

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
 )  
Northstar Aerospace ) NOTICE OF VIOLATION AND  
(Chicago), Inc. ) FINDING OF VIOLATION  
Bedford Park, Illinois )  
 ) EPA-5-03-IL-18  
Proceedings Pursuant to )  
Section 113(a)(1) and (a)(3) )  
of the Clean Air Act, 42 )  
U.S.C. § 7413(a)(1) and (a)(3) )  
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**NOTICE AND FINDING OF VIOLATION**

The Administration of the United States Environmental Protection Agency (U.S. EPA), is issuing this Notice of Violation and Finding of Violation under Section 113(a)(1) and (a)(3) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(1) and (a)(3). The U.S. EPA finds that Northstar Aerospace, Inc., (Northstar) located at 6006 W. 73<sup>rd</sup> Street, Bedford Park, Illinois, is in violation of Section 112 of the Act, 42 U.S.C. § 7412, its implementing regulations, setting forth National Emission Standards for Hazardous Air Pollutants (NESHAP) for Aerospace Manufacturing and Rework Facilities, at 40 C.F.R. Part 63, Subpart GG, and the Illinois State Implementation Plan (SIP). Northstar is also violating Title V of the Clean Air Act Amendments of 1990, 42 U.S.C. §§ 7661 et seq. The basis of these findings is discussed below.

**Statutory and Regulatory Background**

**NESHAP - Regulatory Authority**

1. On September 1, 1996, in accordance with Section 112 (d) of the Act, U.S. EPA promulgated the National Emission Standard for Aerospace Manufacturing and Rework Facilities, 40 C.F.R. Part 63, Subpart GG, §§ 63.741 - 63.753.
2. Subpart GG applies to each facility that is engaged, either in part or in whole, in the manufacturing or reworking of commercial, civil, or military aerospace vehicles or components and that are major sources, as defined in § 63.2. 40 C.F.R. § 63.741 (a).

3. A "major source" is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant (HAP) or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence. 40 C.F.R. § 63.2.
4. 40 C.F.R. § 63.749(a) provides that existing affected sources subject to Subpart GG shall comply with its requirements by September 1, 1998.
5. 40 C.F.R. § 63.6(c)(5) provides that after the effective date of an emission standard promulgated under Part 63, the owner or operator of an unaffected existing area source that increases its emission of (or its potential to emit) hazardous air pollutants such that the source becomes a major source that is subject to the emission standard shall comply by the date specified in the standard for existing area sources that become major sources. If no such compliance date is specified in the standard, the source shall have a period of time to comply with the relevant emission standard that is equivalent to the compliance period specified in that standard for other existing sources.
6. 40 C.F.R. § 63.745(a) provides that each owner or operator of a new or existing primer or topcoat application operation subject to this subpart shall comply with the requirements specified in 40 C.F.R. § 63.745(c) for those coatings that are controlled.
7. 40 C.F.R. § 63.745(c) provides HAP and VOC content limits for each uncontrolled coating.
8. 40 C.F.R. § 63.745(c)(1) provides that organic HAP emissions from primers shall be limited to an organic HAP content level of no more than 2.9 lb/gal of primer (less water), as applied.
9. 40 C.F.R. § 63.745(c)(2) provides that VOC emissions from primers shall be limited to a VOC content level of no more than 2.9 lb/gal of primer (less water and exempt solvents), as applied.

10. 40 C.F.R. § 63.745(c)(3) provides that organic HAP emissions from topcoats shall be limited to an organic HAP content level of no more than 3.5 lb/gal of coating (less water), as applied.
11. 40 C.F.R. § 63.745(c)(4) provides that VOC emissions from topcoats shall be limited to an VOC content level of no more than 3.5 lb/gal of topcoat (less water and exempt solvents), as applied.
12. 40 C.F.R. § 63.745(e) provides that compliance with the organic HAP and VOC content limits specified in paragraphs 40 C.F.R. § 63.745(c)(1) through (c)(4) shall be accomplished by using the methods specified in 40 C.F.R. § 63.745(e)(1) and (e)(2).
13. 40 C.F.R. § 63.745(e)(1) provides for the use of primers and topcoats with HAP and VOC content levels equal to or less than the specified limits.
14. 40 C.F.R. § 63.745(e)(2) provides for the use of averaging provisions in 40 C.F.R. § 63.743(d).
15. 40 C.F.R. § 63.745(f)(1) provides that all primers and topcoats shall be applied using one or more of the application techniques specified in paragraphs (f)(1)(i) through (f)(1)(ix) of this section.
16. 40 C.F.R. § 63.745(f)(vii) provides for application through the use of high volume low pressure (HVLP) spraying.
17. 40 C.F.R. § 63.745(g) provides for primers and topcoats application operation that contain inorganic HAP.
18. 40 C.F.R. § 63.752(b) provides that each owner or operator of a cleaning operation subject to Subpart GG shall record the information specified in 40 C.F.R. § 63.752(b)(1) through (b)(5).
19. 40 C.F.R. § 63.752(c) provides that each owner or operator required to comply with the organic HAP and VOC content limits shall record the information specified in 40 C.F.R. § 63.752(c)(1) through (c)(6), regarding primer and topcoat application operations-organic HAP and VOC.
20. 40 C.F.R. § 63.752(d) provides that each owner or operator required to comply with 40 C.F.R. § 63.745(g) shall record the pressure drop across the operating system once each

shift during which coating operations occur.

21. 40 C.F.R. § 63.752(e) provides that each owner or operator required to comply with the depainting standards specified in 40 C.F.R. § 63.746 shall record the information specified in 40 C.F.R. § 63.752(e)(1) through (e)(7).
22. 40 C.F.R. § 63.753(a)(1) provides that each owner or operator subject to Subpart GG shall fulfill the listed reporting requirements, including submitting an initial notification report under § 63.9(b)(2) and a notification of compliance status under § 63.9(h).
23. 40 C.F.R. § 63.9(b)(2) requires the owner or operator of an affected source that has an initial start-up before the effective date of a relevant standard under this part to notify the Administrator in writing that the source is subject to the relevant standard. As per subpart GG, existing sources are required to submit the initial notification report at least one year prior to the compliance date.
24. 40 C.F.R. § 63.9(h)(2)(ii) requires the owner or operator of an affected source to submit within 60 days of the compliance date to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard.
25. 40 C.F.R. § 63.753(b) provides that each owner or operator of a cleaning operation subject to Subpart GG must submit information specified in 40 C.F.R. § 63.753(b)(1).
26. 40 C.F.R. § 63.753(c) provides that each owner or operator of a primer or topcoat application operation subject to Subpart GG must submit information specified in 40 C.F.R. § 63.753(c)(1) through (c)(2).
27. 40 C.F.R. § 63.753(d) provides that each owner or operator of a depainting operation subject to Subpart GG must submit information specified in 40 C.F.R. § 63.753(d)(1) through (d)(3).

#### Illinois Administrative Code - Regulatory Background

28. On September 9, 1994, U.S. EPA approved 35 Ill. Admin. Code Part 218, Subpart F, (Coating Operations), including the VOC or volatile organic matter (VOM) emission limitations for

miscellaneous metal parts and products coating, 59 Fed. Reg. 46562. On February 13, 1996, U.S. EPA approved a SIP revision request to tighten the existing rules for certain surface coatings operations at 35 Ill. Admin. Code Part 218, Subpart F. 61 Fed. Reg. 5511. These rules became effective on April 15, 1996.

29. 35 Ill. Admin. Code, Part 218.204(j)(2) sets forth the emission limitations for miscellaneous metal parts and products coatings, specifying that no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the emission limitations for the specified coating. On or after March 15, 1996, air dried extreme performance coatings must comply with the emission limitation of 3.5 lb VOM/gallon of coating.
30. 35 Ill. Admin. Code, Part 218.211(c) requires that an owner or operator maintain at the source for a period of three years the following information collected and recorded each day for each coating line: the name and identification number of each coating line and the weight of VOM per volume of each coating line (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each line.

#### Title V Requirements

31. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that no source may operate without a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act.
32. Section 503(d) of the Act, 42 U.S.C. § 7661b(d), sets forth the requirement to timely submit an application for a Title V permit, including all required information.
33. 40 C.F.R. § 63.741(d) states that an owner or operator of an affected source subject to this subpart shall obtain an operating permit from the permitting authority in the State in which the source is located. The owner or operator shall apply for and obtain such permit in accordance with the regulations contained in Part 70 of this chapter and in applicable State regulations.
34. 40 C.F.R. § 70.5(a) provides that an owner or operator shall submit a timely and complete Title V permit application in accordance with Part 70 requirements.

35. 40 C.F.R. § 70.7(b) provides that no source subject to Part 70 requirements may operate without a Title V permit as specified in the Act.
36. The U.S. EPA promulgated final interim approval of the Illinois Title V program on March 7, 1995 (60 Fed. Reg. 12478), and the program became effective on that date. The U.S. EPA promulgated final full approval of this program on November 30, 2001 (40 C.F.R. Part 70 Appendix A).

### Factual Background

37. Northstar owns and operates a military aerospace vehicle manufacturing facility located at 6006 W. 73<sup>rd</sup> Street, Bedford Park, Illinois.
38. Northstar is a stationary source that emits or has the potential to emit 10 tons per year of a HAP.
39. Northstar became a major source of HAP in or about December 2000 when it emitted, or had the potential to emit, 10 tons per year of hydrochloric acid (HCl), which is a HAP. Since then, Northstar has continued to be a major source of HAP due to Northstar's potential to emit 10 tons per year of hydrochloric acid (HCl), which is a HAP.
40. Under the NESHAP, Northstar's compliance date was no later than December 31, 2002.
41. Northstar had an initial start-up before the effective date of the NESHAP for aerospace manufacturing and rework facilities.
42. Since April 2000, Northstar has used three primers (# MIL-P-23377 Comp A, # MIL-P-23377F Comp A, green, and # MIL-P-23377F Comp A, yellow) and two topcoats (# MIL-C-27750 Comp A and MIL-T-81772B Type II) having an organic HAP content of greater than 2.9 and 3.5 lb organic HAP/gallon of coating, respectively, as applied.
43. Since April 2000, Northstar has used three primers (# MIL-P-23377 Comp A, # MIL-P-23377F Comp A, green, and # MIL-P-23377F Comp A, yellow) and three topcoats (# MIL-C-27750 Comp A, MIL-C-22750 Comp B, and MIL-T-81772B Type II) having a VOC content of greater than 2.9 and 3.5 lb VOC/gallon of coating, as applied.

44. Since April 2000, Northstar has used three primers (# MIL-P-23377 Comp A, # MIL-P-23377F Comp A, green, and # MIL-P-23377F Comp A, yellow) and three topcoats (# MIL-C-27750 Comp A, MIL-C-22750 Comp B, and MIL-T-81772B Type II) having a VOM content of greater than 3.5 lb VOM/gallon of coating, as applied. These coatings are air dried.

Coating name and i.d. code	Coating type	Organic HAP limit	Organic HAP content	VOC/VOM limit	VOC/VOM content
Epoxy polyamide primer (# MIL-P-23377 Comp A) yellow/green	Primer	2.9 lb organic HAP/gal	5.2 lb organic HAP/gal	2.9 lb VOC/gal	4.01 lb VOC/gal
Primer epoxy green (# MIL-P-23377F Comp A)	Primer	2.9 lb organic HAP/gal	3.85 lb organic HAP/gal	2.9 lb VOC/gal	4.92 lb VOC/gal
Primer epoxy yellow (# MIL-P-23377F Comp A)	Primer	2.9 lb organic HAP/gal	4.68 lb organic HAP/gal	2.9 lb VOC/gal	5.72 lb VOC/gal
Epoxy coating (# MIL-C-22750 Comp A)	Topcoat	3.5 lb organic HAP/gal	4.00 lb organic HAP/gal	3.5 lb VOC/gal	6.00 lb VOC/gal
Epoxy coating (# MIL-C-22750 Comp B)	Topcoat	3.5 lb organic HAP/gal	0.9 lb organic HAP/gal	3.5 lb VOC/gal	5.74 lb VOC/gal
Epoxy thinner (# MIL-T-81772B Type II)	Topcoat	3.5 lb organic HAP/gal	6.8 lb organic HAP/gal	3.5 lb VOC/gal	6.8 lb VOC/gal

45. Northstar has not limited organic HAP and VOC emissions from coating operations by meeting the emission limitations for existing sources by using one of the two compliance methods listed at 40 C.F.R. § 63.745(e) (1) and (e) (2):

- a) using primers and topcoats with HAP and VOC content levels equal to or less than the specified limits, 40 C.F.R. § 63.745(e) (1), or

- b) using the averaging provisions in 40 C.F.R. § 63.743(d), 40 C.F.R. § 63.745(e) (2).
46. Northstar uses a spray gun to apply primers and topcoats.
  47. Northstar's spray gun used for primers and topcoats applications is not a high volume low pressure gun.
  48. On November 14, 2002, U.S. EPA inspected the Northstar facility. During the November 14, 2002, inspection, U.S. EPA requested to review Northstar's cleaning operation, primer and topcoat application operations, repainting operations records. Northstar did not have any records regarding any of these areas of operations.
  49. Since April 2000, Northstar has not collected and recorded the weight of VOM per volume of each coating as applied, each day on each coating line, as required.
  50. Northstar did not maintain specific records, as required under 40 C.F.R. § 63.752.
  51. Northstar did not notify EPA in writing that it was subject to Subpart GG.
  52. Northstar did not submit to EPA information about specific operations, as required under 40 C.F.R. § 63.753.
  53. Northstar did not submit to the U.S. EPA within 60 days of the compliance date a notification of compliance status attesting to whether Northstar has complied with the relevant standard.
  54. Northstar did not apply for and obtain an operating permit from the permitting authority in accordance with the regulations contained in Part 70 and in applicable State regulations.

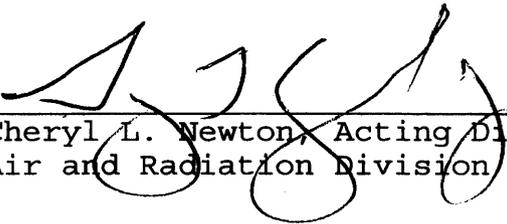
#### Violations

55. Northstar's failure to limit organic HAP and VOC emissions from its primer and topcoat coating operations by meeting the emission limitations for existing sources is a violation of 40 C.F.R. § 63.745(c).
56. Northstar's failure to use a compliance method listed in 40 C.F.R. § 63.745(e) (1) and (e) (2) is a violation of 40 C.F.R. § 63.745(e).

57. Northstar's use of a spray gun that is not a HVLP spray gun is a violation of 40 C.F.R. § 63.745(f).
58. Northstar's failure to maintain specific records for cleaning operations as required is a violation of 40 C.F.R. § 63.752(b).
59. Northstar's failure to maintain specific records for primer and topcoat application operations-organic HAP and VOC as required is a violation of 40 C.F.R. § 63.752(c).
60. Northstar's failure to maintain specific records for primer and topcoat application operations-inorganic HAP as required is a violation of 40 C.F.R. § 63.752(d).
61. Northstar's failure to maintain specific records for depainting operations as required is a violation of 40 C.F.R. § 63.752(e).
62. Northstar's failure to submit to EPA an initial notification report indicating that the source was subject to Subpart GG at least one year prior to its compliance date is a violation of 40 C.F.R. § 63.753(a) and 40 C.F.R. § 63.9(b)(2).
63. Northstar's failure to submit to EPA specific information about its cleaning operations is a violation of 40 C.F.R. § 63.753(b).
64. Northstar's failure to submit to EPA specific information about its primer and topcoat application operations is a violation of 40 C.F.R. § 63.753(c).
65. Northstar's failure to submit to EPA specific information about its depainting operations is a violation of 40 C.F.R. § 63.753(d).
66. Northstar's use of three primers and topcoats with a VOM content greater than 3.5 lb VOM/gallon of coating after March 15, 1996, is a violation of the emission limitations for miscellaneous metal parts and products coatings at IAC § 218.204(j)(2).
67. Northstar's failure to collect and record the weight of VOM per volume of each coating as applied, each day on each coating line, is a violation of the recordkeeping and reporting requirements under IAC § 218.211(c)(2).

68. Northstar's failure to submit a timely and complete Title V permit application with information pertaining to its December 2000 major source classification due to exceeding 10 tpy emission of a HAP, is a violation of Section 503 of the Act, and the regulations at 40 C.F.R. §§ 70.5(a), 70.7(b), and 40 C.F.R. § 63.741(d), thereby violating Section 502 of the Act. This violation of Title V exists from at least the date on which Northstar became a major source of HAP, and continues until Northstar submits a complete Title V permit application.

7/3/03  
Date

  
Cheryl L. Newton, Acting Director *FRB*  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation and a Finding of Violation by Certified Mail, Return Receipt

Requested, to:

Brian Rudzki, Manager, Manufacturing Support  
Northstar Aerospace-Chicago-Inc.  
6006 W. 73<sup>rd</sup> Street  
Bedford Park, Illinois 60638

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

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

Harish Narayen, Acting Regional Manager  
Illinois Environmental Protection Agency  
Region 1  
9511 W. Harrison Street  
Des Plaines, Illinois 60016

on the 7<sup>th</sup> day of July, 2003.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601782830