

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
IFCO ICS-Chicago, Inc.) NOTICE OF VIOLATION
Chicago, Illinois)
) EPA-5-02-23-IL
)
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) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) (the Act). U.S. EPA finds that IFCO ICS-Chicago, Inc. (IFCO) is violating the Illinois State Implementation Plan (SIP) and its Illinois Title 5 Clean Air Act Permit Program (CAAPP) permit. The basis for these finding is discussed below.

Statutory and Regulatory Background

1. On September 9, 1994, U.S. EPA approved 35 Ill. Admin. Code Part 218, Subpart F (Coating Operations) as part of the federally enforceable volatile organic material (VOM) emissions SIP for Illinois (59 Fed. Reg. 46562). On February 13, 1996, U.S. EPA approved a SIP revision request to tighten the existing rules for certain surface coating operations at 35 Ill. Admin. Code Part 218, Subpart F (61 Fed. Reg. 5511). These rules became effective April 15, 1996.
2. 35 Ill. Admin. Code § 218.204 (Subpart F) requires that no owner or operator of a coating line shall apply any coating in which the VOM content exceeds the following limitations, as applied:

miscellaneous metal parts and products coating,
extreme performance coatings baked:
3.3 lb VOM/gal of coating (minus water and
any compounds which are specifically exempted
from the definition of VOM).
3. 35 Ill. Admin. Code § 218.211(a) (Subpart F) requires that

the VOM content of each coating shall be determined by the applicable test methods and procedures specified in 35 Ill. Admin. Code § 218.105 (U.S. EPA Reference Methods 24 and 24A of 40 C.F.R. Part 60, Appendix A) to establish the required records.

4. 35 Ill. Admin Code § 218.211(c) (Subpart F) requires that an owner or operator maintain at the source for a period of three years the following information collected and recorded each day for each coating line: the name and identification number of each coating as applied on each coating line and the weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each line.
5. 35 Ill. Admin Code § 218.991(a) (Subpart UU) requires that an owner or operator maintain at the source for a period of three years a maintenance log of information collected and recorded each day for the capture, control devices and monitoring equipment detailing all routine and non routine maintenance performed including dates and duration of outages.

IFCO's Facility

6. IFCO owns and operates a drum reconditioning facility at 610 West 81st Street, Chicago, Illinois (the facility).
7. Emissions from the IFCO facility's coating lines are subject to 35 Ill. Admin. Code Part 218, Subpart F, in the Illinois SIP.
8. On August 13, 2002, U.S. EPA inspected the IFCO facility. During the inspection, IFCO provided the MSDS sheets for Pulloma Paints and Federated Paint coatings to U.S. EPA pursuant to Section 114 of the Act, 42 U.S.C. § 7414. According to the provided MSDS sheets, the Pulloma Paints and Federated Paint coatings are miscellaneous metal parts and products coatings (extreme performance baked) which each have the following VOM content(minus water and any compounds which are specifically exempted from the definition of VOM):

Manufacturer: Pulloma Paints, Inc
 Synthetic baking enamel, high solid gloss black bake
 enamel: 3.4 lb/gal
 High gloss fuchs blue bake enamel: 3.4 lb/gal
 High solid gloss blue bake enamel: 3.4 lb/gal

Manufacturer: Federated Paint Manufacturing Company
Fuchs blue bake enamel: 3.49 lb/gal.

9. IFCO never determined the VOM content of each coating at the facility using U.S. EPA Reference Methods 24 and 24A of 40 C.F.R. Part 60, Appendix A.
10. During the August 13, 2002, inspection, IFCO did not have at the facility the following information: name and identification number of each coating as applied on each coating line and the weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line at the source for the prior three years.
11. The IFCO facility is subject to the requirements of 35 Ill. Admin Code § 218.980 (Subpart TT) because its furnace: (a) is not regulated by Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z OR BB of Part 35 Ill. Admin Code; (b) has a maximum theoretical emissions of more than 100 tons per year (tpy) of VOM; and (c) is not limited to less than 100 tpy of VOM emissions in the absence of air pollution control equipment.
12. The IFCO facility's furnace is subject to 35 Ill. Admin Code § 218.986(a), which requires capture and control equipment that achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent.
13. During the August 13, 2002, inspection, IFCO did not have at the facility a complete maintenance log of information collected and recorded each day for the prior three years for the capture, control devices and monitoring equipment detailing all routine and non routine maintenance performed including dates and duration of outages.

Violations

14. At the facility, IFCO has applied the following miscellaneous metal parts and products coatings (extreme performance baked) which each have a VOM content exceeding the limitation of 3.3 lb VOM/gal of coating (minus water and any compounds which are specifically exempted from the definition of VOM), in violation of 35 Ill. Admin. Code § 218.204:

Manufacturer: Pulloma Paints, Inc

Synthetic baking enamel, high solid gloss black bake
enamel: 3.4 #/gal

High gloss fuchs blue bake enamel: 3.4 #/gal

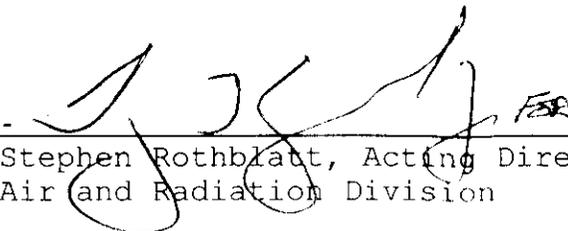
High solid gloss blue bake enamel: 3.4 #/gal

Manufacturer: Federated Paint Manufacturing Company

Fuchs blue bake enamel: 3.49 #/gal

15. IFCO has failed to determine the VOM content of all coatings at the facility by the applicable test methods and procedures (i.e., 40 C.F.R. Part 60, Appendix A Method 24 or 24A), in violation of 35 Ill. Admin. Code § 218.211(a).
16. IFCO has failed to maintain at the facility for a period of three years the following information collected and recorded each day for each coating line: the name and identification number of each coating as applied on each coating line and the weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each line in violation of 35 Ill. Admin. Code § 218.211(c)(2).
17. IFCO has failed to maintain at the facility a complete maintenance log of information collected and recorded each day for the control, capture devices and monitoring equipment, detailing all routine and non routine maintenance performed including dates and duration of outages in violation of 35 Ill. Admin. Code § 218.991(a).

9/19/02
Date



Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation EPA-5-02-23-IL and the Finding of Violation, EPA-5-02-22-IL by Certified Mail, Return Receipt Requested, to:

Mr. Sam Fiegura
IFCO ICS-Chicago, Inc.
610 West 81st Street
Chicago, Illinois 60620

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

Julie Armitage, Acting Manager
Compliance and Enforcement Section
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, IL 60016

Marcia Jimenez, Acting Commissioner
City of Chicago Department of Environment

on the 19th day of September, 2002.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 000601784780