

IN THE MATTER OF:)
)
Trajet Products, Inc.)
)
)
503 Railroad Avenue)
Glenwood, Iowa 51534)
)
RESPONDENT.)

Docket No. CAA-07-2012-0008

ADMINISTRATIVE
COMPLIANCE ORDER

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to Section 113(a)(3)(B) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3)(B), as amended, Trajet Products, Inc. (Trajet) is hereby ordered by the United States Environmental Protection Agency, Region 7 (EPA) to comply with the requirements of Section 112 of the CAA, 42 U.S.C. § 7412, and the regulations promulgated thereunder and codified at 40 C.F.R. Part 63, Subpart WWWW; and Section 502 of the CAA, 42 U.S.C. § 7661a. Specifically, EPA orders Trajet to comply with (1) the hazardous air pollutant (HAP) emission limits set forth in Table 3 of 40 C.F.R Part 63, Subpart WWWW and (2) Trajet's Title V Operating Permit #02-TV-004R1.

I. Statutory and Regulatory Background

1. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to promulgate emissions standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed pursuant to Section 112(c). Different criteria for maximum available control technology (MACT) apply to new and existing sources.
2. Pursuant to the authority granted under Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated general regulations applicable to all NESHAP source categories in 40 C.F.R. Part 63, Subparts A and B. In addition, EPA promulgated regulations set forth at 40 C.F.R. Part 63, Subpart WWWW, which apply to reinforced plastic composite production.
3. 40 C.F.R. Part 63, Subpart WWWW applies to an owner or operator of a reinforced plastic composites production facility that is located at or is part of a major source of hazardous air pollutants (HAP) emissions, as defined in Section 112(a) of the CAA, manufacture coatings, process, use or produce HAP, and are not part of an affect source under another subpart of 40 C.F.R. Part 63.
4. Reinforced plastic composites production is limited to operations in which reinforced and/ or nonreinforced plastic composites or plastic molding compounds are manufactured using thermoset resins and/or gel coats that contain styrene to produce plastic composites. The resins and gel

coats may also contain materials designed to enhance the chemical, physical, and/or thermal properties of the product. Reinforced plastic composites production also includes cleaning, mixing, storage, and repair operations associated with the production of plastic composites. 40 C.F.R. §63.5785(a).

5. After the effective date of the emissions standards promulgated under Section 112 of the CAA, it is unlawful for any owner or operator of any new source to operate such source in violation of any emission standard applicable to that source. 42 U.S.C. § 7412(i).

6. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that no source may operate without or in violation of a Title V permit after the effective date of any permit program approved or promulgated under Title V of the CAA. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. See 57 Fed. Reg. 32295; 40 C.F.R. Part 70. EPA promulgated regulations governing the Federal operating permit program on July 1, 1996. See 61 Fed. Reg. 34228; 40 C.F.R. Part 71.

7. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable CAA requirements, including those contained in a state implementation plan. 42 U.S.C. § 7661c(a).

8. Iowa's program under subchapter V of the Act was granted final approval on September 1, 1995 (60 Fed. Reg. 45,671). These regulations are currently codified at 567 Iowa Administrative Code Chapter 22.

9. No source may operate after the time that it is required to submit a timely and complete application, except in compliance with a properly issued Title V operating permit. 567 IAC Chp. 22.104.

II. Factual Background

10. Trajet Products, Inc., located at 503 Railroad Avenue, Glenwood, Iowa 51534, produces reinforced plastic composites. Trajet manufactures fiberglass reinforced plastic products at its facility, including showers and baths.

11. Trajet is a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

12. The Iowa Department of Natural Resources (IDNR) issued a Title V operating permit 02-TV-004R1 on September 10, 2008.

13. EPA conducted a Full Compliance Evaluation (FCE) at the Trajet facility on December 7, 2011.

14. Trajet submitted its initial notification that it was subject to 40 C.F.R. Part 63, Subpart WWWW on April 19, 2002.

15. Styrene is a hazardous air pollutant and is listed as such in the Act. 42 U.S.C. § 7412(b)(1).

16. Trajet's Title V Operating Permit, Section II "Plant Wide Conditions," "NESHAP Requirements," states that the permittee shall comply with all applicable requirements of Subpart WWWW.

17. Trajet's Title V Operating Permit Section II "Plant Wide Conditions," "NESHAP Requirements," "Emission Limits" states that the HAP emission limit for open molding operations at the Trajet facility is 88 lbs/ton. *See also* 40 C.F.R. Part 63, Subpart WWWW, Table 3.

18. Trajet's Title V Operating Permit in Section III, "Dry Filter Agency Operation and Maintenance Plan," "Weekly" states that weekly inspections of the dry filter equipment must be conducted and a written record of the inspection shall be maintained.

19. Trajet's Title V operation permit in Section III, "Dry Filter Agency Operation and Maintenance Plan," "Record Keeping and Reporting" states that "maintenance and inspection records will be kept for five years and available upon request."

III. Findings of Violation

20. Based on the inspection, EPA determined that the emission rate for the styrene-containing resin used at the facility is 123 lbs/ton. This exceeds the limit set forth in 40 C.F.R. Part 63, Subpart WWWW, Table 3, and Trajet's Title V Operating Permit. Therefore, Trajet is in violation of the CAA and its Title V Operating Permit.

21. EPA determined during the inspection that Trajet was not keeping records or reports of the visual inspections conducted on the Dry Filter Agency equipment. Therefore, Trajet is in violation of the CAA and its Title V Operating Permit.

IV. Compliance Order

22. Within thirty (30) days of the effective date of this Order, EPA orders Trajet Products, Inc. to comply with 40 C.F.R. Part 63, Subpart WWWW and Title V Operating Permit 02-TV-004R1.

23. Within forty-five (45) days of the effective date of this order, Respondent shall provide the EPA with a written description and supporting documentation of the activities and procedures implemented to satisfy the requirements of this Order.

24. All submissions to the EPA required by this Order shall be sent to:

Joe Terriquez
Air Permitting and Compliance Office
U.S. Environmental Protection Agency Region 7
901 North 5th Street
Kansas City, Kansas 66101.

25. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by the Respondent pursuant to 40 C.F.R. Part 2, Subpart B and determined by EPA to merit treatment as confidential business information in accordance with applicable law.

IV. Potential Liability

26. Section 113(a)(1) of the Act grants EPA the authority to issue an order to any person found in violation of the Act and the regulations promulgated pursuant thereto.

27. Section 113(a)(3) of the Act provides that whenever EPA finds that any person has violated, or is in violation of an order issued under Section 113(a)(1), the EPA Administrator may issue an administrative penalty order pursuant to Section 113(d) for civil administrative penalties of up to \$25,000 per day for each violation; or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not more than \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and the Civil Monetary Penalty Inflation Adjustment Rule, this penalty maximum was increased to \$32,500 per day for violations occurring on or after March 15, 2004. In addition, Respondent may be subject to an administrative or civil action for similar penalties and/or injunctive relief, pursuant to Sections 113(b) and (d) of the Act, based on the violations addressed by this Order. Furthermore, for any person who knowingly violates the provisions of the CAA as set forth in Section 113(c) of the Act, Section 113(c) provides for criminal penalties or imprisonment, or both.

28. This Order shall not relieve Respondent of its obligation to comply with all applicable federal, State, and local laws, regulations and other legal requirements, including but not limited to the CAA, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, State or local permit.

29. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of a regulated substance, other extremely hazardous substance, or other substance on, at, or from the Facility. EPA reserves the right to bring an action against Respondent assessing or seeking penalties and/or other relief for any violations, including, without limitation, the violations referred to in the Factual Background and Conclusions of Law set forth above. This Order shall not constitute or be construed as a release of any liability that the Respondent or any other person has under the CAA, the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26, the Clean Water Act, 33 U.S.C. §§ 1251-1387, the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. §§ 11001-11050, or any other law. EPA also reserves all of its rights to obtain access to the Facility and require Respondent's submission of information to EPA.

V. Effective Date; Opportunity For A Conference

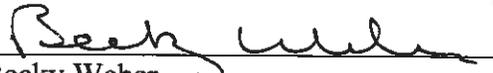
30. This Order shall become effective immediately upon receipt unless, within five (5) business days of receipt hereof, Trajet requests a conference with EPA concerning the violations alleged in, and the requirements of, this Order. In such event, the effective date of the Order shall be extended until the date of such conference or to a time established by EPA. Respondent has the right to be represented by counsel at such a conference. If a conference is held, this Order shall become effective the day after the conference, unless the effective date is extended by EPA.

31. The request for a conference and other inquiries concerning this Order shall be addressed to:

Sara Hertz Wu
Assistant Regional Counsel
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101
Phone: (913) 551-7316
Fax: (913) 551-7925

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

Date 2/29/12


Becky Weber
Director
Air and Waste Management Division