



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

JUN 28 2007

REPLY TO THE ATTENTION OF:

AE-17J

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

Keith Saylor, Director of Operations  
Everbrite, LLC  
315 Marion Avenue  
South Milwaukee, Wisconsin 53172

Re: Notice of Violation and Finding of Violation  
Everbrite, LLC  
South Milwaukee, Wisconsin

Dear Mr. Saylor:

This is to advise you that the United States Environmental Protection Agency (U.S. EPA) has determined that Everbrite, LLC (Everbrite or you) at 315 Marion Avenue, South Milwaukee, Wisconsin, is in violation of the Clean Air Act (the Act), its Title V permit, 40 C.F.R. Part 70, the Wisconsin State Implementation Plan (SIP), and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Miscellaneous Metal Parts and Products at 40 C.F.R. Part 63, Subpart MMMM, as provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV).

The Act requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. Also, Section 112(d) of the Act requires U.S. EPA to promulgate maximum achievable control technology standards for particular industrial sources that emit one or more of the hazardous air pollutants listed in Section 112(b) of the Act in significant quantities. For surface coating operations of miscellaneous metal parts and products, U.S. EPA promulgated the NESHAP for Surface Coating of Miscellaneous Metal Parts and Products (Subpart MMMM) on January 2, 2004. Everbrite has violated the following requirements of its Title V permit, the Wisconsin SIP, and Subpart MMMM:

1) Everbrite must keep records of the date and initials of the person performing the daily inspections of the control devices for Process P31 and Process P60, as stated in its Title V permit and in accordance with the Wisconsin SIP.

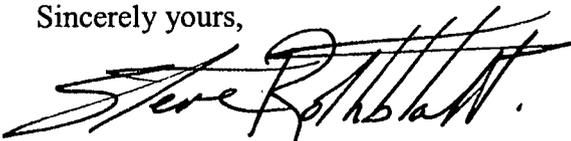
- 2) Everbrite must keep records of the volatile organic compound (VOC) content of each coating, as applied, in Process P33, as stated in its Title V permit and in accordance with the Wisconsin SIP.
- 3) Everbrite must keep records of the daily average VOC emission rate from screen reclamation in Process P33, as stated in its Title V permit and in accordance with the Wisconsin SIP.
- 4) Everbrite must submit semiannual monitoring reports to the Wisconsin Department of Natural Resources (WDNR) by September 1<sup>st</sup> for the period from January 1<sup>st</sup> through June 30<sup>th</sup> and by March 1<sup>st</sup> of the following year for the period from July 1<sup>st</sup> through December 31<sup>st</sup>, as stated in its Title V permit and in accordance with the Wisconsin SIP.
- 5) Everbrite must submit annual certification of compliance reports to WDNR by March 1<sup>st</sup> of the following year for the period from January 1<sup>st</sup> through December 31<sup>st</sup>, as stated in its Title V permit and in accordance with the Wisconsin SIP.
- 6) Everbrite must submit an initial notification for Subpart M MMM by January 2, 2005, as stated in its Title V permit and in accordance with Subpart M MMM.

U.S. EPA finds that Everbrite has violated the above requirements. Section 113 of the Act gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by Everbrite to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the NOV/FOV.

Before we decide which enforcement option is appropriate, we are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The U.S. EPA contact in this matter is Ray Cullen. You may call him at (312) 886-0538 if you wish to request a conference. U.S. EPA hopes that this NOV/FOV will encourage Everbrite's compliance with the requirements of the Act.

Sincerely yours,



Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Daniel Schramm, Supervisor  
Southeast Region Headquarters  
Wisconsin Department of Natural Resources  
2300 N. Dr. Martin Luther King Jr. Drive  
P.O. Box 12436  
Milwaukee, Wisconsin 53212

William Baumann, Chief-Combustion Process  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
101 S. Webster St.  
P.O. Box 7921 (AM/7)  
Madison, Wisconsin 53707

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>.

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF:  Everbrite, LLC South Milwaukee, Wisconsin  Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 et seq.	)	NOTICE OF VIOLATION AND FINDING OF VIOLATION EPA-5-07-WI-7
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**NOTICE OF VIOLATION AND FINDING OF VIOLATION**

Everbrite, LLC (Everbrite or you) owns and operates a sign manufacturing facility at 315 Marion Avenue, South Milwaukee, Wisconsin. Since 2004, Everbrite has been a major source as defined in 40 C.F.R. Part 70 and has been subject to these regulations, along with the Wisconsin State Implementation Plan (SIP) and, until February 27, 2006, the National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products at 40 C.F.R. Part 63, Subpart M MMM (Subpart M MMM).

The United States Environmental Protection Agency (U.S. EPA) is sending this Notice of Violation (NOV/FOV) to you for failing to, as required by your Title V permit, the Wisconsin SIP, and Subpart M MMM, 1) keep records of the date and initials of the person performing the daily inspections of the control devices for Process P31 and Process P60; 2) keep records of the volatile organic compound (VOC) content of each coating, as applied, in Process P33; 3) keep records of the daily average VOC emission rate from screen reclamation in Process P33; 4) submit a semiannual monitoring report to the Wisconsin Department of Natural Resources (WDNR) by March 1, 2005 for the period from November 9, 2004 through December 31, 2004; and 5) submit an annual certification of compliance report to WDNR by March 1, 2005 for the period from November 9, 2004 through December 31, 2004, and, 6) submit an initial notification for Subpart M MMM by January 2, 2005.

You may request a conference with us to discuss the violations alleged in the NOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney accompany and represent you at this conference.

## Explanation of Violations

1. The regulatory authority and facility requirements relevant to this NOV are as follows:
  - a. Title V of the Clean Air Act (the Act), 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including “major sources.” Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), on July 21, 1992, U.S. EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295 (July 21, 1992). These regulations are codified at 40 C.F.R. Part 70.
  - b. 40 C.F.R. § 70.2 defines “major source,” in part, as any stationary source belonging to a single major industrial grouping and that directly emits or has the potential to emit 100 tons per year or more of any air pollutant.
  - c. 40 C.F.R. § 70.7(b) states that no source subject to Title V may operate the source except in compliance with a Title V permit.
  - d. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate the source except in compliance with its Title V permit.
  - e. On December 4, 2001, U.S. EPA granted full approval to the Wisconsin Title V operating permit program, effective on November 30, 2001. 66 Fed. Reg. 62951 (December 4, 2001).
  - f. WDNR issued Title V Permit No. 241094700-P01 to Everbrite with an effective date of November 9, 2004. On October 3, 2005, Everbrite submitted a permit revision request that the permit be revised as a synthetic minor source for federal hazardous air pollutants (HAPs). WDNR subsequently issued Title V Permit No. 241094700-P02 to Everbrite with an effective date of February 27, 2006.
  - g. NR 439.04(1)(d) of the Wisconsin SIP states that the owner or operator of an air contaminant source to which NR 400 to 499 apply shall maintain any records relating to the emission of air contaminants which may be requested in writing by WDNR.
  - h. On August 15, 1994, U.S. EPA approved NR 439.04 as part of the federally enforceable Wisconsin SIP, effective September 14, 1994. 59 Fed. Reg. 41709 (August 15, 1994). On April 27, 1995, U.S. EPA made technical amendments to its approval. 60 Fed. Reg. 20643 (April 27, 1995). On June 30, 1995, July 28, 1995, April 9, 1996, and November 13, 2001, U.S. EPA approved revisions to NR 439.04 for the Wisconsin SIP. 60 Fed. Reg. 34170 (June 30, 1995), 60 Fed. Reg. 38722 (July 28, 1995) corrected by 61 Fed. Reg. 5307 (February 12, 1996), 61 Fed. Reg. 15706 (April 9, 1996), and 66 Fed. Reg. 56931 (November 13,

2001). On December 13, 2001, the latest revision of NR 439.04 became federally effective. 66 Fed. Reg. 56931 (November 13, 2001).

- i. Condition 1.B.1.b.(2) of Everbrite's Title V Permit No. 241094700-P01 and Condition 1.B.1.b.(2) of Everbrite's Title V Permit No. 241094700-P02 each state that Everbrite shall inspect the control devices for Process P31 prior to each day's use for correct filter placement, filter condition, and signs of excessive loading.
- j. In accordance with NR 439.04(1)(d) of the Wisconsin SIP, Condition 1.B.1.c.(2) of Everbrite's Title V permit No. 241094700-P01 and Condition 1.B.1.c.(2) of Everbrite's Title V Permit No. 241094700-P02 each state that Everbrite shall keep records of the date and initials of the person performing the inspections of Process P31 required by condition 1.B.1.b.(2).
- k. Condition 1.G.1.b.(2) of Everbrite's Title V Permit No. 241094700-P01 and Condition 1.F.1.b.(2) of Everbrite's Title V permit no 241094700-P02 each state that Everbrite shall inspect the control devices for Process P60 prior to each day's use for correct filter placement, filter condition, and signs of excessive loading.
- l. In accordance with NR 439.04(1)(d) of the Wisconsin SIP, Condition 1.G.1.c.(2) of Everbrite's Title V Permit No. 241094700-P01 states that Everbrite shall keep records of the date and initials of the person performing the inspections of Process P60 required by condition 1.G.1.b.(2).
- m. In accordance with NR 439.04(1)(d) of the Wisconsin SIP, Condition 1.F.1.c.(2) of Everbrite's Title V Permit No. 241094700-P02 states that Everbrite shall keep records of the date and initials of the person performing the inspections of Process P60 required by condition 1.F.1.b.(2).
- n. NR 439.04(5)(a)(2) of the Wisconsin SIP states that any owner or operator of a coating or printing line or operation subject to an applicable emission limitation shall collect and record for each coating or printing line or operation the VOC content of each coating or ink, as applied, in units of pounds of VOC per gallon, excluding water.
- o. In accordance with NR 439.04(5)(a)(2) of the Wisconsin SIP, Condition 1.D.1.c.(2).(c) of Everbrite's Title V Permit No. 241094700-P01 and Condition 1.D.1.c.(2).(c) of Everbrite's Title V Permit No. 241094700-P02 each state that, for Process 33, Everbrite shall keep records of the VOC content of each ink or coating, as applied, in units of pounds of VOC per gallon, excluding water.
- p. NR 422.145(4)(a) of the Wisconsin SIP states that the owner or operator of a screen printing unit subject to this section shall collect and record the daily

average VOC emission rate from screen reclamation in kilograms per square meter (pounds per square foot) of screen reclaimed for each day of operation.

- q. On July 28, 1995, U.S. EPA approved NR 422.145 as part of the federally enforceable Wisconsin SIP, effective September 26, 1995. 60 Fed. Reg. 38722 (July 28, 1995).
- r. In accordance with NR 422.145(4)(a) of the Wisconsin SIP, Condition 1.D.1.c.(3).(a) of Everbrite's Title V Permit No. 241094700-P01 and Condition 1.D.1.c.(3).(a) of Everbrite's Title V Permit No. 241094700-P02 each state that, for Process 33, Everbrite shall collect and record the daily average VOC emission rate from screen reclamation in pounds per square foot of screen reclaimed as calculated using the equation in Condition D.1.a.(1)(d).
- s. NR 439.03(1)(b) of the Wisconsin SIP states that the owner or operator of a source which has been issued an operating permit under s. 285.62, Stats., or an order under s. 285.13(2), Stats., shall submit the results of monitoring required by the permit or order no less often than every 6 months, or more frequently if required by WDNR.
- t. On August 15, 1994, U.S. EPA approved NR 439.03 as part of the federally enforceable Wisconsin SIP, effective September 14, 1994. 59 Fed. Reg. 41709 (August 15, 1994). On April 27, 1995, U.S. EPA made technical amendments to its approval. 60 Fed. Reg. 20643 (April 27, 1995).
- u. In accordance with NR 439.03(1)(b) of the Wisconsin SIP, Condition 1.H.7.b.(1) of Everbrite's Title V Permit No. 241094700-P01 states that Everbrite shall submit the results of monitoring required by this permit to WDNR every 6 months. The time periods to be addressed by the submittal are January 1<sup>st</sup> through June 30<sup>th</sup> (due by September 1<sup>st</sup>) and July 1<sup>st</sup> through December 31<sup>st</sup> (due by March 1<sup>st</sup> of the following year).
- v. NR 439.03(1)(c) of the Wisconsin SIP states that after an operating permit has been issued to a source by WDNR, the owner or operator of the source shall annually, or more frequently if specified in an applicable requirement or in the permit, certify the source's compliance status with the operating permit.
- w. In accordance with NR 439.03(1)(c) of the Wisconsin SIP, Condition 1.H.7.b.(2) of Everbrite's Title V Permit No. 241094700-P01 states that Everbrite shall submit an annual certification of compliance with the requirements of this permit to WDNR and U.S. EPA. The time period to be addressed by the report is from January 1<sup>st</sup> to December 31<sup>st</sup> (due no later than March 1<sup>st</sup> following the end of each reporting period).
- x. Section 112(d) of the Act, 42 U.S.C. § 7412(d), authorizes U.S. EPA to promulgate regulations establishing emission standards for particular industrial

sources that emit one or more of the HAPs listed in Section 112(b) of the Act in significant quantities.

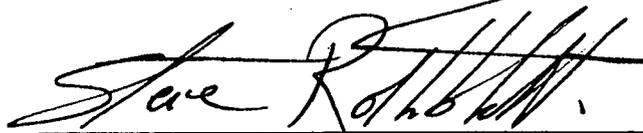
- y. Pursuant to Section 112(d) of the Act, U.S. EPA promulgated Subpart M MMMM on January 2, 2004. 69 Fed. Reg. 130 (January 2, 2004) (codified at 40 C.F.R. pt. 63, subpt. M MMMM)
  - z. 40 C.F.R. § 63.3910(b) states that the owner or operator of an existing affected source must submit the initial notification required by Section 63.9(b) no later than 1 year after January 2, 2004.
  - aa. In accordance with 40 C.F.R. 63.3910(b), Condition 1.H.4.a.(1) of Everbrite's Title V Permit No. 241094700-P01 states that the Subpart M MMMM initial notification shall be submitted not later than January 2, 2005.
  - bb. Section 113(a)(1-3) of the Act, 42 U.S.C. § 7413(a)(1-3), authorizes the Administrator to initiate an enforcement action whenever, on the basis of any available information, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of, among others, any implementation plan or permit, Title I or Title V of the Act, or any rule promulgated, issued, or approved under Title I or Title V of the Act.
2. On June 19, 2006, WDNR conducted an inspection of the Everbrite facility at 315 Marion Avenue, South Milwaukee, Wisconsin. WDNR prepared a "Full Air Compliance Evaluation (FCE) Summary," dated June 29, 2006, that documents the inspection ("inspection report").
  3. The inspection report states that Everbrite did not keep records of the date and initials of the person performing the inspection of the control devices for Process P31 and Process P60 prior to each day's use until May 24, 2006.
  4. Everbrite's failure to keep records of the date and initials of the person performing the daily inspections of the control devices for Process P31 and Process P60 is a violation of Title V Permit No. 241094700-P01, Title V Permit No. 241094700-P02, Section 502(a) of the Act, 40 C.F.R. § 70.7(b), and NR 439.04(1)(d) of the Wisconsin SIP.
  5. The inspection report states that Everbrite did not calculate the VOC content of each ink and coating as delivered to each applicator in Process P33 until May 24, 2006.
  6. Everbrite's failure to keep records of the VOC content of each coating, as applied, in Process P33 is a violation of Title V Permit No. 241094700-P01, Title V Permit No. 241094700-P02, Section 502(a) of the Act, 40 C.F.R. § 70.7(b), and NR 439.04(5)(a)(2) of the Wisconsin SIP.
  7. The inspection report states that Everbrite did not maintain records showing the daily VOC emission rates per square foot of screen reclaimed in Process P33 until May 24, 2006.

8. Everbrite's failure to record the daily average VOC emission rate from screen reclamation in Process P33 is a violation of Title V Permit No. 241094700-P01, Title V Permit No. 241094700-P02, Section 502(a) of the Act, 40 C.F.R. § 70.7(b), and NR 422.145(4)(a) of the Wisconsin SIP.
9. The inspection report states that WDNR did not receive the semiannual monitoring report from Everbrite for the time period November 9, 2004 through December 31, 2004.
10. Everbrite's failure to submit the semiannual monitoring report to WDNR by March 1, 2005 for the period from November 9, 2004 through December 31, 2004 is a violation of its Title V Permit No. 241094700-P01, Section 502(a) of the Act, 40 C.F.R. § 70.7(b), and NR 439.03(1)(b) of the Wisconsin SIP.
11. The inspection report states that WDNR did not receive an annual compliance certification from Everbrite for the period November 9, 2004 through December 31, 2004.
12. On July 3, 2006, U.S. EPA received from Everbrite an annual compliance certification, dated June 27, 2006, regarding Everbrite's Title V Permit No. 241094700-P01 for the period November 9, 2004 through December 31, 2004.
13. Everbrite's failure to submit an annual compliance certification to WDNR and U.S. EPA by March 1, 2005 for the period from November 9, 2004 through December 31, 2004 is a violation of its Title V Permit No. 241094700-P01, Section 502(a) of the Act, 40 C.F.R. § 70.7(b), and NR 439.03(1)(c) of the Wisconsin SIP.
14. On July 3, 2006, U.S. EPA received Everbrite's annual compliance certification, dated June 27, 2006, regarding its Title V Permit No. 241094700-P01 for the period January 1, 2005 through December 31, 2005. The annual compliance certification states that Everbrite submitted the initial notification for Subpart M MMM on August 29, 2005.
15. Everbrite's failure to submit the initial notification for Subpart M MMM by January 2, 2005 is a violation of its Title V Permit No. 241094700-P01, Section 502(a) of the Act, 40 C.F.R. § 70.7(b), and 40 C.F.R. § 63.3910(b).

#### **Environmental Impact of Violations**

16. VOCs react with nitrogen oxides in the presence of sunlight to form ground-level ozone, which contributes to respiratory problems such as increased susceptibility to respiratory infection, pulmonary inflammation, painful deep breathing, aggravated asthma, and reduced lung capacity.
17. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

6/28/2007  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Shanee Rucker, certify that I sent a Notice of Violation/Finding of Violation, No. EPA-5-07-WI-7, by Certified Mail, Return Receipt Requested, to:

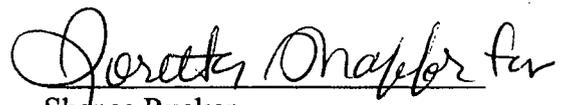
Keith Saylor, Director of Operations  
Everbrite, LLC  
315 Marion Avenue  
South Milwaukee, Wisconsin

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

Daniel Schramm, Supervisor  
Southeast Region Headquarters  
Wisconsin Department of Natural Resources  
2300 N. Dr. Martin Luther King Jr. Drive  
P.O. Box 12436  
Milwaukee, Wisconsin 53212

William Baumann, Chief-Combustion Process  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
101 S. Webster St.  
P.O. Box 7921 (AM/7)  
Madison, Wisconsin 53707

on the 28<sup>th</sup> day of JUNE, 2007.

  
Shanee Rucker,  
Administrative Program Assistant  
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0005 8919 2003