two copies of the proposed test protocol shall be submitted to the Division of Air Pollution Control/Compliance Section and one copy shall be submitted to the Division of Air Pollution Control/Field Operation Section ("FOS") at least 60 days prior to the scheduled test date. The test protocol must comply with the applicable requirements of 40 CFR 63.7(c) and the test methods and procedures specified in 40 CFR 63.7(d) and 40 CFR 63.6620 for diesel engine.
 - b. In order to enable the Illinois EPA to witness the test, the Compliance Section and FOS shall be notified in writing of the test date at least 60 days before the expected testing date. Final confirmation of the exact date and time of the test shall be made at least five (5) days prior to the test date.

ATTACHMENT A (Continued)

RECOMMENDATIONS (Continued):

- c. Testing shall be conducted under conditions representative of maximum process operating rates and prior to making any modifications to the existing source equipment, control equipment and stacks.
- d. The final report for the test(s) shall be submitted to the Compliance Section (two copies) and FOS (one copy) within 60 days of completion of testing.
- e. The reports and notification described above should be submitted to:

Illinois EPA/Bureau of Air
Field Operation Section
Attn: Regional Manager
9511 Harrison Street
Des Plaines, IL 60016
(1 copy)

Illinois EPA/Bureau of Air
Compliance Section (MC40)
Attn: Raymond Pilapil
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(1 copy)

Illinois EPA/Bureau of Air
Compliance Section
Attn: Kevin Mattison
9511 Harrison Street
Des Plaines, IL 60016
(1 copy)