

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
)  
Burns Fabricating Company ) NOTICE OF VIOLATION  
Detroit, Michigan )  
) EPA-5-00-MI-12  
)  
Proceedings Pursuant to )  
Section 113(a) (1) of the )  
Clean Air Act, 42 U.S.C. )  
§ 7413(a) (1) )

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**NOTICE OF VIOLATION**

The Administrator of the United States Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a) (1) of the Clean Air Act, 42 U.S.C. § 7413(a) (1). EPA finds that Burns Fabricating Company, located at 8951 Alpine Street, Detroit, Michigan, is violating the Michigan State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. Section 110(a) (2) (c) of the Clean Air Act, 42 U.S.C. § 7410 (a) (2) (c), requires states to adopt, and submit to EPA for approval, SIPs which include a program for regulating the modification and construction of stationary sources to assure attainment of the National Ambient Air Quality Standards.
2. On May 6, 1980, EPA approved Michigan SIP Rule R336.1201, as part of the federally enforceable SIP for the State of Michigan. 45 Federal Register 29790.
3. Section 113 of the Clean Air Act, 42 U.S.C. § 7413, states, in part, that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of any applicable implementation plan or permit, the Administrator shall notify the person and the state in which the plan applies of such finding.
4. 40 C.F.R. § 52.23 states, in part, that failure to comply with any approved regulatory provision of a State implementation plan, or any permit condition issued pursuant to an approved or a promulgated regulation for the review of

new or modified stationary or indirect sources, shall render the person so failing to comply in violation of the applicable implementation plan and subject to enforcement action under Section 113 of the Clean Air Act.

#### FACTUAL BACKGROUND

5. 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.
6. On February 4, 1997, the Wayne County Department of Environment (WCDOE) issued installation permit numbers 9306 and 9307 to Burns. This permit authorized installation of two paint spray booths, the North Paint Booth and the South Paint Booth.
7. Emissions from Burns' paint spray booths are subject to the limitations set forth in their Wayne County Permit to Install.

#### FINDINGS OF VIOLATION

8. On January 29, 1999 and February 11, 1999, the Wayne County Department of Environment (WCDOE) conducted inspections of the Burns facility.
9. During the January 29, 1999 and February 11, 1999 inspections, WCDOE requested certain information required by their permit indicating that Burns failed to comply with the following specific conditions in the Wayne County Permit to Install #9306 and #9307:
  - A) Burns failed to comply with Special Condition 17 (Wayne County Permit to Install #9306 and #9307), which limits the total volatile organic compound (VOC) emissions from Brothers Sheet Metal Spray Booth, hereinafter "North Paint Booth", to 13.8 pounds per hour and 10 tons per year. VOC emissions from the North Paint Booth cannot be determined since records detailing usage and operating times are not available;
  - B) Burns failed to comply with Special Condition 18 (Wayne County Permit to Install #9306 and #9307), which limits the VOC emissions from Jervis Webb Spray Booth, hereinafter "South Spray Booth", to 20.7 pounds per hour and 15.2 tons per year. VOC emissions from the

South Paint Booth cannot be determined since records detailing usage and operating times are not available.

- C) Burns failed to comply with Special Condition 19 (Wayne County Permit to Install #9306 and #9307), which limits total particulate matter emissions from the North Paint Booth to 0.65 pounds per hour and 0.8 tons per year. Particulate emissions from the North Paint Booth cannot be determined since records detailing usage and operating times are not available.
- D) Burns failed to comply with Special Condition 20 (Wayne County Permit to Install #9306 and #9307), which limits total particulate matter emissions from the South Paint Booth to 2.6 pounds per hour and 3.25 tons per year. Particulate emissions from the South Paint Booth cannot be determined since records detailing usage and operating times are not available.
- E) Burns failed to comply with Special Condition 21 (Wayne County Permit to Install #9306 and #9307), which limits the VOC emission rate from paint spray booths to 3.5 pounds per gallon of coating (minus water), as applied. Two products were sampled and laboratory analysis showed VOC levels in excess of the permitted limit. A "blue paint" sample contained VOCs of 3.82 pounds per gallon and a "black paint" sample contained VOCs of 4.55 pounds per gallon.
- F) Burns failed to comply with Special Condition 23 (Wayne County Permit to Install #9306 and #9307), which limits the operation of the paint spray booths to 2,500 hours per year, and requires a written log of hours of operation be kept on file on a daily basis for a period of at least two years following the date of such record and must be made available in an acceptable format upon request. Despite several requests by the Wayne County inspector, a written log of spray booth operation was not made available.
- G) Burns failed to comply with Special Condition 24 (Wayne County Permit to Install #9306 and #9307), which requires that the North Paint Booth not be operated unless the exhaust air filters are installed and operating properly. The Wayne County inspector observed closed North Paint Booth exhaust filters and the operator spraying outside of the booth.

- H) Burns failed to comply with Special Condition 27 (Wayne County Permit to Install #9306 and #9307), which limits usage of solvent to no more than 100 gallons per month and 1,200 gallons of solvent per year for purging and cleaning, and requires that a written log of the daily material usage be kept on file for a period of least two years and made available upon request. Usage of solvent cannot be determined because records detailing usage and operating time are not available.
- I) Burns failed to comply with Special Condition 30 (Wayne County Permit to Install #9306 and #9307), which requires Burns to determine the VOC content of coatings as applied and as received, using EPA Reference Test Method 24. VOC content may also be determined from manufacturer's formulation data. Burns has not kept VOC content records of their coatings and cannot provide any evidence of Method 24 compliance testing.

7-19-00  
Date

  
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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 897 011