

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Bombardier Recreational Products) **NOTICE OF VIOLATION AND**
Benton, Illinois) **FINDING OF VIOLATION**
)
) **EPA-5-04-IL-16**
Proceedings Pursuant to)
Sections 113(a)(1) and (a)(3) of)
the Clean Air Act, 42 U.S.C. §)
7413(a)(1))

NOTICE AND FINDING OF VIOLATION

The Administrator 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 (CAA), 42 U.S.C. § 7413(a)(1) and (a)(3). U.S. EPA finds that Bombardier Recreational Products (Bombardier) in Benton, Illinois, is violating its Title V Operating Permit and the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. Title V of the Clean Air Act, 42 U.S.C. §§ 7661 et seq., established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator of U.S. EPA a permit program meeting the requirements of Title V.
2. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations, subsequently codified at 40 C.F.R. Part 70, providing for the establishment of Title V permitting programs.
3. The regulation at 40 C.F.R. § 70.7(b) prohibits a source, which is subject to 40 C.F.R. Part 70, from operating except in compliance with a permit issued under a 40 C.F.R. Part 70 program.
4. U.S. EPA promulgated final approval of the Illinois Title V program on December 4, 2001 (66 Fed. Reg. 62946), and the program became effective on that date.

5. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to violate any requirement of a permit issued under Title V of the Act.
6. Illinois Administrative Code (IAC) Section 215.301 states that no person shall cause or allow the discharge of more than 3.6 Kg/Hr (8 lbs/hr) of organic material into the atmosphere from any emission source, except as provided in Sections 215.302, 215.303, 215.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.
7. The provisions of the IAC identified above were approved as part of the Illinois State Implementation Plan on February 21, 1980 (45 Fed. Reg. 11472).

Finding of Facts

8. Bombardier owns and operates a fiberglass boat manufacturing facility, located at 451 East Illinois Avenue in Benton, Illinois.
9. U.S. EPA conducted an inspection of the Bombardier facility on January 7, 2004, and viewed emission records for calendar year 2003 that indicated emissions of volatile organic chemicals (VOCs) at a rate in excess of 8 pounds per hour from the Islandia and Crownline models of deck molds during the gel coat application stages.
10. Islandia is a Bombardier model that has been produced at least since January 1, 2003. Crownline is a model that has been produced since at least October 2003.
11. Condition 7.1.3(c)(i) of the Permit states that Bombardier is subject to 35 IAC 215, Subpart K, Use of Organic Material, which provides that: no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source, except as provided in Condition 7.1.3(c)(ii) (35 IAC 215.302) and the following exception: If no odor nuisance exists the limitation of 35 IAC 215 Subpart K shall apply only to photochemically reactive material [35 IAC 215.301].
12. Condition 7.1.5(a) states that Bombardier shall not apply onto a mold an amount of fiberglass resin, gelcoat, or other material in any 1 hour period that would result in emissions of Volatile Organic Material (VOM) in excess of 8 pounds.

(35 IAC 215 Subpart K)

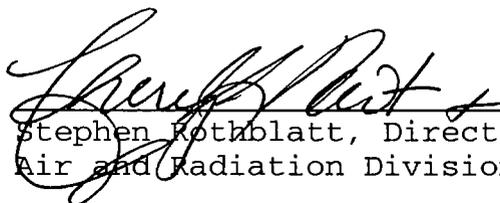
13. Condition 7.1.10(b) of the Permit provides that Bombardier shall notify the Illinois EPA within 30 days of an exceedance of the limits in Conditions 7.1.3 or 7.1.5.
14. Bombardier has not notified Illinois EPA of any exceedance of the limits in Conditions 7.1.3 or 7.1.5.

Violations

15. Since at least January 1, 2003, by emitting VOCs at a rate in excess of 8 lbs/hour, Bombardier has violated Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and Conditions 7.1.3(c)(i) and 7.1.5(a) of its Title V Permit.
16. Since at least January 1, 2003, by emitting VOCs at a rate in excess of 8 lbs/hour, Bombardier is violating 35 IAC 215.301.
17. Since at least February 1, 2003, by failing to notify Illinois EPA of exceedances of the VOC limits contained in its Title V Permit, Bombardier has violated Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and Condition 7.1.10(b) of its Title V Permit.

3/24/04

Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice and Finding of Violation, EPA-5-04-IL-13, by Certified Mail, Return Receipt Requested, to:

Jim Carroll, Environmental/Safety Coordinator
Bombardier Recreational Products
451 East Illinois Avenue
Benton, IL 62812

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

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

John Justice, Regional Manager
Region III
Illinois Environmental Protection Agency
2009 Mall Street
Collinsville, IL 62234

on the 24th day of March, 2004.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0178 4421