

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:** )  
 )  
Chicago Specialties, LLC ) **FINDING OF VIOLATION**  
Chicago, Illinois )  
 ) **EPA-5-99-IL-22**  
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**FINDING OF VIOLATION**

The Administrator of the United States Environmental Protection Agency (U.S. EPA) finds that Chicago Specialties, Limited Liability Corporation (Chicago Specialties), is violating Section 112 of the Act and the regulations setting forth the National Emission Standards for Organic Hazardous Air Pollutants (HON), as follows:

**Statutory and Regulatory Background**

1. On April 22, 1994, U.S. EPA promulgated the National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry (HON). 59 Fed. Reg. 19454.
2. 40 C.F.R. § 63.100(b) states that the provisions of subparts F, G, and H of 40 C.F.R. Part 63 apply to chemical manufacturing process units that meet the criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) of 40 C.F.R. § 63.100: (1): manufacture as a primary product one or more of the chemicals listed in Table 1 of 40 C.F.R. Part 63, Subpart F; (2): use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in Table 2 of 40 C.F.R. Part 63, Subpart F; and (3) are located at a plant site that is a major source as defined in Section 112(a) of the Act.
3. Section 112(a) of the Act, 42 U.S.C. § 7412, defines a major source as a stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air

pollutants.

4. 40 C.F.R. § 63.152(a) states that the owner or operator of a source subject to this subpart must submit the reports listed in (a)(1) through (a)(5) of 40 C.F.R. § 63.152.
5. 40 C.F.R. § 63.152(b) requires that a subject owner or operator submit a notification of compliance status for a subject source. 40 C.F.R. § 63.152(c) requires that a owner or operator of a subject source submit periodic reports.

#### **Chicago Specialties Facility**

6. Chicago Specialties owns and operates a manufacturing facility, located at 735 East 115th Street, Chicago, Illinois, used to make synthetic organic chemicals, including para-cresol. Chicago Specialties emits several organic hazardous air pollutants (HAPs), including but not limited to para-cresol, meta-cresol, ortho-cresol, xylene, and toluene. These organic HAPs are also volatile organic compounds (VOCs).
7. Para-cresol is a primary product at the facility and is a chemical listed in Table 1 of 40 C.F.R. Part 63, Subpart F.
8. Toluene is used as a reactant or manufactured as a product, or co-product in the para-cresol process, and is an organic hazardous air pollutant listed in Table 2 of 40 C.F.R. Part 63.
9. An October 1998, study conducted by Chicago Specialties indicated facility-wide potential HAP emissions of 20.45 tons per year, assuming emission control devices operated effectively at all times. A stack test conducted in April, 1992 demonstrated that uncontrolled HAP emissions at the para-cresol afterburner stack totaled 82.572 pounds per hour (lb/hr). Information provided by Chicago Specialties in its response to U.S. EPA information requests indicated that HAP emissions have been uncontrolled in excess of 200 hours for each of the past 3 years. These uncontrolled HAP emissions exceed 8 tons per year. As a result, potential HAP emissions from the facility exceed 25 tons per year.
10. Because the facility is a stationary source with potential HAP emissions of more than 25 tons per year, Chicago Specialties' para-cresol manufacturing process is subject to the HON in 40 C.F.R. Part 63, Subparts F, G, and H.

**Findings of Violation**

11. For the para-cresol process, Chicago Specialties has failed to submit the reports required under 40 C.F.R. § 63.152(a), 40 C.F.R. § 63.152(b), and 40 C.F.R. § 63.152(c) of the HON, in violation of 40 C.F.R. § 63.152(a), (b) and (c).

5/27/99  
Date

  
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Margaret M. Guerriero, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

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

Richard Walker, Regulatory Manager  
Chicago Specialties, LLC  
735 East 115th Street  
Chicago, Illinois 60628

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

David Kolaz, Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 67294-9276

Harish Narayen, Acting Regional Manager  
Illinois Environmental Protection Agency  
Chicago Regional Office  
1701 First Avenue - Suite 1202  
Maywood, Illinois 60153

on the 28<sup>th</sup> day of May 1999.

  
Betty Williams, Secretary  
AECAS (IL/IN)

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CERTIFIED MAIL RECEIPT NUMBER