

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Skyway Cement Company  
3020 East 103<sup>rd</sup> Street  
Chicago, Illinois 60617**

**ATTENTION:**

**Andy Hixson  
Plant Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Skyway Cement Company (Skyway Cement or you) to submit certain information about and conduct testing at the facility at 3020 East 103<sup>rd</sup> Street, Chicago, Illinois. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information and testing. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

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Skyway Cement owns and operates an emission source at the Chicago, Illinois facility. We are requesting this information to determine whether your emission source is complying with the Illinois State Implementation Plan and the CAA.

Skyway Cement must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

And by electronic mail to [miller.patrick@epa.gov](mailto:miller.patrick@epa.gov) and [cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov).

You must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

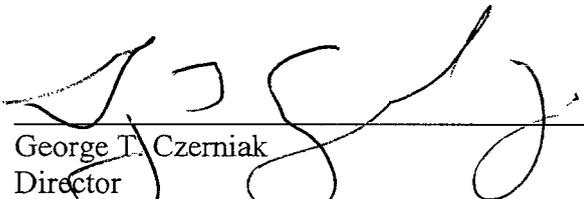
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Skyway Cement to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Patrick Miller at 312-886-4044, or Linda Rosen at 312-886-6810.

2/2/16  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

### Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in

image format. If Excel formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, 40 C.F.R. Part 52 (which incorporates the federally-approved State Implementation Plan), or other Clean Air Act implementing regulations. Reference is made to the EPA regulatory provisions only; however, you should apply the applicable federally-approved state provisions, when appropriate. Definitional clarification is specified below.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

3. The terms "you", "your", "Skyway Cement Company" and "Skyway Cement", and "Facility" as used in each of the questions set forth in the attached Section 114 letter, refer to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

## Appendix B

### Information You Are Required to Submit to EPA

Skyway Cement Company (Skyway Cement) must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) for the emission source at 3020 East 103<sup>rd</sup> Street, Chicago, Illinois. Skyway Cement must submit Items 1 – 17 within 30 calendar days from the receipt of this Request. Skyway Cement must submit Item 17 according to the schedule provided in paragraph 17.g.

1. For each date listed below, provide a detailed narrative response describing all potential particulate matter emission generating activities that were occurring at the Facility on that day. Specify the beginning and ending time of each specific activity and where that activity occurred. Include a simple diagram of the facility showing the location of the various items of equipment and processes. Include, but do not limit your answer to a description of:
  - (a) Process and equipment items that were operating at the Facility, where the process/equipment items were located in the plant and when each process/equipment item started up and shut down;
  - (b) Barge loading and unloading activities that were occurring, the location where they were occurring, and when they began and ended;
  - (c) Truck loading and unloading activities that were occurring, the location where they were occurring and when each truck loading or unloading activity began and ended; and
  - (d) Roadway activities conducted by Skyway Cement, where these activities were occurring and when they began and ended.

In addition, for each date listed below, provide copies of the applicable plant operating records that support your narrative response and that show the times when all potential particulate matter emission generating activities were occurring:

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6/20/15	7/23/15	9/8/15	10/14/15	11/5/15
6/21/15	8/2/15	9/27/15	10/19/15	11/8/15
6/22/15	8/31/15	9/28/15	10/20/15	11/9/15
7/5/15	9/1/15	10/8/15	10/21/15	11/10/15
7/6/15	9/2/15	10/11/15	10/25/15	11/11/15
7/19/15	9/3/15	10/12/15	11/3/15	

2. For each date listed above, provide all photographs or videos taken by plant personnel related to emissions and/or plant operations.

3. For the dates listed above and for any other date between July 1, 2015 and the date of receipt of this request, provide copies of any and all electronic mail messages and records of communication pertaining to conversations that occurred between Skyway Cement personnel and KCBX Terminal Company (KCBX) personnel regarding emissions from Skyway Cement, emissions from KCBX or readings at the monitors placed on KCBX's property.
4. For the period January 1, 2013, to the date of receipt of this request, provide copies of any and all results of particulate matter or particulate matter-10 (PM10) testing conducted on any of the baghouses or dust collectors at the facility, regardless of whether such testing was required by the Illinois Environmental Protection Agency (Illinois EPA). Include in your response the results of any emission testing that was done for internal purposes for any reason even if such testing did not follow reference methods and even if such testing or test results were not reported to the Illinois EPA or EPA.
5. For the period of January 1, 2013 to the date of receipt of this request, provide copies of any and all results of visible emission observations conducted in accordance with EPA Reference Method 9 or Method 22 on all crushing and screening operations, roadways, storage piles, and/or conveyors and transfer points, regardless of whether such testing was required by the Illinois EPA. Include in your response the results of any emission testing that was done for internal purposes for any reason even if such testing did not follow reference methods and even if such testing or test results were not reported to the Illinois EPA or EPA.
6. For the period beginning January 1, 2013 to the date of response to this request, provide the results of any and all opacity tests, emission characterization or emission studies conducted or attempted on the slag screening operation.
7. Provide the facility's slag throughput in tons/month and tons/year (rolling 12-month calculation) for the period January 2013 through the present.
8. For the period January 1, 2014 to the date of receipt of this request, provide copies of all your baghouse leak detection monitoring data, separated by baghouse. Provide a narrative description explaining what monitoring parameters indicate normal baghouse operation and what monitoring parameters indicate an exceedance, high reading and/or leaking bag. In addition, provide the following information:
  - (a) Copies of records indicating when the baghouse leak detector indicated an exceedance, high reading and/or leak;
  - (b) Copies of records of Skyway Cement's investigations into exceedances, high readings, and/or leaks, including the results of the investigations and corrective actions taken.
9. For the period January 1, 2015 to the date of receipt of this request, provide copies of all applicable Fugitive Dust Operating Programs in effect at the Facility during this time

period. For the period January 1, 2015 to the date of receipt of this request, provide copies of any and all records showing the application of best management practices or other work practices for the control of fugitive particulate matter at the Facility as described in your Fugitive Dust Operating Program.

10. For the period January 1, 2014 to the date of receipt of this request, provide copies of any quarterly reports submitted to the Illinois EPA in accordance with 35 Ill. Admin. Code § 212.316(g)(5) and paragraph 16.b. of your Federally Enforceable State Operating Permit dated May 2, 2013 (May 2, 2013 FESOP).
11. For the period January 1, 2014 to the date of receipt of this request, provide copies of all records and reports required by 35 Ill. Admin. Code § 212.324(g)(1) and (g)(2), and paragraphs 14.c.i, 14.c.ii., and 16.c. of your May 2, 2013 FESOP.
12. For the period January 1, 2014 to the date of receipt of this request, submit a copy of the report required by 35 Ill. Admin. Code § 212.324(g)(6) reporting the following: the dates during which any process equipment was not in operation or was not operating properly, documentation of causes for pollution control equipment not operating or not operating properly, and a statement of what corrective actions were taken and what repairs were made.
13. For the period January 1, 2014 to the date of receipt of this request, provide copies of any exceedance or deviation reports required to be submitted by paragraph 17.a. of your May 2, 2012 FESOP.
14. Provide a copy of any contingency plan prepared in accordance with 35 Ill. Admin. Code § 212.701(a) and paragraph 6.j. of the May 2, 2013 FESOP. Provide the date this contingency plan was submitted to the Illinois EPA.
15. Provide copies of your annual emission reports for the last three (3) years.
16. If not included as part of your annual emission reports, provide, for the last three (3) years, the facility's assessment or calculation of the amount of uncontrolled emissions of fugitive particulate matter from each storage pile at the facility in tons per year. Explain all calculations and assumptions.

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#### VISIBLE EMISSIONS OBSERVATIONS

17. Skyway Cement shall conduct visible emission observations on each operating day during daylight hours to determine the opacity of particulate matter emissions generated from the slag screening operation, including the grizzly screen and shaker screen, and the diverter spout on the plant feed conveyor that is located outside of the slag processing building and submit the results in accordance with the following provisions:
  - (a) Skyway Cement shall perform visible emission observations during daylight hours of the grizzly screening operation, for 15 minutes or at least five dumps of

granulated slag through the grizzly screen. Skyway Cement shall also perform visible emission observations during daylight hours of the shaker screening operation, for at least 15 minutes or until shaker screen operations cease, whichever is shorter. Skyway Cement shall perform visible emission observations whenever the diverter spout is used on the plant feed conveyor for at least 15 minutes or until the diverter is no longer in use, whichever is shorter.

- (b) Visible emission observations shall be performed in accordance with EPA Method 22, 40 C.F.R. Part 60, Appendix A. Visible emission observations shall be conducted when the screens and diverter spout are operating. Provide an explanation as to why conditions during testing were at representative conditions.
- (c) If visible emissions are recorded during the above observations of the grizzly screen, shaker screen, or diverter spout, Skyway Cement shall immediately perform visible emission observations of the grizzly screen, shaker screen, or diverter spout, whichever had recorded visible emissions, in accordance with EPA Method 9, 40 C.F.R. Part 60, Appendix A. The visible emission observations shall be performed by a Method 9 certified reader. Visible emission observations shall be conducted when the screen is operating during daylight hours. Skyway Cement shall perform visible emission observations for at least 20 minutes or until screening operation(s) cease.
- (d) Visible emission observations shall be performed by a certified reader in accordance with EPA Method 9, 40 C.F.R. Part 60, Appendix A. Visible emission observations shall be conducted when the screen is operating. Provide an explanation as to why conditions during testing were at representative conditions.
- (e) In all cases where Skyway Cement performs Method 22 and/or Method 9 visible emissions readings as set forth in this paragraph, Skyway Cement shall record the following:
  - a. The date;
  - b. The start and stop times of the readings and the method(s) of observation;
  - c. The start and stop times of the visible emissions;
  - d. The start and stop times of the screening operation;
  - e. The reasons for all screen discharges; and
  - f. The steps Skyway Cement has taken, did take, or will take to minimize any excess emissions from the screen. The description of the reason for the screen discharge shall be detailed.
- (f) In all cases where Skyway Cement performs Method 9 visible emissions readings as set forth in this paragraph, a digital camera shall record clear video footage of the visible emissions coming off the screening operation as viewed from the location of the Method 9 observer. An accurate time and date stamp must be imprinted on the videos.

- (g) Skyway Cement shall provide the opacity reading data and videos required by this paragraph to EPA Region 5 on a quarterly basis ("the quarterly report"). In addition, the quarterly reports shall specify all dates and times that the screen was operating during the quarterly period and specify all calculated or measured throughputs of the screening operation. The first quarterly report shall be submitted no later than April 15, 2016 (covering the period January 1, 2016 to March 31, 2016).
- (h) Skyway Cement shall perform the monitoring and reporting set forth above starting one week after receipt of this request and continuing for one year following the receipt date of this information request.

## Appendix C

### Confidential Business and Personal Privacy Information

#### Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

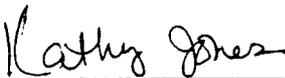
I, Kathy Jones, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Andy Hixson  
Skyway Cement Company  
3020 East 103<sup>rd</sup> Street  
Chicago, Illinois 60617

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Ray Pilapil, Manager  
Compliance and Enforcement Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

On the 3<sup>rd</sup> day of February 2016.

  
for Loretta Shaffer, Program Technician  
AECAB, PAS

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CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9577 8088