



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: Marion County  
Whirlpool Corporation-Marion Division  
Premise #0351010012  
**Inspection Letter**  
**Notice of Violation (NOV)**

September 10, 2009

CERTIFIED MAIL

Mr. Alvin Sykes  
Senior Environmental Engineer  
Whirlpool Corporation-Marion Division  
1300 Marion Agosta Road  
Marion, Ohio 43302

Mr. Sykes:

This letter shall serve as a follow-up to the inspection conducted on August 18, 2009, at the above referenced facility by Mohammad Smidi and this writer. The purpose of this inspection was to determine the compliance status of all air contaminant sources located at the facility. Based on our discussions, our observations during the inspection and a review of the company's files, our findings are as follows:

1. Permit to Install (PTI) #03-17140, issued 12/14/2006 for emissions unit K008, requires compliance with an operational restriction on the volatile organic compound (VOC) content of each coating mixture that is used. The operational restriction of 0.92 pounds VOC/gallon, as applied, was established in this permit along with a maximum annual coating usage rate of 168,000 gallons, per rolling 12-months to keep VOC emission increases below the Prevention of Significant Deterioration (PSD) significance levels. A netting analysis was also performed. The Title V operating permit issued on 10/29/2007 incorporated these PTI operational restrictions.

The permit does not contain any recordkeeping requirements to demonstrate compliance with the, as applied, VOC content of each coating mixture restriction, because the company indicated this was the maximum VOC content of any coating that would ever be used and only water would be used for thinning.

Mr Lavin Sykes  
September 10, 2009  
Page 2

Currently, the company is evaluating compliance with this limit based upon a three month average of the additions made to the dip tank (resin, paste and solvent). The results indicate that the facility is in violation of the VOC content limitation during two quarters since issuance of the permit. These are violations of the permit terms and conditions and Ohio Revised Code (ORC) 3704.05.

The Northwest District Office requests that the company review the emissions unit usage records since the issuance of the PTI and determine timeframes of any other deviations of this operational restriction. The company is required to submit this information and the average pounds of VOC/gallon, as applied, for any that exceeded the operational restriction. The company is required to submit, if necessary, any revisions to the deviation reports already submitted to NWDO.

Additionally, the company is required to show that the current contents of the dip tank meet the operational restriction of 0.92 pounds VOC/gallon, as applied, and submit a plan to show continuous compliance.

2. In accordance with item #1 above, the company is required to report compliance with this operational restriction in the annual Title V compliance certification. However, this operational restriction term and condition is never identified in the Title V compliance certification. Regardless of the compliance status, the company is required to resubmit revised Title V compliance certification reports for the 2007 and 2008 reporting years.
3. The company is required to submit an application requesting a modification of PTI #03-17140, for emissions unit K008. The facility is a major source under PSD, and as mentioned above, an emissions netting analysis was originally performed to ensure that the proposed increase in VOC emissions from K008 would not be considered a major modification subject to PSD review. The application that was submitted to the NWDO was not indicative of standard operating procedures for this unit.

The application does not show that VOC containing solvents are added as a thinning agent to the coating mixture. The operational restriction on the maximum VOC content for a coating mixture (0.92 lbs VOC/gal, as applied) and an annual coating usage (168,000 gallons/rolling, 12-month period) were established avoid PSD significance levels. Since solvent based thinners are being used which increase the coating operations potential to emit, the permit needs to be modified.

4. The company is required to calculate and maintain records for the daily, volume-weighted average VOC content of the combination of materials added to the dip tank, excluding water and exempt solvents. Although the company is recording the daily coating material usages, the records are not in a readily available format to show compliance with the 2.8 pounds VOC/gallon, minus water and exempt solvents limit. These are violations of the monitoring and recordkeeping requirements of the permit and ORC 3704.05.

The company is required to calculate and evaluate the daily, volume-weighted average emission rate since issuance of PTI #03-17140. The company is also required to submit, if necessary, any revisions to the deviation reports already submitted to NWDO.

5. The records that the company is maintaining to demonstrate compliance with the 0.90 kgs VOC/liter of applied solids limitation are unsatisfactory. Once again, the company is recording the coating material usages daily, but accurate calculations to show compliance with this limitation were not available. The company is not including the additions of solvent based thinners in the calculations to determine the kgs VOC/liter of applied solids. Since the issuance of PTI #03-17140, it appears that the calculations done during the first quarter of 2008 are done correctly in order to show compliance with this limitation. However, this is the only quarter that the calculations are done in this manner.

Since this limitation is a monthly, volume-weighted average, the company is required to calculate and evaluate the monthly emission rate since issuance of the permit. The company is also required to submit, if necessary, any revisions to the deviation reports already submitted to NWDO.

6. After review of the company records during the inspection and the records previously submitted as attachments to compliance reports, the DAPC cannot determine if the facility is in compliance with the various VOC coating densities required for emissions unit K008. Although the coating usage records are being monitored daily, they are not being maintained in a readily available format to determine compliance with the restrictions established in the permit. In the response to this letter, the company will need to provide accurate and detailed information to demonstrate compliance with these requirements.

Mr Lavin Sykes  
September 10, 2009  
Page 4

The company is required to submit revised calculations from the most recent month, in order to ensure the revisions are sufficient to meet the recordkeeping requirements of the permit. The revisions shall include the issues raised in items #1, 4 and 5 above.

Based on our discussions, the company does not anticipate that it has violated the annual PSD significance level, monthly New Source Performance Standard (NSPS) limitation or daily State Implementation Plan (SIP) limitation for K008. However, this determination will be made following the response to this letter. The Ohio EPA is requesting that the company submit the information detailed above to the Northwest District Office, Division of Air Pollution Control by no later than October 16, 2009.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date. I would like to thank you, Mary Jakeway and Mark Keller for your assistance and courtesy during the inspection. If you have any questions or concerns about this letter, please feel free to call me at (419) 373-3110 or email [brian.riedmaier@epa.state.oh.us](mailto:brian.riedmaier@epa.state.oh.us).

Sincerely,



Brian Riedmaier  
Environmental Specialist  
Division of Air Pollution Control

//lr

pc: Tom Kalman, DAPC-CO  
Lisa Holscher, US EPA Region V  
DAPC-NWDO File #  
Certified Receipt Number 7009 1680 0002 4297 0854

ec: Don Waltermeyer, DAPC-NWDO  
Erin Shalabe, DAPC-NWDO

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