

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)
)
Specco Industries, Inc.) **FINDING OF VIOLATION**
Lemont, Illinois)
) **EPA-5-03-21-IL**
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Specco Industries Inc. (Specco) is violating Section 183 of the Clean Air Act (Act), 42 U.S.C. § 7511b, and its implementing regulations at 40 C.F.R. Part 59, Subpart D. Specifically, Specco is violating the National Volatile Organic Compound Emission Standards for Architectural Coatings (Architectural Coatings Rule) as follows:

Regulatory Authority

1. Section 183(e) of the Act, 42 U.S.C. § 7511b(e), authorizes U.S. EPA to promulgate regulations establishing requirements regarding the manufacture of certain consumer or commercial products, the use of which may result in the release of organic compounds (VOCs).
2. Pursuant to Section 183(e) of the Act, 42 U.S.C. § 7511b(e), on September 11, 1998, U.S. EPA promulgated National Volatile Organic Compound Emission Standards for Architectural Coatings. *63 Fed Reg 48848*. These regulations are codified at 40 C.F.R. Part 59, Subpart D (40 C.F.R. §§ 59.400 through 59.413, and Appendix A.)
3. 40 C.F.R. § 59.402(a) requires, in part, that each manufacturer and importer of any architectural coating subject to this subpart shall ensure that the VOC content of the coating does not exceed the applicable limit in Table 1 of Subpart D.

4. 40 CFR § 59.408(b) states, in part, that "[e]ach manufacturer and importer of any architectural coating subject to the provisions of this subpart shall submit an initial notification report no later than September 13, 1999."

5. 40 C.F.R. § 59.401 defines "Concrete curing and sealing compound" as a "liquid membrane-forming compound marketed and sold solely for application to concrete surfaces to reduce the loss of water during the hardening process and to seal old and new concrete providing resistance against alkalis, acids, and ultraviolet light, and provide adhesion promotion qualities. This section further providing that the coating must meet the requirements of American Society for Testing and Materials (ASTM) C 1315-95, Standard for Liquid Membrane-Forming Compounds Having Special Properties for Curing and Sealing Concrete. ASTM C 1315-95 requires that a coating meeting the standard for curing and sealing compounds must have a solids content of at least 25 percent.

6. 40 C.F.R. §59.401 defines "Concrete curing compound" as a coating formulated and recommended for application to freshly placed concrete to retard the evaporation of water.

Statement of Facts

7. Specco is the owner and operator of a coating manufacturing facility located at 13087 Main Street in Lemont, Illinois ("the Lemont facility").

8. At the Lemont facility, Specco manufactures and distributes architectural coatings, as defined in 40 C.F.R. § 59.401.

9. At the Lemont facility, Specco manufacturers and distributes four coatings identified as: "C-15," "Cure and Seal," "Supersheen Brown" and "Supersheen Clear."

10. By letter of June 4, 2003, Specco stated that C-15 and Cure and Seal have a solids content of 15%, and Supersheen Brown and Supersheen Clear have a solids content of 20%.

11. "C-15," "Cure and Seal," "Supersheen Brown" and "Supersheen Clear" are labeled such that they meet the definition of "concrete curing compound" in 40 C.F.R. § 59.401.

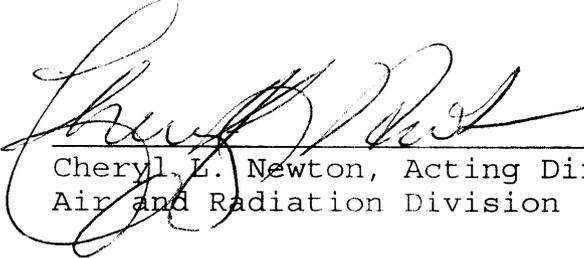
12. "C-15," "Cure and Seal," "Supersheen Brown" and "Supersheen Clear" have VOC contents between 688 and 691 grams per liter.

Violations

13. Specco did not submit an initial notification prior to September 13, 1999, in violation of 40 C.F.R. § 59.408.

14. The VOC content of "C-15," "Cure and Seal," "Supersheen Brown" and "Supersheen Clear" exceeds the applicable limit in Table 1 of Supart D, in violation of 40 C.F.R. § 59.402.

8/14/03
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-03-21-IL, by Certified Mail, Return Receipt Requested, to:

Jeffrey C. Bencsik, President
Specco Industries, Inc.
13087 Main Street
Lemont, Illinois 60439

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

Julie Armitage, Acting Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

on the 14th day of August, 2003.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601783998