UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
FCI, Inc.	)	**NOTICE OF VIOLATION**
Chicago, Illinois	)	
	)	**EPA-5-99-IL-36**
Proceedings Pursuant to	)	
Section 113(a)(1) of the	)	
Clean Air Act,	)	
42 U.S.C. § 7413(a)(1)	)	
	)	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413 (a)(1). U.S. EPA hereby notifies the State of Illinois and FCI, Inc. (FCI) that U.S. EPA finds that FCI, located at 1750 Lawndale Avenue, Chicago, Illinois, is in violation of the Illinois State Implementation Plan (Illinois SIP), as follows:

Statutory and Regulatory Background

1. On December 17, 1992, U.S. EPA approved the Illinois Pollution Control Board (IPCB) Rule 203 (New Source Review (NSR) rules), containing major stationary source requirements for new or modified sources constructed in nonattainment areas, as part of the federally enforceable SIP for the State of Illinois. 57 Fed. Reg. 59928.

2. A nonattainment area is defined by IPCB Rule 203.127, as an area designated by U.S. EPA as nonattainment for a given pollutant pursuant to Section 107 of the Act, 42 U.S.C. § 7407.

3. IPCB Rule 203.206 (b)(1)(C) specifies that for an area designated as nonattainment for ozone, a major stationary source is a stationary source which emits or has the potential to emit volatile organic material in an amount equal to or greater than 25 tons per year in an area classified as severe nonattainment area for ozone.

4. IPCB Rule 203.207 (b) specifies that any net emission increase that is significant for volatile organic material or nitrogen oxide shall be considered significant for ozone.

5. IPCB Rule 203.201 specifies that in any nonattainment area, no person shall cause or allow the construction of a new major source or major modification that is major for the pollutant for which that area is designated a nonattainment area, except as in compliance with IPCB Rule 203 for that pollutant.

6. IPCB Rule 203.203 (a) specifies that a construction permit is required prior to actual construction of a major new source or major modification.

7. IPCB Rule 203.601 specifies that no person shall cause or allow the operation of a new major stationary source in a nonattainment area, except as in compliance with applicable lowest achievable emission rate (LAER) provisions established pursuant to Illinois PCB Rule 203.301.

8. IPCB Rule 203.301 specifies that for any source LAER will be the most stringent rate of emissions, based on the SIP of any state for such class or category of stationary source, or the most stringent emission limitation achieved in practice by such a class or category of stationary source. The owner or operator shall demonstrate that the control equipment and process measures applied to the major source will produce LAER. In addition, the owner or operator shall provide a detailed showing that the proposed emission limitations constitute LAER.

9. IPCB Rule 218.204 (l)(2)(B)(i) sets forth the emission limitations for wood furniture coaters specifying that no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the emission limitations for the specified coating. On and after March 15, 1998, wood furniture sealers and topcoats must comply with the emission limitation of 1.9 lb VOM/lb solid for an acid-cured alkyd amino vinyl sealer.

Factual Background

10. FCI owns and operates a wood office furniture manufacturing facility located at 1750 North Lawndale Avenue, Chicago, Illinois. FCI, Inc., is located in Cook County, Illinois.

11. On March 3, 1978 U.S. EPA designated Cook County as a nonattainment area for ozone. 43 Fed. Reg. 8964.

12. On November 15, 1990, U.S. EPA designated Cook County as nonattainment area for ozone and classified it as severe nonattainment. 56 Fed. Reg. 56751.

13. During the calendar years 1996, 1997, and 1998, FCI emitted or had the potential to emit equal to or greater than 25 tons of VOM from its facility.

14. FCI's Chicago facility contains four coating spray booths, where coatings are sprayed onto wood products using an airless spray system.

15. FCI emits VOMs from its coating spray booths.

16. FCI constructed spray booths no. 1 and 2 prior to 1983.

17. FCI constructed spray booth no. 3 in February 1992.

18. FCI constructed spray booth no. 4 in April 1993.

19. FCI did not apply for a construction permit prior to constructing spray booths 1, 2, 3, and 4.

20. FCI constructed and operated spray booths 1, 2, 3, and 4 without demonstrating that equipment and process will comply with the LAER provisions of the Illinois SIP. IPCB Rule 203.301.

21. FCI emitted more than 1.9 lb VOM/lb solid of a non-acid-cured alkyd amino vinyl sealer during calendar year 1998.

Findings of Violation

22. FCI's construction and operation of its four spray booths without permits to construct is a violation of IPCB Rules 201 and 203 (a).

23. FCI's construction and operation of its four spray booths without complying with LAER provisions of the Illinois SIP is a violation of IPCB Rule 203.601.

24. FCI's emission of greater than 1.9 lb VOM/lb solid of non-acid cured alkyd amino vinyl sealer during the calendar year 1998 is a violation of the emission limitations for wood furniture coaters at IPCB Rule 218.204.

8/5/99
Date

Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation and Notice of Violation by Certified Mail, Return Receipt Requested, to:

Paul Bartolomei, Vice President
FCI, Inc.
1750 N. Lawndale Avenue
Chicago, Illinois 60647

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

David Kolaz, Chief
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Environmental Control
Illinois Environmental Protection Agency, Region 1
1701 S. First Avenue
Maywood, Illinois 60153

on the 5th day of August, 1999.

Betty Williams

Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P 140 779 164