

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Formel Industries, Inc.) **NOTICE OF VIOLATION**
Franklin Park, Illinois)
) **EPA-5-99-IL-34**
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. U.S. EPA hereby notifies the State of Illinois and Formel Industries, Inc. (Formel) that U.S. EPA finds that Formel, located at 2355 N. 25th Avenue, Franklin Park, Illinois, is in violation of the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. The regulations found at 325 Illinois Administrative Code, (IAC) Part 218, Subpart H, set forth rules for printing and publishing operations.
2. The Federal Implementation Plan (FIP), found at 40 C.F.R. 52.741(h), required compliance by July 1, 1991.
3. On September 9, 1994, U.S. EPA approved The Organic Material Emission Standards and Limitations for the Chicago Area, 325 IAC Part 218, as part of the federally enforceable State Implementation Plan (SIP) for the State of Illinois. 59 Fed. Reg. 46562.
4. On October 11, 1994, the federally approved SIP, found at 325 IAC Part 218, replaced the FIP.
5. The SIP at 325 IAC Section 218.101 provides that nothing in

the SIP shall affect the responsibility of any owner or operator that is now or has been subject to the FIP to comply with its requirements thereunder by the dates specified in the FIP.

6. 325 IAC Section 218.402(a)(2) states that the limitations of 325 IAC Section 218.401 apply if the flexographic printing line(s) at the source have a potential to emit 25 tons or more per year of Volatile Organic Material (VOM).
7. 325 IAC Section 218.401(a) provides that no owner or operator of a subject flexographic printing line shall apply any coating or ink unless the VOM content does not exceed 40 percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM) or 25 percent VOM by volume of the volatile content in the coating or ink.
8. 325 IAC Section 218.410(b) provides that no owner or operator of a subject flexographic printing line shall apply any coating or ink unless the weighted VOM average, by volume, of all coatings and inks as applied each day on the subject printing line does not exceed 40 percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM) or 25 percent VOM by volume of the volatile content in the coating or ink. Compliance with this subsection must be demonstrated through the applicable coating or ink analysis test methods and procedures specified in 325 IAC Section 218.105(a) and the record keeping and reporting requirements specified in 325 IAC Section 218.404(d).
9. 325 IAC Section 218.410(c) provides that no owner or operator of a subject flexographic printing line equipped with a capture system and control device shall operate the printing line(s) unless the owner or operator uses a carbon adsorption system which reduces the captured VOM emissions by at least 90 percent by weight, an incineration system which reduces the captured VOM emissions by at least 90 percent by weight, or an alternative VOM emission reduction system which is demonstrated to have at least a 90 percent control device efficiency, approved by the State and U.S. EPA as a SIP revision. In addition, the owner or operator

of a subject flexographic printing line must demonstrate that the printing line is equipped with a capture system and control device that provides an overall reduction in VOM emissions of at least 60 percent. The control device must be equipped with the applicable monitoring equipment that has been properly installed, calibrated, operated and maintained according to vendor specifications at all times the control device is in use, in accordance with 325 IAC 218.105. The capture system and control device must be operated at all times when the subject printing line is in operation. The owner or operator shall demonstrate compliance with this subsection by using the applicable capture system and control device test methods and procedures specified in 325 IAC Section 218.105(c) through 218.105(f), and by complying with the recordkeeping and reporting requirements specified in 325 IAC Section 218.404(e).

10. 40 C.F.R. provides that a person who fails to comply with any approved regulatory provision of a State implementation plan shall be in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Clean Air Act.

Factual Background

11. Formel owns and operates a flexographic printing facility, located at 2355 N. 25th Avenue, Franklin Park, Illinois.
12. Formel manufactures plastic printed bags for the food industry.
13. Formel operates three flexographic printing press lines that print on polypropylene film, cellophane film, and laminated polyester film.
14. From at least July 1, 1991 through the present date, Formel has used and continues to use alcohol-based inks that exceed 40 percent VOM by volume of the coating and ink, and 25 percent VOM by volume of the volatile content in the coating and the ink.
15. From at least July 1, 1994 through the present date, Formel

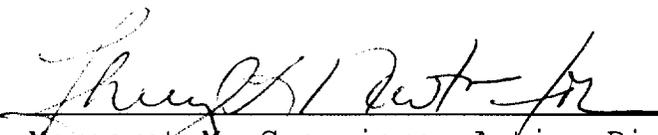
has used and continues to use alcohol-based inks whose weighted VOM average, by volume, of all coatings and inks as applied each day on the subject printing line exceeds 40 percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM) and 25 percent VOM by volume of the volatile content in the coating or ink.

16. From at least July 1, 1994 through the present date, Formel has not installed any control devices on its printing lines to control the VOM emissions from its printing lines.
17. From at least July 1, 1994 through the present date, Formel has had actual annual VOM emissions in excess of 50 tons per year.

Findings of Violation

18. Emissions from Formel's flexographic presses are subject to the flexographic printing regulations set forth in the Illinois SIP at 35 IAC Section 218.
19. From at least July 1, 1991 through the present date, Formel has violated the Illinois SIP by 1) using inks and coatings that exceed 40 percent VOM by volume of the coating and ink, or 25 percent VOM by volume of the volatile content in the coating and the ink; 2) using inks and coatings whose weighted VOM average, by volume, of all coatings and inks as applied each day on the subject printing line exceed 40 percent VOM by volume of the coating and ink (minus water and any compounds which are specifically exempted from the definition of VOM) or 25 percent VOM by volume of the volatile content in the coating or ink; and 3) failing to have control devices on its printing lines that comply with the requirements of 325 IAC Section 218.401.

8/3/99
Date


Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

Donald O'Malley, President
Formel Industries, Inc.
2355 North 25th Avenue
Franklin Park, Illinois 60131

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

Dave Kolaz, Manager
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
Chicago Regional Office
Illinois Environmental Protection Agency
1701 South First Avenue - Suite 1202
Maywood, Illinois 60153

on the 3rd day of August, 1999.


Betty Williams, Secretary
AECAS, ([IL/IN])

CERTIFIED MAIL RECEIPT NUMBER: P 140779 161