



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 29 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward Murawski
Manager
R.S. Owens & Company
5535 North Lynch Avenue
Chicago, Illinois 60630

Dear Mr. Murawski:

This is to advise you that the U.S. Environmental Protection Agency has determined that the R.S. Owens & Company facility at 5535 and 5521 North Lynch Avenue, Chicago, Illinois (facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. Today, we are issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Molly DeSalle. You may call her at (312) 353-8773 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage R.S. Owens & Company's compliance with the requirements of the CAA.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with a large initial "C" and "N".

Cheryl L. Newton
Director
Air and Radiation Division

cc:

Ray Pilapil, Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
R.S. Owens & Company)	NOTICE OF VIOLATION and
Chicago, Illinois)	FINDING OF VIOLATION
)	
)	EPA-5-11-IL-13
Proceedings Pursuant to)	
the Clean Air Act)	
42 U.S.C. § § 7401 et seq)	

NOTICE AND FINDING OF VIOLATION

R.S. Owens & Company (you or R.S. Owens) owns and operates a die casting and plating facility at 5535 and 5521 North Lynch Avenue, Chicago, Illinois (facility). To execute your various operations, R.S. Owens operates a batch vapor degreaser, 14 hand cast pots, 2 spray booths, 1 gas dryer, 1 electric dryer, a polyester resin casting process, and a silicon rubber mold manufacturing process. In order to operate the above emission sources, R.S. Owens was granted Illinois Federally Enforceable Operating Permit Number 031600FPE.

The U.S. Environmental Protection Agency (EPA) is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have identified violations of Permit 031600FPE at your facility. EPA also identified violations of Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, R.S. Owens is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning at 40 C.F.R. Part 63, Subpart T and the NESHAP Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW. All violations are described below:

- 1. The permit and permit conditions relevant to this NOV/FOV are as follows:**
 - a. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.
 - b. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, Illinois' Operating Permit Program was submitted to U.S. EPA, and approved by U.S. EPA on December 12, 1992. Pursuant to U.S. EPA's approval of Illinois' Operating Permit Program, certain air permits or specific conditions within permits issued by Illinois are federally enforceable. Such permits or specific conditions within permits are called Federally Enforceable State Operating Permits ("FESOPs").

- c. 40 C.F.R. § 52.23 provides, *inter alia*, that any failure by a person to comply with any approved regulatory provision of a SIP or a permit (including *inter alia*, a FESOP) shall render such person subject to enforcement action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.
 - d. On September 21, 2004, the Illinois Environmental Protection Agency issued to R.S. Owens a Federally Enforceable State Operating Permit I.D. No. 031600FPE.
 - e. On December 2, 1994, EPA promulgated the NESHAP for Halogenated Solvent Cleaning at 40 C.F.R. Part 63, Subpart T (59 Fed. Reg. 61805).
 - f. The NESHAP for Halogenated Solvent Cleaning (Subpart T) applies to individual batch vapor solvent cleaning machines that use solvent containing trichloroethylene. Subpart T requires the compliance of owner and operators of individual batch vapor solvent cleaning machines that commenced construction or reconstruction on or before November 29, 1993, or immediately upon start-up.
 - g. Subpart T applies to batch vapor cleaning machines as defined in 40 C.F.R. § 63.461.
 - h. Paragraph 16 of Permit 031600FPE requires that the Permittee post in the work place a one page summary of work practices.
 - i. Paragraph 16(b) of Permit 031600FPE and 40 C.F.R. § 63.463(d)(1) require each solvent cleaning machine to be covered at all times except during cleaning, removal of solvent, maintenance and monitoring. If a cover cannot be used, air disturbances shall be controlled by Reduced Room Draft. Room draft shall not exceed 50 feet per minute.
 - j. Paragraph 16(c) of Permit 031600FPE and 40 C.F.R. § 63.463(a)(3) require that a speed of 3 feet per minute or less be maintained between entry and removal of parts or parts shall be less than or equal to 50% of the solvent air interface area.
 - k. Paragraph 16(g) of Permit 031600FPE and 40 C.F.R. § 63.463(d)(8) require that Permittee add and remove solvent with leak-proof couplings. The end of the pipe or hose introducing or withdrawing the solvent must be located beneath the liquid solvent surface (i.e., submerged filling) in the sump.
 - l. Paragraph 16(h) of Permit 031600FPE and 40 C.F.R. § 63.463(d)(12) require that absorbent materials such as sponges, fabric, wood, and paper products not be cleaned.
 - m. Paragraph 17(b)(i) of Permit 031600FPE requires that the Permittee maintain a freeboard ratio of at least 1.0 on each solvent cleaning machine.
2. **The NESHAP Requirements for Plating and Polishing Operations relevant to this NOV/FOV are as follows:**
- a. On July 1, 2008, EPA promulgated the NESHAP for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW (73 Fed. Reg. 37741).

- b. The Subpart WWWW applies to all facilities which own or operate plating and polishing operations that are an area source of hazardous air pollutants (HAP) emissions and meet the criteria defined in the Subpart.
 - c. The Subpart WWWW requires the compliance of owner and operators of an existing affected source to achieve compliance no later than July 1, 2010. The Subpart WWWW applies to plating and polishing facilities as defined in 40 C.F.R. § 63.11511.
 - d. 40 C.F.R. § 63.11507(a) states that an owner or operator of an affected existing plating operation that contains one or more of the plating and polishing metal Hazardous Air Pollutants (HAPs) must comply with the management practices in §§ 63.11507(a)(1), 63.11507(a)(2), or 63.11507(a)(3).
 - e. 40 C.F.R. § 63.11507(a)(1) states that a wetting agent/fume suppressant, as defined in § 63.11511, must be used in the bath of the affected tanks.
 - f. 40 C.F.R. § 63.11507(a)(2) states that a capture and exhaust system must be used to collect emissions from affected tanks and direct the emissions to a control device (composite mesh pad, packed bed scrubber, or mesh pad eliminator all defined at § 63.11511).
 - g. 40 C.F.R. § 63.11507(a)(3) states that all tank surfaces must be covered.
 - h. 40 C.F.R. § 63.11507(e) states that an owner or operator of an affected existing dry mechanical polishing equipment that emits one or more of the plating and polishing metal HAPs must operate a capture system that captures particulate matter (PM) emissions from the dry mechanical polishing process and transport the emissions to a cartridge, fabric, or high efficiency particulate air (HEPA) filter.
- 3. EPA conducted an unannounced inspection on January 25, 2011, and has determined the following:**
- a. R.S. Owens is in violation of paragraph 16 of Permit 031600FPE, because it did not have a posted one page summary of work practices in the work place.
 - b. R.S. Owens is in violation of paragraph 16(c) of Permit 031600FPE (40 C.F.R. § 63.463(d)(2)) because the facility's batch vapor degreaser uses two manual hoists which exceed 3 feet per minute, and the parts basket is greater than 50% of the solvent air interface area.
 - c. R.S. Owens is in violation of Paragraph 17(b)(i) of Permit 031600FPE because it failed to maintain a freeboard ratio of at least 1.0.
 - d. R.S. Owens is in violation of Paragraph 16(b) of Permit 031600FPE (40 C.F.R. § 63.463(d)(1)) because it failed to either cover the solvent cleaning machine during idling mode and downtime mode, or utilize a Reduced Room Draft.

- e. R.S. Owens is in violation of Paragraph 16(g) of Permit 031600FPE (40 C.F.R. § 63.463(d)(8)) because it transfers trichloroethylene from the storage drum to the batch vapor degreaser manually in a metal bucket.
- f. R.S. Owens is in violation of Paragraph 16(h) of Permit 031600FPE (40 C.F.R. § 63.463(d)(12)) because it routinely uses tissue paper to protect trophies from scratches during the degreasing process.
- g. From July 1, 2010, through present, R.S. Owens has failed to comply with 40 C.F.R. § 63.11507(a) of that Area Source NESHAP for Plating and Polishing Operations by not using a wetting agent/fume suppressant, using an emission control device, or covering tank surfaces for its plating operations.
- h. From July 1, 2010, through present, R.S. Owens has failed to comply with 40 C.F.R. § 63.11507(e) by not operating a capture system that captures PM emissions from the dry mechanical polishing process and transports the emissions to a cartridge, fabric, or HEPA filter.

4/29/11

Date



Cheryl L. Newton

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Notice and Finding of Violation, No. EPA-5-11-IL-13, by Certified Mail, Return Receipt Requested, to:

Edward Murawski, Manager
R.S. Owens & Company
5535 North Lynch Avenue
Chicago, Illinois 60630

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

Ray Pilapil, Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency

On the 29 day of April 2011.


Tracy Jamison,
Office Automation Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 4489