



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

866/273-5488 TTY

December 23, 2020

Certified Mail # 7020 0640 0000 9514 8491
Return Receipt Requested

Emulsicoat Inc.
Sarah Clark
5400 West 86th Street
Indianapolis, IN 46268

RE: Violation Notice A-2020-00445
I.D. 019105ACV
Site: 705 East University Ave, Urbana, IL

Dear Ms. Clark:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the source wishes to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If the source wishes to enter into a CCA, the written response must also include proposed terms for the CCA that contains dates for achieving each commitment and may also include a statement that compliance has been achieved for some or all of the alleged violations. In order to increase the likelihood of the Illinois EPA accepting such terms, the written response should specifically propose them in a manner that can be formalized into an enforceable agreement between the Illinois EPA and the source. As such, proposed conditions should be as detailed as possible, including steps to be taken to achieve compliance, the manner of compliance, interim and completion dates, etc.

The Illinois EPA will review the proposed terms for a CCA provided by the source and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the source must respond in writing by either agreeing to and signing the proposed CCA or by notifying the Illinois EPA that the source rejects the terms of the proposed CCA.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to the prosecutorial authority.

Written communications should be directed to Melissa Nutt, Illinois EPA, Bureau of Air, Compliance Unit, P.O. Box 19276, Springfield, Illinois 62794-9276. All communications must include reference to the Violation Notice number in this matter.

Questions regarding this matter should be directed to Melissa Nutt at 217/558-4410.

Sincerely,



Kent E. Mohr, Jr., Manager
Compliance Section
Bureau of Air

KEM:MN

ATTACHMENT A

Based on observations made by Michael Haggitt on November 12, 2020, and other available information:

VIOLATIONS:

1. Section 9(b) of the Act and 35 IAC 201.175(g)(2)(B)(i): Emulsicoat Inc may have failed to timely notify IEPA of the change in status from a Registration of Smaller Sources (ROSS) eligible source to a permitted source.
2. Section 9(b) of the Act and 35 IAC 201.143: Emulsicoat Inc may have failed to apply for an operating permit after no longer being ROSS eligible and may now operate without an appropriate operating permit.
3. Section 9(a) of the Act and 35 IAC 254.132(a) and 201.302: Emulsicoat Inc may have failed to submit complete and accurate Annual Emissions Reports (AERs) to the Illinois EPA for each year it was required.

RECOMMENDATIONS:

The Illinois EPA suggests that Emulsicoat Inc take the following actions to address the violations stated above:

1. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, potential and actual emissions for each criteria pollutant for each emission unit and each year of operation, along with supporting documentation and calculations.
2. Within 45 days of the receipt of this Violation Notice, develop, implement, and submit to the Illinois EPA, Bureau of Air, Compliance Section, a compliance plan that addresses the permit and regulatory violations cited above. This compliance plan shall include all interim and/or permanent measures and procedures that have been undertaken, or will be undertaken, and a schedule for completion. In addition, this compliance plan shall include an application for new or revised operating permit as necessary and appropriate.
3. Within 45 days of receipt of this Violation Notice, submit to the Illinois EPA, Bureau of Air, Compliance Section, a complete, true, and accurate AER for each year for which it was required.