

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
Mule-Hide Products Co., Inc.) **FINDING OF VIOLATION**
Beloit, Wisconsin)
) **EPA-5-04-WI-01**
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Mule-Hide Products Co., Inc. (Mule-Hide) is violating Sections 183 and 111(e) of the Clean Air Act (Act), 42 U.S.C. §§ 7511b and 7411(e). Specifically, Mule-Hide is violating the National Volatile Organic Compound Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D as follows:

Regulatory Authority

1. Section 183(e) of the Act, 42 U.S.C. § 7511b(e), authorizes U.S. EPA to promulgate regulations establishing requirements regarding the manufacture of certain consumer or commercial products, the use of which may result in the release of volatile organic compounds (VOCs).
2. Pursuant to Section 183(e) of the Act, 42 U.S.C. § 7511b(e), on September 11, 1998, U.S. EPA promulgated National Volatile Organic Compound Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D (40 C.F.R. §§ 59.400 through 59.413, and Appendix A).
3. 40 C.F.R. § 59.408(b) requires each manufacturer and importer of any architectural coating subject to Subpart D to submit an initial notification report no later than September 13, 1999 or within 180 days after the date that the first architectural coating is manufactured or imported, whichever is later.
4. 40 C.F.R. § 59.405(a)(2) requires each manufacturer and importer of any architectural coating subject to Subpart D

to provide on the label or lid of the container in which they sell or distribute the coating, information regarding thinning of the coating.

5. 40 C.F.R. § 59.405(a)(3) requires each manufacturer and importer of any architectural coating subject to Subpart D to display the VOC content of the coating on the label or lid of the container in which they sell or distribute the coating. The VOC content must be indicated either as the actual VOC content of the coating, or as the VOC content limit with which the coating is required to comply, and does comply.

Factual Background

6. Mule-Hide owns and operates a coating manufacturing facility at 2924 Wyetta Drive, Beloit, Wisconsin.
7. Mule-Hide manufactures and distributes the following coatings: "A-125 Metal Roof Primer," "A-200 Flashing Grade," "A-300 Finish," "A-320 Finish," and "A-350 Finish." These coatings are recommended for field application to stationary structures and their appurtenances.
8. Since 1985, Mule-Hide has manufactured and distributed "architectural coatings," as defined in 40 C.F.R. § 59.401.
9. Mule-Hide never submitted an initial notification report to U.S. EPA.
10. The "A-125 Metal Roof Primer," "A-200 Flashing Grade," "A-300 Finish," "A-320 Finish," and "A-350 Finish" containers do not portray VOC content.
11. The "A-125 Metal Roof Primer," "A-200 Flashing Grade," "A-300 Finish," "A-320 Finish," and "A-350 Finish" containers do not portray Mule-Hide's recommendation on thinning.

Violations

12. Mule-Hide is in violation of 40 C.F.R. § 59.408(b) by failing to submit an initial notification report by September 13, 1999.
13. Since September 13, 1999, Mule-Hide has violated 40 C.F.R.

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-WI-01, by Certified Mail, Return Receipt Requested, to:

Larry Punzel, Coatings Program Manager
Mule-Hide Products, Co., Inc.
2924 Wyetta Drive
Beloit, Wisconsin 53511-3964

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

Tom Roushar, Supervisor
South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711

William Baumann, Chief-Combustion Process
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster St.
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707

on the 30th day of March, 2004.

Shanee Rucker
Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320000615648078