

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>National Maintenance and Repair, Inc.</b>	)	<b>Administrative Consent Order</b>
	)	
<b>Proceeding Under Sections 113(a)(1)</b>	)	<b>EPA-5-01-113(a) IL-04</b>
<b>and 114(a)(1) of the Clean Air Act, 42</b>	)	
<b>U.S.C. §§ 7413(a)(1) and 7414(a)(1)</b>	)	
_____	)	
	)	

**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 National Maintenance and Repair, Inc. (National) under Sections 113(a)(1) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of U.S. EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

3. On September 9, 1994, U.S. EPA approved the Illinois Pollution Control Board Rule 219, Subpart A (General Provisions) and Subpart F (Coating Operations) for the Metro East Area as part of the federally enforceable state implementation plan (SIP) for Illinois. 59 Fed. Reg. 46562.

4. 35 Ill. Adm. Code § 219.103 provides that Part 219 applies to all sources located in Madison, Monroe and St. Clair Counties.

5. 35 Ill. Adm. Code § 219.104 provides that the definitions in 35 Ill. Adm. Code 211 apply to Part 219.

6. On October 11, 1994, U.S. EPA approved the Illinois Pollution Control Board Rule 211 (Definitions and General Provisions) as part of the federally enforceable SIP for the State of Illinois. 59 Fed. Reg. 46567.

7. 35 Ill. Adm. Code § 219.204 prohibits the application of specified coatings unless such coatings meet the volatile organic material (VOM) emission limitations contained therein.

8. 35 Ill. Adm. Code § 219.211(c)(1) requires any owner or operator of a coating line subject to the emissions limitations in Section 219.204 to certify to the Illinois Environmental Protection Agency (IEPA) that the coating line will be in compliance with Section 219.204. Such certification shall include the name, identification number and weight of VOM per volume of each coating as applied each day on each coating line.

9. 35 Ill. Adm. Code § 219.211(c)(2) requires any owner or operator of a subject coating line to collect and record the name and identification number of each coating as applied on each coating line and the weight of VOM per volume of each coating as applied each day on each coating line. These records should be kept at the source for a period of three years.

10. 35 Ill. Adm. Code § 219.208(a) exempts coating lines that otherwise would be subject to the same subsection of Section 219.204 from emission limitations provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.

11. 35 Ill. Adm. Code § 219.211(b)(1) requires any owner or operator of a coating line which is exempted from the limitation of Section 219.204 because of Section 219.208(a) to certify to the IEPA that the coating line or group of coating lines is exempt from the limitations of Section 219.204 because of Section 219.208(a) and provide calculations which demonstrate

that the combined VOM emissions from the coating line and all other coating lines in the same category never exceed 15 pounds per day before the application of a capture system and control devices.

12. 35 Ill. Adm. Code § 219.211(b)(2) requires any owner or operator of a coating line which is exempted from the limitations of Section 219.204 because of Section 219.208(a) to collect and record the name and identification number of each coating as applied on each coating line and the weight of VOM per volume and the volume of each coating as applied each day on each coating line. These records should be kept at the source for a period of three years. The requirements in Section 219.211(b)(2) of the federally-approved SIP have been recodified at 35 Ill. Adm. Code § 219.211(b)(3).

13. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

14. Under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), the Administrator of U.S. EPA may require any person who owns or operates an emission source to make reports and provide information required by the Administrator. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

#### **Findings**

15. National owns and operates a barge and towboat cleaning and repair facility at Foot of Hawthorne Street in Hartford, Illinois.

16. National is located in Madison County, Illinois, which is in the Metro East Area.

17. National operates coating lines for barges and towboats.

18. National's facility includes one or more "source[s]" as defined at 35 Ill. Adm. Code § 211.6130.

19. Because it includes a source or sources located in Madison County, National's facility is subject to the standards and limitations for emissions of organic material and VOMs in 35 Ill. Adm. Code Part 219.

20. National coats marine vessel and locomotive engines, diesel engine blocks and pans, and miscellaneous metal items such as propeller hubs, handrails, gangways, etc. at its facility.

21. The coatings applied by National include "miscellaneous metal parts and products coatings" as defined at Section 211.3850 and/or "heavy off-highway vehicle products coatings" as defined at Section 211.2930.

22. National owns or operates "coating lines" as defined at 35 Ill. Adm. Code § 211.1230.

23. National estimates that the average daily VOM emissions from its coating operations in 1998 were 10.9 lbs. and has claimed that its coating operations are not subject to the emission limits in Section 219.204(j) and (k) because of the exemption in Section 219.208(a) for coating operations that emit less than 15 lbs./day of VOMs.

24. To the extent that National claims the exemption in Section 219.208(a), National is subject to the certification requirements in Section 219.211(b)(1) and recordkeeping requirements in Section 219.211(b)(2) for an owner or operator of a coating line which is exempted from the limitations in Section 219.204 because of 219.208(a). The requirements in Section 219.211(b)(2) of the federally-approved SIP have been recodified at 35 Ill. Adm. Code § 219.211(b)(3).

25. National has not certified to IEPA that the coating lines at its facility are exempt under the provisions of § 219.208(a) as required by Section 219.211(b)(1). U.S. EPA contends that National has not demonstrated to IEPA that the combined VOM emissions from the coating lines never exceed 15 pounds per day before the application of a capture system and control devices.

26. National did not collect and record on a daily basis information regarding the name and identification number of each coating as applied on each coating line, the weight of VOM per volume, and the volume of each coating as applied each day on each coating line prior to 1999. On or about August 4, 1999, National began collecting and recording the name of the coating applied and the volume of the coating applied but did not collect and record the weight of VOM per volume of each coating applied on each coating line as required by 35 Ill. Adm. Code § 219.211(b)(2) of the federally-approved SIP.

27. Thomas Industrial Coatings, Inc. (Thomas), a contractor to National, coats barges and tow boat hulls, stairways, and other miscellaneous marine vessel items at the National facility.

28. Except for coatings applied to the exterior of marine vessels, the coatings applied by Thomas are "miscellaneous metal parts and products coatings" as defined at Section 211.3850.

29. Thomas does not collect and record on a daily basis information regarding the name and identification number of each coating as applied on each coating line, the weight of VOM per volume, and the volume of each coating as applied each day on each coating line.

30. National owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, National is subject to the requirements of Section 114(a)(1).

31. On July 27, 1999, U.S. EPA issued to National a Notice of Violation (NOV) alleging, among other things, that National violated 35 Ill. Adm. Code § 219.211(b)(2) by not maintaining the proper records.

32. On August 17, 1999, representatives of National and U.S. EPA discussed the July 27, 1999 NOV.

33. On September 20, 2000, U.S. EPA filed an administrative complaint against National in which U.S. EPA alleges that National violated the Illinois SIP requirements at 35 Ill. Adm. Code § 219.211(b)(2) and § 219.182(a)(2).

34. On December 13, 2000, pursuant to 35 Ill. Adm. Code § 219.211(c), National certified to IEPA that the coating lines at its facility subject to the VOM limitations in 35 Ill. Adm. Code § 219.204 will be in compliance with the limits in that section.

35. National admits the jurisdictional allegations in this Order but neither admits nor denies the specific factual allegations and conclusions of law in this Order or the July 27, 1999 NOV or the September 20, 2000 complaint.

#### **Compliance Program**

36. By the effective date of this Order, National must achieve, demonstrate, and maintain compliance with 35 Ill Adm Code § 219.204 at its Hartford, Illinois facility.

37. Pursuant to 35 Ill. Adm. Code § 219.211(c)(2), National must collect and record the name and identification number of each coating as applied on each coating line and the weight of VOM per volume of each coating as applied each day on each coating line. These requirements apply to coatings applied by National, Thomas and/or any other contractor who applies coatings at National's facility.

38. Pursuant to 35 Ill. Adm. Code § 219.211(c)(2), National must maintain the records noted in paragraph 37 above at the source for a period of three years.

39. Pursuant to Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), National must submit to U.S. EPA a copy of the coating records described in paragraph 37 quarterly for a year starting on the effective date of this order. National shall submit a copy of its coating records for the previous three month period by August 15 (records for April through June); November 15 (records for July through September); February 15 (records for October through December); and May 15 (records for January through March) following the effective date of this Order.

40. National must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604.

#### **General Provisions**

41. This Order does not affect National's responsibility to comply with other local, state, and federal laws and regulations.

42. This Order does not restrict U.S. EPA's authority to enforce the Illinois SIP, or any section of the Act.

43. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for National's violation of the Illinois SIP.

44. Failure to comply with this Order may subject National to penalties of up to \$27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413. Except as expressly provided herein, nothing in this Order shall limit National's potential defenses to a claim for violation of this Order.

45. The terms of this Order are binding on U.S. EPA and National, and National's assignees and successors. National 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 address noted in paragraph 41 above, that National has given the notice.

46. 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.

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

48. This Order may be amended by mutual agreement of U.S. EPA and National. Such amendment shall be in writing, shall be signed by both parties, and shall be incorporated into this Order.

49. National agrees to the terms of this Order.

50. This Order is effective on the date of signature by the Director of the Air and Radiation Division or the date of signature of the President of National, whichever is later. This Order will expire one year from the effective date, if National has complied with all of its terms.

May 14, 2001

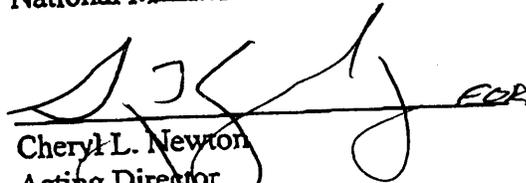
Date



Barry Gipson, President  
National Maintenance and Repair, Inc.

6/12/01

Date

  
Cheryl L. Newton  
Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a final Administrative Consent Order, EPA-5-01-113(a)IL-04, was sent by Certified Mail, Return Receipt Requested, to:

Barry Gipson, President  
National Maintenance and Repair, Inc.  
Foot of Hawthorne Street  
P.O. Box 38  
Hartford, Illinois 62048

I also certify that a copy of the final Administrative Consent Order was sent by First Class Mail to:

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

on the 18<sup>th</sup> day of June 2001.

  
Betty Williams, Secretary  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9593/535