

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
JAY-EM AEROSPACE (formerly) **Administrative Order**
Marc Avenue Corporation))
) **EPA-5-00-113(a) OH-04**
Proceeding Under)
Section 113(a)(3) of)
the Clean Air Act,)
42 U.S.C. § 7413(a)(3))

Administrative Consent Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Jay-Em Aerospace Corporation, (Jay Em) (formerly known as Marc Avenue Corporation) under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory and Regulatory Background

2. The Administrator of U.S. EPA may promulgate regulations establishing National Emissions Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning (Degreaser MACT) under Section 112 of the Act, 42 U.S.C. § 7412.

3. Under Section 112 of the Act, the Administrator promulgated the National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning, at 40 C.F.R. Part 63, Subpart T, 40 C.F.R. §§ 63.460-469. The Degreaser MACT regulations apply to any facilities operating a solvent cleaning machine that use any of the following halogenated solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1,- trichloroethane, carbon tetrachloride, and chloroform, or in any combination of these halogenated solvents in a total concentration of greater than 5 percent by weight, as a cleaning and/or drying agent.

4. 40 C.F.R. § 63.468 (a) and (e), require the owner or operator of any solvent cleaning machine to submit an Initial Notification Report and an Initial Statement of Compliance to the Administrator.

5. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the Degreaser MACT regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

6. Jay-Em owns and operates an existing batch vapor solvent cleaning machine at 75 Marc Avenue, Cuyahoga Falls, OH 44223 (facility). The solvent used contains 99.4% trichloroethylene. Therefore, Jay Em is subject to the Degreaser MACT regulations.

7. On March 16, 2000, U.S. EPA representatives inspected the facility, and observed that the existing batch vapor solvent cleaning machine was permanently installed at the facility. U.S. EPA noted that the facility was maintaining compliance with the Degreaser MACT Standard by using methods consistent with the alternative standards as found at 40 C.F.R. 63.464.

8. The batch vapor solvent cleaning machine was installed prior to November 29, 1993. This meets the definition of an existing batch vapor solvent cleaning machine. 40 C.F.R. 63.461.

9. Jay-Em submitted an Initial Notification Report and an Initial Statement of Compliance on July 27, 2000

10. As a result, Jay-Em is in violation of the Degreaser MACT standards found at 40 C.F.R. § 63, Subpart T.

Compliance Program

11. Jay-Em is required to comply with the Degreaser MACT Standards found at 40 C.F.R. 63 §§460-469. Jay-Em shall continue to comply with all Degreaser MACT Standards found at 40 C.F.R. 63 §§460-469.

General Provisions

12. This Order does not affect Jay-Em's responsibility to comply with other local, State, and Federal laws and regulations.

13. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

14. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Sections 113 of the Act, 42 U.S.C. § 7413, for Jay-Em's violation of the Degreaser MACT Regulations.

15. Failure to comply with this Order may subject Jay-Em to penalties of up to \$27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

16. The terms of this Order are binding on Jay Em, its assignees and successors. Jay Em must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Jay Em has given the notice.

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

18. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

19. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, if Jay Em has complied with all of its terms.

20. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. Therefore, U.S. EPA is giving Jay-Em an opportunity to confer with U.S. EPA concerning this Order. Jay-Em may schedule a conference with U.S. EPA by calling Mr. Greg Chomycia, at (312)353-8217 within 10 days of Jay-Em's receipt of this Order.

21. This Order shall become effective upon receipt.

9-29-00
Date



Bharat Mathur, Director
Air and Radiation Division

Enclosure

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-00-113(a)OH-04, by Certified Mail, Return Receipt Requested, to:

Mr. Greg Norman, President
Jay Em Aerospace
75 Marc Drive
Cuyahoga Falls, Ohio 44223

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-00-113(a)OH-04, First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Mr. Lynn Malcolm, Administrator
Akron Regional Air Quality Management District
140 South High St.
Room 904
Akron, Ohio 44308

on the 29th day of Sept 2000.


Loretta Shaffer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: P140 897 052