

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101**

In the Matter of:)	EPA Docket No. CAA-07-2008-0022
)	
Beltservice Corporation)	
4143 Rider Trail North)	ADMINISTRATIVE
Earth City, Missouri 63042.)	COMPLIANCE ORDER
)	
Respondent.)	

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to Section 113(a)(1)(A) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1)(A), as amended, Beltservice Corporation (Beltservice) is hereby ordered by the United States Environmental Protection Agency (EPA) to comply with the requirements of an applicable state implementation plan. Specifically, EPA orders Beltservice to comply with Title 10 Code of State Regulations (C.S.R.) 10-5.300 (Control of Emissions from Solvent Metal Cleaning) of the Missouri Air Pollution Control Rules, approved by EPA pursuant to Section 110 of the Act, 42 U.S.C. § 7410.

I. STATUTORY AND REGULATORY BACKGROUND

1. Section 110 of the Clean Air Act, 42 U.S.C. § 7410, grants the Administrator of EPA authority to approve a state plan which provides for implementation, maintenance, and enforcement of an air quality standard in each air quality control region within the state.
2. Title 10 C.S.R. 10-5.300 (Control of Emissions from Solvent Metal Cleaning) of the Missouri Air Pollution Control Rules was adopted as part of the federally approved Missouri State Implementation Plan on November 29, 1991.
3. The regulations at 10 C.S.R. 10-5.300 apply throughout the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.
4. The regulations at 10 C.S.R. 10-5.300 apply to all installations that emit volatile organic compounds from solvent metal cleaning or degreasing operations.
5. The regulations at 10 C.S.R. 10-5.300 apply to cold cleaners with a solvent reservoir or tank that uses nonaqueous solvents to clean and remove soils from metal parts.

6. The regulation at 10 C.S.R. 10-5.300(3)(C)(1) states:

“Only persons trained in at least the operational and equipment requirements specified in this rule for their particular solvent metal cleaning process shall be permitted to operate the equipment.”

7. The regulation at 10 C.S.R. 10-5.300(3)(C)(2) states:

“The person who supervises any person who operates solvent cleaning equipment regulated by this rule shall receive equal or greater operational training than the operator.”

8. The regulation at 10 C.S.R. 10-5.300(3)(C)(3) states:

“A procedural review shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.”

9. The regulations at 10 C.S.R. 10-5.300(3)(C)(4) and 10-5.300(4)(E) state:

“Training records shall be maintained ... and retained for five (5) years.”

10. Pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, the requirements of the Missouri State Implementation Plan, as approved by EPA, are enforceable by EPA. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), states that once the Administrator finds that any person is in violation of any requirement of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such finding.

11. Section 113(a)(1) of the CAA further provides that at any time after the expiration of 30 days following the date on which such notice of a violation is issued, the Administrator may issue an order requiring such person to comply with the requirements or prohibitions of such plan or permit.

12. An initial Notice of Violation was issued by EPA to Beltservice on January 29, 2008.

II. DEFINITIONS

13. Pursuant to 10 C.S.R. 10-6.020(2)(S)(13), “solvent metal cleaning” is defined as the “process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyORIZED degreasing.”

14. Pursuant to 10 C.S.R. 10-6.020(2)(C)(14), “cold cleaner” is defined as any “device or piece of equipment that contains and/or uses liquid solvent, into which parts are placed to remove

soils from the surfaces of the parts or to dry the parts. Cleaning machines that contain and use heated nonboiling solvent to clean the parts are classified as cold cleaning machines.”

15. Pursuant to 10 C.S.R. 10-5.300(2)(C), a “nonaqueous solvent” is any solvent which is not classifiable as an “aqueous solvent.” Furthermore, pursuant to 10 C.S.R. 10-5.300(2)(M), an “aqueous solvent” is any solvent “consisting of sixty percent (60%) or more by volume water with a flashpoint greater than ninety-three degrees Celsius (93C)” (199.4F) and is miscible with water.”

III. FACTUAL BACKGROUND

16. Respondent manufactures conveyor belts at its facility located at 4143 Rider Trail North, in Earth City, St. Louis County, Missouri (“Facility”).

17. Respondent’s Facility emits volatile organic compounds from solvent metal cleaning or degreasing operations and operates a cold cleaner with a solvent reservoir or tank.

18. EPA inspected the Facility on November 14, 2007.

IV. VIOLATION

19. At the time of the inspection referenced in paragraph 18, Respondent had not conducted annual training for all of the solvent metal cleaning equipment operators and their supervisors since November 1, 2005, as required by 10 C.S.R. 10-5.300(3)(C) of the Missouri Air Pollution Control Rules.

V. COMPLIANCE ORDER

20. Pursuant to Section 113(a)(1)(A) of the CAA, 42 U.S.C. § 7413(a)(1)(A), EPA hereby orders Respondent to comply with the requirements set forth below.

21. Respondent is hereby ordered to comply with the Missouri Air Pollution Control Rules with respect to Control of Emissions from Solvent Metal Cleaning. Specifically, no later than December 12, 2008, Respondent shall prepare and submit to EPA written documentation (i.e., sign-in sheets, training certificates, etc.) of the 2008 annual training of all the solvent metal cleaning equipment operators and their supervisors.

22. The submissions required by paragraph 21 shall be sent to:

Ms. Lisa Hanlon
Air Permitting and Compliance Branch
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101.

VI. POTENTIAL LIABILITY

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

24. Section 113(a)(3) of the CAA 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 CAA, based on the violations addressed by this Order. Furthermore, for any person who knowingly violates the provisions of the Clean Air Act as set forth in Section 113(c) of the CAA, Section 113(c) provides for criminal penalties or imprisonment, or both.

25. 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 Clean Air Act, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, State or local permit.

26. 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 Clean Air Act, 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.

VII. EFFECTIVE DATE; OPPORTUNITY FOR A CONFERENCE

27. This Order shall become effective immediately upon receipt unless, within five (5) business days of receipt hereof, Respondent requests a conference with EPA concerning the violations alleged in, and the requirements of, this Order. 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.

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

Alex Chen
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101
Phone: (913) 551-7962
Fax: (913) 551-7925.

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

4/29/08
Date


Becky Weber
Director
Air and Waste Management Division