OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

NewKor, Inc. 10410 Berea Road Cleveland, Ohio 44102	: : :	**Director's Final Findings and Orders**

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to NewKor, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a manufacturing facility ("facility") located at 10410 Berea Road in Cleveland, which is identified by Ohio EPA facility identification number 1318005362. The facility was purchased by the current owner during November, 1999.

2. At the facility, Respondent operates numerous pieces of equipment for the production of paper roller tubes used in military launching tubes, paint roller tubes, tape cores, and paper mailing machines. Among the equipment are various emissions units that emit methanol, phenol, and formaldehyde. These emissions units are each an "air contaminant source" as defined in OAC Rule 3745-15-01(C) and (X), and emit volatile organic compounds ("VOCs") as defined in OAC Rule 3745-21-01(B)(14), including methanol, phenol, and formaldehyde, which are "hazardous air pollutants" as defined in OAC Rule 3745-77-01(V).

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [signature] Date: 12-2-10

3. A permit to operate ("PTO") was issued for emissions unit P001 (bake oven) on October 10, 1986. The PTO expired on October 10, 1989. An acceptable renewal application was not submitted to Ohio EPA, in violation of OAC Rule 3745-35-02.

4. PTOs for emissions units P003 (bake oven) and P004 (dip tanks) were issued on December 22, 1989. The PTOs expired on December 22, 1992. Acceptable renewal applications were not been submitted to Ohio EPA, in violation of OAC Rule 3745-35-02.

5. Emissions units P001 and P003 (bake ovens) are subject to former OAC Rule 3745-21-07(G)(1) and currently effective OAC Rule 3745-21-07(M)(4). The current compliance status of emissions units P001 and P003 is unknown.

6. Ohio EPA and the Cleveland Division of Air Quality ("CDAQ") have determined that Respondent's facility is a "major source" of VOCs and hazardous air pollutants, on both an actual and potential-to-emit basis, as defined in OAC Rule 3745-77-01(W). Based on records reviewed by CDAQ, the facility has been a major source of VOCs and hazardous air pollutants prior to and at all times since the current owner took ownership of the facility in 1999. As a major source, Respondent is subject to the Title V permitting requirements (OAC Chapter 3745-77) and has failed to submit a timely Title V permit application and pay the associated Title V permit fees, in violation of OAC Rules 3745-77-03(A), 3745-77-02(A), and 3745-78-02(A), and ORC Sections 3704.05 (J) and (K).

7. OAC Rule 3745-15-07 states that it is unlawful for any person to cause, permit, or maintain a public nuisance.

8. Since July 29, 2008, CDAQ has received and responded to at least 10 odor complaints from residents in the vicinity of Respondent's property. During the complaint investigations, CDAQ determined that the source of the odors is Respondent's facility. Because of the high level of uncontrolled emissions from Respondent's facility and the number of odor complaints, the odors are creating a nuisance, in violation of OAC rule 3745-15-07.

9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Within ninety (90) days of the effective date of these Orders, Respondent shall have emission tests conducted for emissions units P001 and P003 (bake ovens) in accordance with the test methods specified in OAC Rule 3745-21-07(A)(6) to demonstrate compliance with OAC Rule 3745-21-07(M)(4). Thirty (30) days prior to the tests, Respondent shall submit a complete Intent to Test form to CDAQ at the address given in Order 6. Within thirty (30) days after completion of the tests, Respondent shall submit the compliance test report to Ohio EPA and CDAQ at the addresses given in Order 6.

2. Within ninety (90) days of the effective date of these Orders, Respondent shall prepare an estimate of all emissions from production operations at its facility prior to the bake ovens and submit this estimate, along with supporting documentation, to Ohio EPA and CDAQ at the addresses given in Order 6. This estimate shall include, but not be limited to, daily emissions during normal production operations from the drying room and dip tank.

3. Within ninety (90) days of the effective date of these Orders, Respondent shall submit a Title V or synthetic minor permit application covering all emissions units at the facility. (Please be advised that since June 30, 2008, major sources must submit permit applications using Air Services. Hard copy forms are no longer acceptable. Air Services is part of Ohio EPA's new eBusiness Center, which is available at http://ebiz.epa.ohio.gov.)

4. Within one hundred and twenty (120) days of the effective date of these Orders, Respondent shall submit the Title V fee emission reports, using Air Services, for calendar years 1999 through 2010. Please contact Elisa Thomas at (614) 644-3621 for assistance.

5. Within one hundred and eighty (180) days of the effective date of these Orders, Respondent shall complete a detailed engineering study that determines the technical and economic feasibility of reducing the VOC emissions from the sources at the facility and submit the results to Ohio EPA and CDAQ at the addresses provided in Order 6. The engineering study shall be performed by an engineering consulting firm experienced in the field of air pollution control and shall be completed in accordance with the following instructions:

   a. Prepare a comprehensive and accurate emission inventory for all the sources of VOCs at the facility. The emission inventory shall include the following information for each source of VOC emissions:

      i. a description of the source of emissions;

ii. the emissions unit from which the emissions emanate (e.g., P001);

iii. whether the emissions are stack and/or fugitive;

iv. the maximum hourly uncontrolled and controlled VOC emission rates at the maximum production capacity, and the duration of those emissions over a 24-hour production period;

v. the basis for the uncontrolled and controlled VOC emission rates (e.g., material balance calculations, emission tests, or emission factors);

vi. the calculations for the uncontrolled and controlled VOC emission rates;

vii. the type of control equipment or control measure currently employed, and the name of each control equipment manufacturer;

viii. the control efficiency for each piece of control equipment and each control measure currently employed;

ix. for fugitive emissions, the release height of the emissions (in feet above ground level);

x. for stack emissions, the height of the stack (in feet above ground level), the diameter of the stack at the top of the stack (in feet), the temperature of the exhaust gases (in degrees F), and the flow rate of the exhaust gases (in acfm and scfm);

xi. the dimensions of all nearby buildings (height, width, and length, in feet [see Ohio EPA, DAPC, Engineering Guide 69]); and

xii. the UTM coordinates for the point(s) at which the emissions are vented into the ambient air.

b. Identify and describe all the technically feasible VOC control measures (including, if applicable, conversion to low VOC-content coatings) for each source of VOC emissions (stack and fugitive) identified pursuant to Order 5a.

c. For each of the technically feasible VOC control measures identified pursuant to Order 5b, determine and report the following:

i. the total installed capital cost;
ii. the annual operating and maintenance costs;
iii. the total annual cost, including the annualized capital cost;
iv. the annual reductions in VOC emissions that would occur, in tons; and
v. the cost-effectiveness, in dollars per ton per year of VOC removed.

Respondent may use the guidance in Ohio EPA, Division of Air Pollution Control's Engineering Guide #46 in calculating the cost-effectiveness for each technically feasible VOC control measure for each source of VOC emissions.

d. For each technically feasible VOC control measure identified pursuant to Order 5b, estimate the amount of time that would be required to expeditiously implement the control measure and provide an explanation of the basis for the time estimate.

6. All documents required by these Orders to be submitted to Ohio EPA shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, OH 43216 - 1049

All documents required by these Orders to be submitted to the Cleveland Division of Air Quality shall be sent to the following address:

Cleveland Department of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114
Attn: George P. Baker

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative as that term is defined in the above-referenced rule.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 3704 or any other applicable law in the future. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

IX. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

ORDERED:

Ohio Environmental Protection Agency

Chris Korleski
Director

11/24/10
Date

AGREED:

NewKor, Inc.

Signature

11-19-10
Date

GORDON L. BARR
Printed or Typed Name