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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
ENVIRONMENTAL  
PROTECTION AGENCY  
REGION V

IN THE MATTER OF: ) Docket No. **CAA-5-2000-013**  
)  
National Maintenance and ) Proceeding to Assess a  
Repair, Inc. ) Civil Penalty under  
Hartford, Illinois, ) Section 113(d) of the  
) Clean Air Act,  
Respondent. ) 42 U.S.C. § 7413(d)  
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**Administrative Complaint**

1. This is an administrative proceeding to assess a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. The Complainant is, by lawful delegation, the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, Chicago, Illinois.

3. The Respondent is National Maintenance and Repair, Inc. (National), a corporation doing business in Illinois.

**Statutory and Regulatory Background**

4. On September 9, 1994, U.S. EPA approved the Illinois Pollution Control Board Rule 219, Subpart A (General Provisions) and Subpart F (Coating Operations for the Metro East Area) as part of the federally enforceable state implementation plan (SIP) for Illinois. 59 Fed. Reg. 46562 (September 9, 1994).

5. 35 Ill. Adm. Code § 219.103 provides that Part 219 applies to all sources located in Madison, Monroe and St. Clair

Counties.

6. 35 Ill. Adm. Code § 219.104 provides that the definitions in 35 Ill. Adm. Code § 211 apply to Part 219.

7. On September 9, 1994, U.S. EPA approved the Illinois Pollution Control Board Rule 211 (Definitions and General Provisions) as part of the federally enforceable SIP for the State of Illinois. 59 Fed. Reg. 46567 (September 9, 1994).

8. 35 Ill. Adm. Code § 219.208(a) exempts coating lines that otherwise would be subject to the same subsection of Section 219.204 from emission limitations provided that combined actual emissions of volatile organic material (VOM) from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before application of capture systems and control devices.

9. 35 Ill. Adm. Code § 219.211(b)(2) requires any owner or operator of a coating line which is exempted from limitations of Section 219.204 because of Section 219.208(a) to collect and record the name and identification number of each coating as applied on each coating line and the weight of VOM per volume and the volume of each coating as applied each day on each coating line. These records should be kept at the source for a period of three years. The requirements in Section 219.211(b)(2) of the federally-approved SIP have been recodified at 35 Ill. Adm. Code § 219.211(b)(3).

10. On November 26, 1997, U.S. EPA Approved the Illinois Pollution Control Board Rule 219, Subpart E (Solvent Cleaning for the Metro East Area) as part of the federally enforceable state

implementation plan (SIP) for Illinois. 62 Fed. Reg. 62951 (November 26, 1997).

11. 35 Ill. Adm. Code § 219.181 provides that the requirements of Subpart E (Solvent Cleaning for the Metro East Area) apply to all cold cleaning, open top vapor degreasing, and conveyORIZED degreasing operations which use VOMs.

12. 35 Ill. Adm. Code § 219.182(a)(2) prohibits any person from operating a cold cleaning degreaser unless the cover of the degreaser is closed when parts are not being handled.

13. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$25,000 per day of violation up to a total of \$200,000 for SIP violations that occurred prior to January 31, 1997, under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1). The Debt Collections Improvements Act of 1996 increased the statutory maximum penalty to \$27,500 per day of violation up to a total of \$220,000 for SIP violations that occurred on or after January 31, 1997. 31 U.S.C. § 3701 and 40 C.F.R. Part 19.

14. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

15. The Administrator and the Attorney General of the United States, each through their respective delegates, have

determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this complaint.

### **General Allegations**

16. National owns and/or operates a barge and towboat cleaning and repair facility located at the Foot of Hawthorne Street, Hartford, Illinois (the facility).

17. National is located in Madison County, Illinois, which is part of the Metro East Area.

18. National's facility includes one or more "source[s]" as defined at 35 Ill. Adm. Code § 211.6130.

19. Because it includes a source or sources located in Madison County, National's facility is subject to the standards and limitations for emissions of organic material and VOMs in 35 Ill. Adm. Code Part 219.

20. On October 16, 1998, staff from U.S. EPA and the Illinois Environmental Protection Agency (IEPA) conducted an inspection of National's facility.

21. On July 27, 1999, U.S. EPA issued a notice of violation to National for violations of the Illinois SIP regulations.

22. On August 17, 1999, U.S. EPA and National held a conference to discuss the July 27, 1999 notice of violation.

### **Count I**

23. Complainant incorporates paragraphs 1 through 22 of this complaint, as if set forth in this paragraph.

24. National applies paints, varnishes, sealers and/or thinners onto marine vessel and locomotive engines, diesel engine

blocks and pans, and miscellaneous metal items such as propellor hubs, handrails, gangways, etc. at its facility.

25. The paints, varnishes, sealers and/or thinners applied by National are "coating[s]" as defined at 35 Ill. Adm. Code § 211.1190.

26. The coatings applied by National to marine vessel and locomotive engines and diesel engine blocks and pans are "heavy off-highway vehicle products coatings" as defined at 35 Ill. Adm. Code § 211.2930.

27. The coatings applied by National to miscellaneous metal items such as propeller hubs, handrails, gangways, etc. are "miscellaneous metal parts and products coatings" as defined at 35 Ill. Adm. Code § 211.3850.

28. National owns and/or operates "coating lines" as defined at 35 Ill. Adm. Code § 211.1230.

29. Except as provided in 35 Ill. Adm. Code § 219.208, National is subject to the emission limitations for miscellaneous metal parts and products coatings in Section 219.204(j) and/or heavy off-highway vehicle products coatings in Section 219.204(k).

30. National estimates that the daily VOM emissions for its coating operations in 1998 was 10.9 lbs.

31. National has claimed that its coating operations are not subject to the emission limits in Section 219.204(j) and (k) because of the exemption in Section 219.208(a) for coating operations that emit less than 15 lbs./day of VOMs.

32. To the extent that National claims the exemption in