



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
GREAT LAKES NATIONAL PROGRAM OFFICE  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 9 2011

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mark Psaros  
Manager  
R.S. Owens & Company  
5535 North Lynch Avenue  
Chicago, Illinois 60630

Re: Automotive Components Holdings, LLC  
Milan, Michigan  
Administrative Consent Order EPA-5-11-113(a)-IL-14

Dear Mr. Psaros:

I have enclosed an Administrative Consent Order (ACO) relating to R.S. Owens and Company's (R.S. Owens') compliance with Section 112 of the Clean Air Act, 42 U.S.C. § 7412.

If you have any questions, please contact Molly DeSalle (312-353-8773) of my staff. Any legal questions should be directed to Matthew Moore, Associate Regional Counsel, at 312-886-5932.

Sincerely yours,

*Sara Breneman*

Sara Breneman  
Chief  
Air Enforcement and Compliance Assurance Section  
(MI/WI)

Enclosure

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**

|                          |   |  |
|--------------------------|---|--|
| <b>IN THE MATTER OF:</b> | ) | <b>EPA-5-11-113(a)-IL-14</b>                     |
|                          | ) |  |
| R.S. Owens and Company   | ) | <b>Proceeding Under Section 113(a)(1) and</b>    |
| Chicago, Illinois        | ) | <b>113(a)(3) of the Clean Air Act, 42 U.S.C.</b> |
|                          | ) | <b>§ 7413(a)(1) and (3)</b>                      |

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Administrative Consent Order (Order) to R.S. Owens and Company (R.S. Owens) in Chicago, Illinois under Sections 113(a)(1) and 113(a)(3) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(1) and (3).

**Statutory and Regulatory Background**

2. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, U.S. EPA approved Illinois' Operating Permit Program on December 12, 1992. Pursuant to U.S. EPA's approval of Illinois' Operating Permit Program, certain air permits issued by EPA are federally enforceable. Such permits are called Federally Enforceable State Operating Permits (FESOPs).

3. 40 C.F.R. § 52.23 provides, inter alia, that any failure by a person to comply with any approved regulatory provision of a state implementation plan (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.

4. On February 9, 2005, the Illinois Environmental Protection Agency issued to R.S. Owens a FESOP Number 031600FPE.

5. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), the Administrator of EPA (the Administrator) may issue an order requiring compliance to any person who has

violated or is violating a SIP requirement or any prohibition of an applicable implementation plan or permit. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

6. Pursuant to Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the National Emissions Standard for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning, codified at 40 C.F.R. Part 63, Subpart T (Subpart T). 59 Fed. Reg. 61805 (Dec. 2, 1994).

7. Subpart T applies to individual batch vapor solvent cleaning machines that use solvent containing trichloroethylene (TCE). More specifically, Subpart T applies to batch vapor cleaning machines as defined in 40 C.F.R. § 63.461.

8. Subpart T, at 40 C.F.R. § 63.460(d), requires that owners and operators of individual batch vapor solvent cleaning machines that commenced construction or reconstruction on or before November 29, 1993, shall comply with the provisions of that subpart no later than December 2, 1997.

9. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator may issue an order requiring compliance to any person who has violated or is violating any requirement of the Act. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings and Allegations**

10. R.S. Owens owns and operates a manufacturing facility for awards and trophies located at 5535 North Lynch Avenue, Chicago, Illinois (the Facility).

11. R.S. Owens was granted an Illinois FESOP Number 031600FPE on February 9, 2005. Therefore, R.S. Owens is subject to the provisions contained therein.

12. The Facility owns and operates a batch cleaning machine, as defined in 40 C.F.R. § 63.461, which uses TCE in a total concentration greater than 5 percent by weight as a cleaning and/or drying agent. Therefore, the Facility is subject to the requirements of Subpart T.

13. EPA conducted an unannounced inspection at the facility on January 25, 2011.

14. During the time of the inspection, EPA inspectors noted that RS Owens employees added TCE to the batch cleaning machine via a metal bucket and not via threaded or leak proof couplings as required by the regulation, in violation of 40 C.F.R. § 63.463(d)(8) and paragraph 16(g) of FESOP Number 031600FPE.

15. On April 29, 2011, EPA issued to R.S. Owens a Notice of Violation and Finding of Violation alleging that it violated Subpart T and FESOP Number 031600FPE.

16. On June 9, 2011, representatives of R.S. Owens and EPA met to discuss the violations and a proposed compliance plan.

#### **Compliance Program**

17. On or before September 23, 2011, R.S. Owens must achieve, demonstrate, and maintain compliance with Subpart T and FESOP Number 031600FPE at the Facility.

18. R.S. Owens must install leak proof couplings to the batch cleaning machine, for the transfer of TCE to and from the batch cleaning machine, pursuant to 40 C.F.R. § 63.463(d)(8) and paragraph 16(g) of FESOP Number 031600FPE. R.S. Owens shall maintain continuous compliance with 40 C.F.R. Part 63, Subpart T and FESOP Number 031600FPE.

19. On or before September 30, 2011, R.S. Owens must certify that it has complied with the terms of this Order.

20. R.S. Owens must submit the certification required by this Order to:

Attn: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

J. Matthew Moore, (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

### **General Provisions**

21. This Order does not affect R.S. Owens' responsibility to comply with other federal, state and local laws.

22. This Order does not restrict EPA's authority to enforce the Illinois SIP, Section 112 of the Act; 42 U.S.C. § 7412, or any other section of the Act.

23. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for R.S. Owens' violation of the Subpart T and FESOP Number 031600FPE.

24. Failure to comply with this Order may subject R.S. Owens to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

25. The terms of this Order are binding on R.S. Owens, its assignees and successors. R.S. Owens must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

26. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

27. Section 113(a)(4), 42 U.S.C. § 7413(a)(4), provides that a person to whom an Order is issued may request a meeting regarding the alleged violations. R.S. Owens and EPA have conferred regarding these violations. Therefore, this Order is effective on the date of signature by the Director of the Air and Radiation Division for a period of one year.

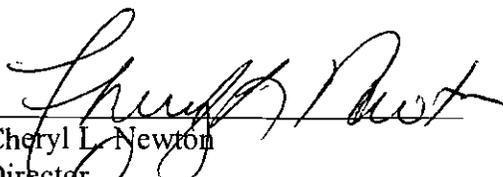
**R.S. Owens and Company**

9/6/11  
Date

  
Scott Siegel, President  
R.S. Owens and Company

**United States Environmental Protection Agency**

9/9/11  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency  
Region 5

**CERTIFICATE OF MAILING**

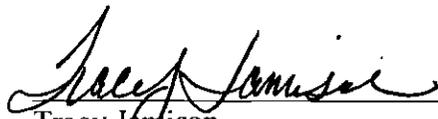
I, Tracy Jamison, certify that I sent the executed Administrative Consent Order,  
EPA Order No. EPA-5-11-113(a)-IL-14, by Certified Mail, Return Receipt Requested, to:

Mark Psaros  
Manager  
R.S. Owens & Company  
5535 North Lynch Avenue  
Chicago, Illinois 60630

I also certify that I sent a copy of the executed Administrative Consent Order, EPA Order  
No. EPA-5-11-113(a)-IL-14, by First Class Mail to:

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

on the 9<sup>th</sup> day of September 2011.

  
Tracy Jamison,  
Office Automation Assistant,  
AECAS, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 4793