



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5 ·
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 09 2006

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael J. McCartney III, Plant Manager
Kimble Glass, Inc.
1131 Arnold Street
Chicago Heights, Illinois 60411

Re: Notice of Violation / Finding
of Violation
Kimble Glass, Inc.
Chicago Heights, Illinois

Dear Mr. McCartney III:

The United States Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV)/Finding of Violation (FOV) to Kimble Glass, Inc. (you) under Sections 113(a)(1) and (a)(3) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(1) and (a)(3). We find that you have violated the Title V permit requirements in Section 502(a) of the Act, 42 U.S.C. § 7661c(a), and the Illinois State Implementation Plan at your Chicago Heights, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

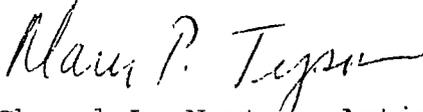
We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management

personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Manoj P. Patel and Daniel Schaufelberger. You may call Manoj P. Patel at (312) 353-3565 or Daniel Schaufelberger at (312)886-6814 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



 Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Acting Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
Kimble Glass, Inc.) NOTICE AND FINDING OF
Chicago Heights, Illinois) VIOLATION
)
Proceedings Pursuant to) EPA-5-06-IL-18
Sections 113(a)(1) and (a)(3))
of the Clean Air Act, 42)
U.S.C. §§ 7413(a)(1) and)
(a)(3) et seq.)

NOTICE AND FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S.EPA) is issuing this Notice of Violation (NOV)/ Finding of Violation (FOV) under Sections 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). U.S.EPA finds that Kimble Glass, Inc. (Kimble) in Chicago Heights, Illinois, has violated the Title V permit requirements in Section 502(a) of the Act, 42 U.S.C. § 7661c(a), its implementing regulations at 40 C.F.R. Part 70, and the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On December 29, 1992, U.S.EPA approved 35 Ill. Admin. Code Part 212, Subpart B (Visible Emissions) as part of the federally enforceable SIP for Illinois (57 Fed. Reg. 61837). This rule became effective July 13, 1988.
2. 35 Ill. Admin. Code § 212.123 (Subpart B) requires that no person shall cause or allow the emissions of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission source.

Title V Permit Program

3. Title V of the Act, 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including "major sources." Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), on July 21, 1992, U.S.EPA promulgated

regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.

4. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
5. U.S. EPA granted interim approval to Illinois' Clean Air Act Permit Program (CAAPP) with an effective date of March 7, 1995. See 40 C.F.R. Part 70, Appendix A. U.S.EPA granted final approval effective on November 30, 2001. See 40 C.F.R. Part 70, Appendix A.

Factual Background

6. Kimble owns and operates a container glass manufacturing facility at 1131 Arnold Street, Chicago Heights, Illinois 60411.
7. On April 16, 2001, the Illinois Environmental Protection Agency (IEPA) issued the CAAPP Permit (ID#031045AAJ) to Kimble. This permit covers several air emission sources, including the glass melting furnace B (Unit 05). The glass melting furnace B emissions are routed to a stack through an electrostatic precipitator (ESP).
8. Condition 5.2.2(b) of Kimble's Title V CAAP Permit states that no person shall cause or allow the emissions of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere.
9. On January 19, 2006, Paul Maly of IEPA and Daniel Schaufelberger and Manojkumar P. Patel of U.S.EPA inspected the Kimble facility.
10. Paul Maly of IEPA observed the visible emissions from the glass melting furnace B stack from 12:23 to 1:25 PM.
11. The 6-minute average visible emission readings include 35%, 36%, 31%, 45%, and 31% which occurred between 12:48 PM and

1:24 PM.

12. The visible emissions from the facility's glass melting furnace B are subject to 35 Ill. Admin. Code Part 212.123 in the Illinois SIP and the Title V CAAPP Permit requirements.

Violations

13. Kimble's failure to maintain compliance with the 30% visible emission limit in its CAAPP permit by emitting more than 30% visible emissions from the glass melting furnace B stack on January 19, 2006 is a violation of its CAAPP permit, 502 of the Act, 40 C.F.R. § 70.7(b), and 35 ILL. Admin. Code. § 212.123.

5/9/06
Date

Mary P. Tyson
for Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent Notice and Finding of Violation, No. EPA-5-06-IL-18, by Certified Mail, Return Receipt Requested, to:

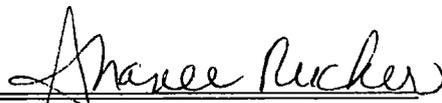
Michael J. McCartney III, Plant Manager
Kimble Glass, Inc.
1131 Arnold Street
Chicago Heights, Illinois 60411

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

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

Harish Narayan, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

on the 9th day of May, 2006.


Shanee Rucker, Secretary
AECAS (WI/MI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1447 9314