

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	FINDING OF VIOLATION
	)	
Burns Fabricating Company	)	EPA-5-00-MI-13
Detroit, Michigan	)	
	)	
Proceedings Pursuant to	)	
Section 113 of the	)	
Clean Air Act, 42 U.S.C. § 7413	)	

FINDING OF VIOLATION

Pursuant to Section 113(a) (3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a) (3), the State of Michigan and Burns Fabricating Company (Burns) are hereby notified that the United States Environmental Protection Agency (EPA), by authority duly delegated to the undersigned, finds Burns' facility, located at 8951 Alpine Street, Detroit, Michigan (facility), is in violation of Title V of the Clean Air Act, 42 U.S.C. § 7661 et seq. and the regulations setting forth the State Operating Permit Programs at 40 C.F.R. Part 70. The specific basis for these findings is set out below.

Statutory and Regulatory Authority

1. Section 502 of the Clean Air Act, 42 U.S.C. § 7661a, states, in part, that it is unlawful for any person to operate a major source except in compliance with a permit issued by a permitting authority.
2. "Major sources" is defined at 40 C.F.R. § 70.2 as including sources which have a potential to emit at least 10 tons per year of a single hazardous air pollutant.
3. Section 112 of the Act, 42 U.S.C. § 7412, defines Xylene as a hazardous air pollutant.
4. 40 C.F.R. § 70.3(a) provides that sources subject to Part 70 (Part 70 sources) include major sources.
5. 40 C.F.R. § 70.5 requires Part 70 sources to apply for a permit (Part 70 permit) within 12 months after the source becomes subject to the permit program or on or before such earlier date as the permitting authority may establish.
6. EPA approved the operating permits program for the State of Michigan on February 10, 1997 (62 Federal Register 1387).

Factual Background

7. Burns Fabricating Company (Burns) owns and operates a facility that manufactures parts handling equipment and storage bins for automotive assembly lines, located at 8951 Alpine Street, Detroit, Michigan.
8. On January 29, 1999 and February 11, 1999, Wayne County Department of Environment (WCDOE) conducted inspections of the facility.
9. Reports submitted to the Wayne County Department of Environment during the inspection show Burns' facility has a potential to emit greater than 10 tons per year of xylene.
10. Since the facility is a major source, it is also a Part 70 source under 40 C.F.R. § 70.2 and should have submitted to the State of Michigan a complete application for a Title V operating permit no later than February 10, 1998.
11. During the January 29, 1999 and February 11, 1999 Inspections, WCDOE found that Burns had failed to apply for a Title V operating permit.

Finding of Violation

12. Since Burns' facility has the potential to emit more than 10 tons per year of xylene and Burns has operated and continues to operate a major source without a Part 70 operating permit (Title V permit), then Burns is in violation of 40 C.F.R. § 70.5 and therefore, is subject to an enforcement action under Section 113 of the Clean Air Act.

7-19-00  
Date

  
Bharat Mathur, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation and Finding of Violation, by Certified Mail, Return Receipt Requested, to:

Jacqueline Floyd-Ramirez  
Burns Fabricating Company  
8951 Alpine Street  
Detroit, Michigan 48204

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

Mark Shafer, Plant Manager  
Burns Fabricating Company  
8951 Alpine Street  
Detroit, Michigan 48204

Wendy Barrott, Director  
Air Quality Management Division  
Wayne County Department of Environment

Tim McGarry, Chief  
Enforcement Section  
Air Quality Division  
Michigan Department of Environmental Quality

on the 19 day of July, 2000.

Shanee Rucker  
Shanee Rucker, Secretary  
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: P140 897011