



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 18 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Caudle, Terminal Manager
Watco Terminal and Port Services
2926 East 126th Street
Chicago, Illinois 60633

Re: Notice of Violation
Watco Terminal and Port Services
Chicago, Illinois

Dear Mr. Caudle:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Watco Terminal and Port Services (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan 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, an update on the actions taken to enhance your fugitive dust emissions control program outlined in your November 26, 2018, letter to EPA, and the steps you will take to prevent future violations. EPA appreciates Watco's open communication and proactive actions at its facility in response to the air monitoring data. 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 Patrick Miller. You may call him at (312) 886-4044 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,



Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Susan Franzetti
Nijman Franzetti LLP
10 S. LaSalle St., Suite 3600
Chicago, Illinois 60603

Yasmine Keppner-Bauman
Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

Mort Ames
City of Chicago Law Department
Assistant Corporation Counsel Supervisor
30 N. La Salle Street, Suite 1400
Chicago, Illinois 60602

Dave Graham
Chicago Department of Public Health
Assistant Commissioner
333 S. State Street, Room 200
Chicago, Illinois 60604

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Watco Terminal and Port Services
Chicago, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-19-IL-01

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Watco Terminal and Port Services, Inc. (Watco), is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. The CAA, 42 U.S.C §§ 7401, *et seq.*, and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.
2. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rules 101 and 102 as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842. IPCB Rule 101 has been recodified at 35 Illinois Administrative Code (Ill. Admin. Code) § 201.102. IPCB Rule 102 has been recodified at 35 Ill. Admin. Code § 201.141.
3. 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 or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.
4. 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.

Findings of Fact

5. Watco is a bulk material storage handling facility located at 2926 East 126th Street, Chicago, Illinois (the facility).

6. Watco performs crushing, screening, loading, and unloading of various materials, including materials that contain manganese.
7. The Agency for Toxic Substances and Disease Registry (ATSDR) has identified the inhalation minimal risk level (MRL) for chronic exposure to manganese to be $0.3 \mu\text{g}/\text{m}^3$. This level was used by EPA for the Risk and Technology Review for the National Emission Standards for Hazardous Air Pollutants: Ferroalloys Production at <https://www.gpo.gov/fdsys/pkg/FR-2014-10-06/html/2014-23266.htm>. An MRL is an estimate of the daily human exposure to a hazardous substance that is likely to be without appreciable risk of adverse non-cancer health effects over a specified duration of exposure.
8. EPA issued a Section 114 Information Request to Watco ("114 Request") on May 15, 2018. The 114 Request required Watco to install, operate, and maintain a PM_{10} filter-based air monitor, referred to as a Federal Reference Method ("FRM") monitor, and a meteorological station at the Facility.
9. The ambient air monitor was installed and operating at the Watco facility on September 14, 2018. The information request requires data to be submitted to EPA on a monthly basis.
10. As of November 28, 2018, six weeks of PM_{10} metals air monitoring data has been received from the Watco facility for the time period September 14, 2018 through October 31, 2018. The six weeks of data show an average concentration of $0.416 \mu\text{g}/\text{m}^3$ of manganese.
11. EPA finds that a manganese concentration of $0.416 \mu\text{g}/\text{m}^3$ exceeds the health-based standard screening level of manganese.

Violations

12. Watco is causing emissions of manganese into the air, so as, either alone or in combination with contaminants from other sources, to cause or tend to cause, Air Pollution in Illinois in violation of the Illinois SIP at 35 Ill. Admin. Code § 201.141.

Environmental Impact of Violations

13. These violations have caused or can cause excess emissions of manganese. Manganese is a neurotoxin at certain concentrations that can cause neuromotor and neuropsychological deficits. Inhaled manganese may be transported to the brain before it is metabolized by the liver. Exposure to elevated concentrations of manganese in the air may lead to a permanent neurological disorder known as manganism, the symptoms of which include tremors, difficulty walking, facial muscle spasms, negative cognitive effects, and mood changes. It may also lead to lung inflammation and impaired lung function. In children, exposure to elevated levels of manganese may result in effects on brain development, including changes in behavior and decreases in learning and memory capacities.

Date

12/18/17



Edward Nam

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Notice of Violation, No. EPA-5-19-IL-01 by Certified Mail, Return

Receipt Requested, to:

Steve Caudle, Terminal Manager
Watco Terminal and Port Service
2926 East 126th Street
Chicago, Illinois 60633

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

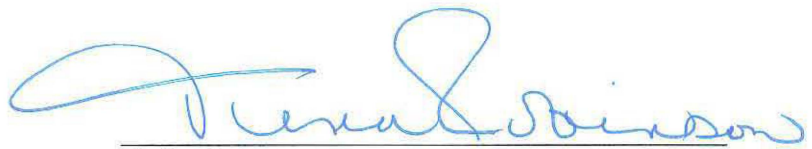
Susan Franzetti
Nijman Franzetti, LLP
10 South LaSalle Street, Suite 3600
Chicago, Illinois 60603

Yasmine Keppner-Bauman
Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

Mort Ames
City of Chicago Law Department
Assistant Corporation Counsel Supervisor
30 N. La Salle Street, Suite 1400
Chicago, Illinois 60602

Dave Graham
Chicago Department of Public Health
Assistant Commissioner
333 S. State Street, Room 200
Chicago, Illinois 60604

On the 19th day of December 2018.

A handwritten signature in blue ink, appearing to read "Kathy Jones", written over a horizontal line.

Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7017066000036618311