

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Tri-Star Cabinet & Top)	FINDING OF VIOLATION
Company, Inc.)	
New Lenox, Illinois)	EPA-5-01-IL-08
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Illinois and Tri-Star Cabinet & Top Company, Inc., (Tri-Star) that U.S. EPA finds that Tri-Star, located at 1000 South Cedar Street, New Lenox, Illinois, is in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. Tri-Star is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Wood Furniture Manufacturing Operations, at 40 C.F.R. Part 63, as follows:

Regulatory Authority

1. On December 7, 1995, in accordance with Section 112 (d) of the Act, U.S. EPA promulgated the National Emission Standard for Wood Furniture Manufacturing Operations, 40 C.F.R. Part 63, Subpart JJ, §§ 63.800 - 63.808.
2. Subpart JJ applies to each facility that is engaged, either in part or in whole, in the manufacturing of wood furniture or wood furniture components and that is located at a plant that is a major source of hazardous air pollutants (HAP). 40 C.F.R. § 63.800 (a).
3. A "major source" is defined as any stationary source or group of stationary sources located within a contiguous area and under common control 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, unless the

Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence. 40 C.F.R. § 63.2.

4. 40 C.F.R. § 63.800 (e) specifies that the compliance date for existing affected sources that emit less than 50 tons per year of any HAP in 1996 is December 7, 1998.
5. 40 C.F.R. § 63.801 (a) provides that affected source means " a wood furniture manufacturing facility that is engaged, either in part or in whole, in the manufacture of wood furniture components and that is located at a plant site that is a major source as defined in 40 C.F.R. part 63.2, excluding sources that meet the criteria established in § 63.800 (a), (b) and (c) of this subpart."
6. 40 C.F.R. § 63.9 (b) (2) requires the owner or operator of an affected source that has an initial start-up before the effective date of a relevant standard under this part to notify the Administrator in writing that the source is subject to the relevant standard. As per subpart JJ, existing sources are required to submit the initial notification report within 270 days of the effective date.
7. The effective date of the National Emission Standard for Wood Furniture Manufacturing Operations, 40 C.F.R. Part 63, Subpart JJ is December 7, 1995. The compliance date for existing affected sources that emit less than 50 tons per year of HAP in 1996 is December 7, 1998.
8. 40 C.F.R. § 63.9 (h) (2) (ii) requires the owner or operator of an affected source to submit within 60 days of the compliance date to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard.
9. 40 C.F.R. § 63.807(c) (2) requires the owner or operator of an affected source to submit subsequent reports 30 calendar days after the end of each 6-month period following the first report.
10. 40 C.F.R. § 63.802 (a) specifies that each owner or

operator of an existing affected source subject to Subpart JJ shall limit Volatile Hazardous Air Pollutant (VHAP) emissions from finishing operations by meeting the emission limitations for existing sources presented in Subpart JJ using any of the compliance methods listed in 40 C.F.R. § 63.804(a)(1) - (a)(4).

11. 40 C.F.R. § 63.806 (b)(2) requires the owner of operator of an affected source subject to the emission limits of Subpart JJ to maintain records of the VHAP content, in kg VHAP/kg solids (lb VHAP/lb solids), as applied, of each finishing material and contact adhesive subject to the emission limits in § 63.802.
12. 40 C.F.R. § 63.803 (a) requires each owner or operator of an affected source subject to Subpart JJ to prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation. The plan is required to be developed no more than 60 days after the compliance date.
13. 40 C.F.R. § 63.803 (1)(1) requires each owner or operator of an affected source to prepare and maintain with the work practice implementation plan a formulation assessment plan that identifies VHAP from the list presented in Table 5 of Subpart JJ. Table 5 lists VHAP of potential concern identified by industry with their respective EPA *deminimis* levels in tons/year.
14. 40 C.F.R. § 63.803 (1)(3) requires each owner or operator of an affected source to track the annual usage of each VHAP identified in 40 C.F.R. § 63.803 (1)(1).
15. 40 C.F.R. § 63.803 (1)(6) states that if, after November 1998, an affected source uses a VHAP of potential concern listed in table 6 of Subpart JJ for which a baseline level has not been previously established, the baseline level shall be established as the *deminimis* level provided in that same table for that chemical. If usage of the VHAP of potential concern exceeds the *deminimis* level listed in table 6 of this subpart for that chemical, then the affected source shall provide an explanation to the permitting authority that documents the reason for the exceedance of the *deminimis* level.

16. Table 6 of Subpart JJ establishes the *deminimis* level for methylene chloride emission as 4 tons per year.

Factual Background

17. During the calendar years 1996 through 2000, Tri-Star was a stationary source that emitted or had the potential to emit 25 tons per year or more of hazardous air pollutants.
18. Tri-Star owns and operates a wood household furniture manufacturing facility located at 1000 South Cedar Street, New Lenox, Illinois.
19. Tri-Star had an initial start-up before the effective date of the NESHAP for wood furniture manufacturing operations.
20. Tri-Star emitted VHAPs during the calendar year 1996 through 2000, as follows:

Calendar Year	Actual Emissions (tpy)	Potential emissions (tpy)
1996	8.99	39.4
1997	12.2	53.7
1998	15.9	69.8
1999	12.4	54.2
2000 (until 8/28/00)	7.3	31.7

21. Since 1996, Tri-Star has been and continues to be a major source of HAP due to Tri-Star's potential to emit 25 tons per year or more of hazardous air pollutants.
22. Tri-Star emitted the hazardous air pollutants, methylene chloride and formaldehyde, from 1996 through 2000 as follows:

Calendar year	Actual formaldehyde emission (tpy)	Actual methylene chloride emission (tpy)
1996	0.0005	0.0
1997	0.0576	7.22
1998	0.05	6.73
1999	0.06	3.3
2000 (until 8/28/00)	0.04	0.42

23. Tri-Star's compliance date was December 7, 1998.
24. Tri-Star did not notify EPA in writing that Tri-Star was subject to Subpart JJ and did not submit such notification 270 calendar days after the effective date of the standard.
25. Tri-Star has not limited VHAP emissions from finishing operations by meeting the emission limitations for existing sources by using one of the three compliance methods listed at 40 C.F.R. § 63.804 (a)(1) through (a)(4), as follows:

Coating name and id code	Coating type	MACT limit	VHAP content
Golden oak (# S64XXY0711)	Stain	1.0 lb VHAP/lb solid	26.67 lb VHAP/lb solid
Yellow dye (# S64CX0073)	Stain	1.0 lb VHAP/lb solid	188.94 lb VHAP/lb solid
Formica 150	Adhesive	1.0 lb VHAP/lb solid	1.2 lb VHAP/lb solid

26. Tri-Star did not maintain records of the amount of finishing materials (stains no. S64XXY0711 and S64CX0073), as applied, and contact adhesive (formica no. 150) subject to the emission limits in Subpart JJ.

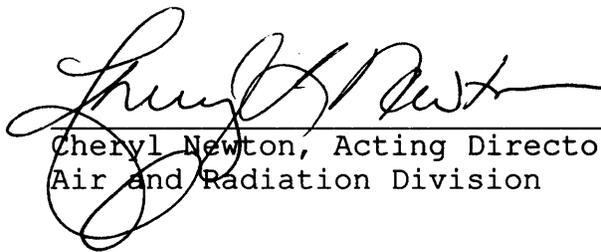
27. Tri-Star did not submit notification of compliance status within 60 days of the compliance deadline of December 7, 1998.
28. Tri-Star did not submit subsequent reports 30 calendar days after the end of each 6-month period following the first report.
29. Tri-Star did not prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation.
30. Tri-Star did not prepare a formulation assessment plan for formaldehyde and methylene chloride emissions as part of the work practice implementation plan.
31. Tri-Star did not track the annual usage of formaldehyde and methylene chloride as part of the work practice implementation plan.
32. From November 1998 through 1999, Tri-Star exceeded the methylene chloride *deminimis* level and did not provide an explanation to the permitting authority that documents the reason for the exceedance of the *deminimis* level for methylene chloride, as part of the work practice implementation plan.

Violations

33. Tri-Star's failure to submit to EPA an initial notification report indicating that the source was subject to Subpart JJ within 270 days after the effective date is a violation of 40 C.F.R. § 63.9 (b) (2).
34. Tri-Star's failure to limit HAP emissions from its finishing operations by meeting the emission limitations for existing sources, using any of the compliance methods in 40 C.F.R. § 63.804 (a) (1) through (a) (4) is a violation of 40 C.F.R. § 63.802 (a).
35. Tri-Star's failure to maintain records of the amount of finishing material, as applied, and contact adhesives, in kg VHAP/kg solids (lb VHAP/lb solids), is a violation of 40 C.F.R. § 63.806 (b) (2).

36. Tri-Star's failure to submit notification of compliance status at its facility 60 days after the compliance date is a violation of 40 C.F.R. § 63.9 (h)(2).
37. Tri-Star's failure to submit subsequent reports 30 calendar days after the end of each 6-month period following the first report is a violation of 40 C.F.R. § 63.807(c)(2).
38. Tri-Star's failure to prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation, no later than 60 days after the compliance date is a violation of 40 C.F.R. § 63.803 (a).
39. Tri-Star's failure to prepare a formulation assessment plan for formaldehyde and methylene chloride emissions as part of the work practice implementation plan is a violation of 40 C.F.R. § 63.803 (1)(1).
40. Tri-Star's failure to track the annual usage of formaldehyde and methylene chloride as part of the work practice implementation plan is a violation of 40 C.F.R. § 63.803 (1)(3).
41. Tri-Star's failure to provide an explanation to the permitting authority that documents the reason for the exceedance of the *deminimis* level for methylene chloride, as part of the work practice implementation plan is a violation of 40 C.F.R. § 63.803 (1)(6) .

3/13/01
Date


Cheryl Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Notice of Violation, No. EPA-5-01-IL-07 and a Finding of Violation, No. EPA-5-01-IL-08 issued pursuant to the Clean Air Act, was sent by Certified Mail, Return Receipt Requested, to:

James H. Thomas, President
Tri-Star Cabinet & Top Company, Inc.
1000 South Cedar Street
New Lenox, Illinois 60451

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

Julie Armitage, Acting Section Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Illinois Environmental Protection Agency
Region 1
9511 W. Harrison Street
Des Plaines, Illinois 60016

on the 14th day of March, 2001.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70993400 0000 9591 8884