

JUN 07 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 -vs-)
)
)
 PRECISION TWIST DRILL CO.,)
 a Delaware corporation,)
)
 Respondent.)
)

No. 05-207
 (Enforcement - Air)

To: See Attached Service List.

NOTICE OF FILING

PLEASE TAKE NOTICE that we have today, June 7, 2005, filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of our Complaint, a copy of which is attached herewith and served upon you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office or an attorney.

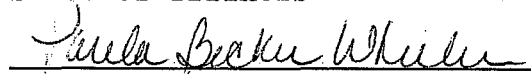
NOTIFICATION

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental facilities financing act [20 ILCS 3515/1 et seq.] to correct the alleged pollution.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
 LISA MADIGAN
 Attorney General of the
 State of Illinois

BY:



PAULA BECKER WHEELER
 Assistant Attorney General
 Environmental Bureau
 188 W. Randolph St., 20th Flr.
 Chicago, IL 60601
 (312) 814-1511

SERVICE LIST

Mr. John McAleese
Morgan Lewis
Attorney for Respondent
1701 Market Street
Philadelphia, PA 19103

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
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 Complainant,)
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 vs.)
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 PRECISION TWIST DRILL CO., a Delaware)
 corporation,)
)
 Respondent.)

No. 05-207

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of the State of Illinois, complains of Respondent, PRECISION TWIST DRILL CO., a Delaware corporation, as follows:

COUNT I
FAILURE TO OBTAIN A CAAPP PERMIT AND PAY CAAPP PERMIT FEES

1. This complaint is brought on behalf of the People of the State of Illinois, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act, 415 ILCS 5/31(2002)("Act").

2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this complaint, Respondent, PRECISION TWIST DRILL CO., ("Precision"), has been and is a Delaware corporation, registered with the Secretary of

State's Office to do business within the State of Illinois, and is in good standing.

4. Respondent Precision owns and operates a drill bit manufacturing facility ("facility") at 301 Industrial Drive, Crystal Lake, McHenry County, Illinois. Emission sources at the facility include a drill bit stamping process, rust inhibitor coating operations, and two cold cleaning degreasers.

5. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), provides the following definition:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

6. Precision is a "person" within the meaning of the definition listed in Section 3.315 of the Act.

7. Respondent's operation of the facility is subject to the Act and rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and the Illinois EPA. The Pollution Control Board's regulations are found in Title 35, Subtitle B, Chapter I of the Illinois Administrative Code ("Board Air Pollution Regulations"), and the Illinois EPA rules and regulations for air pollution are found in Title 35, Subtitle B, Chapter II of the Illinois Administrative Code ("Illinois EPA Air Pollution Regulations").

8. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides, in pertinent part, the following definitions:

"EMISSION SOURCE": any equipment or facility of a type of emitting specified air contaminants to the atmosphere.

"NEW EMISSION SOURCE": any emission source, the

construction or modification of which is commenced on or after April 14, 1972.

“SPECIFIED AIR CONTAMINANT”: any air contaminant as to which this Subtitle contains emissions standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

“AIR POLLUTION CONTROL EQUIPMENT”: any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

“NEW AIR POLLUTION CONTROL EQUIPMENT”: any air pollution control equipment, the construction or modification of which is commenced on or after April 14, 1972.

9. Volatile organic material (“VOM”) is a “specified air contaminant” as the term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

10. The drill bit stamping process, rust inhibitor coating operations, and two cold cleaning degreasers, constructed sometime prior to 2002, or on a date better known to the Respondent, emit VOM and hazardous air pollutants, (“HAPs”), into the atmosphere, and are “new emission sources”, as that term is defined in Section 201.102 of the Board Air Pollution Regulations.

11. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2002), provides as follows:

Prohibition

* * *

(b) After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such a source has been timely submitted to the Agency.

12. Section 39.5(1) of the Act, 415 ILCS 5/39.5 (1)(2002), provides the following definitions:

“CAAPP” means the Clean Air Act Permit Program developed pursuant to Title V of the Clean Air Act.

“CAAPP PERMIT”... means any permit issued, renewed, amended, modified, or revised pursuant to Title V of the Clean Air Act.

“SOURCE” means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) and that belongs to a single major industrial grouping....

“OWNER or OPERATOR” means any person who owns, leases, operates, controls, or supervises a stationary source.

“REGULATED AIR POLLUTANT” means the following:
(1) Nitrogen Oxides (NO_x) or any volatile organic compound....

“STATIONARY SOURCE” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

13. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2002), provides, in pertinent part, as follows:

Applicability

- a. Sources subject to this Section shall include:
 - i. Any major source as defined in paragraph (c) of this subsection.

* * *

- c. For purposes of this Section the term “MAJOR SOURCE” means any source that is:

- i. A major source under Section 112 of the Clean Air Act, which is defined as:

- A. For pollutants other than radionuclides, 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, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the

Clean Air Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as USEPA may establish by rule.

* * *

iii. A major stationary source as defined in Part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tons or more per year in areas classified as "serious", 25 tons or more per year in areas classified as "severe", and 10 tons or more per year in areas classified as "extreme";

* * *

14. The Illinois EPA Air Pollution Regulations pertaining to the Clean Air Act Permit Program Procedures, 35 Ill. Adm. Code Part 270 *et seq*, were effective starting January 4, 1994. The Title V Program (i.e. the statutory provision of 415 ILCS 5/39.5) was approved by USEPA in its final interim approval dated March 7, 1995.

15. Section 270.105 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 270.105, provides the following definition:

"NEW CAAPP SOURCE" means a CAAPP source that is not an existing CAAPP source.

16. Section 270.107 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 270.107, entitled, "Applicability", provides as follows:

This part applies to the owner or operator of any source required to have an operating permit pursuant to Section 39.5 of the Act.

17. Section 270.301 of the Illinois EPA Rules, 35 Ill. Adm. Code 270.201, entitled, "Application Submittal", provides, in pertinent part, as follows:

* * *

b) The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with Section 39.5(5) of the Act.

* * *

18. Section 39.5(5)(x) of the Act, 415 ILCS 5/39.5(5)(x)(2002), provides, in pertinent part, as follows:

* * *

x) The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with this subsection within 12 months after commencing operation of such source. ...

* * *

19. Section 211.7150 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.7150, provides the following definition:

“VOLATILE ORGANIC MATERIAL (VOM)” or volatile organic compound means any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photo-chemical reactions.

20. The emission sources described in paragraph 4 of Count I of this Complaint emit VOM and HAPs, regulated air pollutants, as defined by Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002).

21. Precision is located in an area classified as severe nonattainment for ozone.

22. Since at least 2002, or a date better known to Respondent, Precision has had potential emissions of VOM from its operations greater than 25 tons per year and potential emissions of a HAP, perchloroethylene, greater than 10 tons per year. Therefore, the Respondent’s facility is a stationary source as defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2002).

23. Because Precision emits or has the potential to emit annual VOM emissions in excess of 25 T/yr, and a single HAP in excess of 10 t/yr, it is a major source as defined in Sections 39.5(2)(c)(i)(A) and 39.5(2)(c)(iii)(A) of the Act, 415 ILCS 5/39.5(2)(c)(i)(A), 5/39.5(2)(c)(iii)(A)(2002), and a CAAPP source. Therefore, the Clean Air Act Permit Program, set forth in Section 39.5 of the Act, 415 ILCS 5/39.5 *et seq* (2002), and in 35 Ill. Adm. Code 270.107 *et seq*, are applicable to the Respondent and its facility.

24. Since at least 2002 through the date of filing of this complaint, Precision has operated a CAAPP source without the requisite CAAPP permit, pursuant to Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b). Respondent did not submit a proper, complete application until September 2, 2004.

25. By not obtaining a CAAPP permit within 12 months after initial operation of the source, Precision violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter Order against the Respondent, PRECISION TWIST DRILL CO., on this Count I:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b)(2002);

C. Ordering the Respondent to cease and desist from any further violations of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2002);

D. Assessing against Respondent a civil penalty of ten thousand dollars (\$10,000.00) for

each and every violation of the Act and its promulgated regulations;

E. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

F. Granting such other relief as the Board deems appropriate and just.

COUNT II
EMISSION LIMITATION VIOLATIONS

1-23. Complainant realleges and incorporates by reference herein paragraphs 1 through 23 of Count I as paragraphs 1 through 23 of this Count II.

24. Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

25. Precision's facility has emitted and continues to emit, VOM, as the result of its rust inhibitor coating operations.

26. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), provides the following definition:

"CONTAMINANT" is any solid, liquid, gaseous, matter, any odor, or any form of energy, from whatever source.

27. VOM is a "contaminant" as the term is defined in Section 3.165 of the Act.

28. Section 218.204(j)(4) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.204(j)(4), provides, in pertinent part, as follows:

Except as otherwise provided in Sections 218.205, 218.207, 218.208,

218.212, 218.215, and 218.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. ... The emission limitations are as follows:

	*	*	*	
(j)	Miscellaneous Metal Parts and Products Coating			
	*	*	*	
(4)	All other coatings			
			kg/l	lb/gal
	(A)	Air Dried	0.40	(3.3)
	(B)	Baked	0.34	(2.8)

29. Section 218.208(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.208(a), provides, in pertinent part, as follows:

(a) ... Once a category of coating lines at a source is subject to the limitations in Section 218.204 of this Subpart the coating lines are always subject to the limitations in Section 218.204 of this Subpart.

30. From at least 2002, or on a date or dates better known to the Respondent and continuing until May 2005, Precision has operated rust inhibitor coating lines at its facility. These operations apply air-dried coatings containing VOM in excess of 3.3 lb/gal.

31. From at least 2002, or on a date or dates better known to the Respondent and continuing until May 2005, Precision utilized non-compliant coatings, in violation of the regulations and standards adopted by the Board. Therefore, Precision has violated Section 9(a) of the Act, 415 ILCS 5/9(a), and Sections 218.204(j)(4) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.204(j)(4).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, Precision Twist Drill Co., on this Count II:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 218.204(j)(4) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.204(j)(4);

C. Ordering Respondent to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 218.204(j)(4) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.204(j)(4);

D. Assessing Respondent a penalty of fifty thousand dollars (\$50,000.00) for each and every violation with an additional penalty of ten thousand dollars (\$10,000.00) per day that the violation continues;

E. Taxing against the Respondent, all costs in this action, including, but not limited to, attorney, expert witness, and consultant fees; and

F. Granting such other relief as the Board deems appropriate and just.

COUNT III
FAILURE TO KEEP RECORDS AND SUBMIT REPORTS

1-31. Complainant realleges and incorporates by reference herein paragraphs 1 through 31 of Count II as paragraphs 1 through 31 of this Count III.

32. Section 218.211(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.211(c), provides as follows:

- c) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart other than Section 218.204(a)(2) or (a)(3) of this Subpart and complying by means of Section 218.204 of this Subpart shall comply with the following:

1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 218.205, Section 218.207, Section 218.215, or Section 218.216 of this Subpart to Section 218.204 of this Subpart; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.204 of this Subpart on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:

A) The name and identification number of each coating as applied on each coating line;

B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line; and

* * *

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line;

B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line;

* * *

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 218.204 of this Subpart shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.

* * *

CERTIFICATE OF SERVICE

I, PAULA BECKER WHEELER, an Assistant Attorney General in this case, do certify that I caused to be served this 7th day of June, 2005, the foregoing Complaint and Notice of Filing upon the person listed on said Notice by depositing same in an envelope, by first class postage and certified mail prepaid, with the United States Postal Service at 188 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.


PAULA BECKER WHEELER

June 7, 2005