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

REPLY TO THE ATTENTION OF:

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

James M. Langbehn, Terminal Manager
S.H. Bell Company
10218 South Avenue O
Chicago, Illinois 60617

Re: Notice of Violation
S.H. Bell Company
Chicago, Illinois

Dear Mr. Langbehn:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to S.H. Bell Company (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, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, 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.

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The EPA contact in this matter is Molly Smith. You may call her at (312) 353-8773 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: Scott R. Dismukes, Esquire
Eckert, Seamans, Cherin, and Mellott, LLC
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Pittsburgh, Pennsylvania 15219

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 5**

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| **IN THE MATTER OF:** | ) | |
| | ) | |
| S.H. Bell Company | ) | **NOTICE OF VIOLATION** |
| Chicago, Illinois | ) | |
| | ) | **EPA-5-17-IL-10** |
| Proceedings Pursuant to | ) | |
| Section 113(a)(1) of the | ) | |
| Clean Air Act, 42 U.S.C. | ) | |
| § 7413(a)(1) | ) | |

## 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 S.H. Bell Company (S.H. Bell), 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 "Ambient Air Quality Standard" as those standards promulgated from time to time by the IPCB pursuant to authority contained in the Illinois Environmental Protection Act and found at 35 Ill. Adm. Code 243, or by the U.S. Environmental Protection Agency pursuant to authority contained in 42 U.S.C. 7401 et seq. as amended from time to time.

5. 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

6. S.H. Bell is a bulk material storage handling facility located at 10218 South Avenue O, Chicago, Illinois (the facility).

7. S.H. Bell performs crushing, screening, loading and unloading operations of various materials, including materials that contain manganese.

8. 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 $\mu g/m^3$, and 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.

9. On August 22, 2016, ATSDR published a report, Health Consultation: Review of Analysis of Particulate Matter and Metal Exposure in the Air KCBX (AKA, "Chicago Petroleum Coke" sites) Chicago, Cook County, Illinois. This report identifies non-cancer health risks to the community "driven by potential manganese exposure – a pollutant handled in large quantities at a facility directly across the river, east and east-southeast from the North Terminal [the S.H. Bell Facility]." The report concluded there is an elevated non-cancer risk to the community from the exposure to metals in the ambient air, including manganese dust coming from the S.H. Bell Facility. The ATSDR report can be found at: https://www.atsdr.cdc.gov/hac/pha/KCBXPetroleumCoke/KCBX_Petroleum%20Coke_HC_508.pdf.

10. EPA issued a Section 114 Information Request to S.H. Bell ("114 Request") on March 4, 2015. The 114 Request requires S.H. Bell to install, operate, and maintain continuous $PM_{10}$ air monitors, referred to as Federal Equivalent Method ("FEM") monitors, and $PM_{10}$ filter-based air monitors, referred to as Federal Reference Method ("FRM") monitors, at the Facility.

11. On July 15, 2015, EPA sent S.H. Bell a letter explaining the need for the monitors and EPA's position that S.H. Bell was in violation of Section 114 of the CAA for failing to install the required monitors pursuant to the Section 114 Request.

12. On August 9, 2016, Civil Action Number 16-7955, a complaint, was filed in federal court for, among other claims, S.H. Bell failing to install air monitors as required by the March 4, 2015 114 Request.

13. On December 5, 2016, a Stipulated Settlement and Final Consent Order (Consent Order) was entered in federal court. The Consent Order required S.H. Bell to install four FEM continuous PM10 air monitors and one FRM filter-based air monitor.

14. All air monitors were installed and operating at the S.H. Bell facility on March 1, 2017. The Consent Order requires data to be submitted to EPA on a monthly basis.

15. As of August 1, 2017, four months of PM10 metals air monitoring data has been received from the S.H. Bell facility for the time period March 1, 2017, through June 30, 2017. The four months of data show an average concentration of 0.32 $\mu g/m^3$ of manganese for the months of March through July 2017.

## Violations

16. EPA has found manganese levels that exceed the health-based standard screening level at the S.H. Bell facility in Chicago.

17. S.H. Bell 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

18. 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.

8/7/17
Date

Edward Nam
Director
Air and Radiation Division