



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED MAIL # 91 7108 2133 3932 1838 3731

March 9, 2012

Timothy Dondero
Sherwin Williams Grove City Powder
3875 Brookham Drive
Grove City, OH 43123

Re: **Notice of Violation** based upon the July - December 2012 semi-annual deviation report submitted to Ohio EPA on March 1, 2012 (Facility ID 0125092408)

Dear Mr. Dondero:

On March 1, 2012, Ohio EPA Central District Office (CDO) received the Permit Evaluation Report (PER) and Semi-Annual Deviation Report for Sherwin-Williams Grove City Powder Plant (Sherwin-Williams). The PER was submitted in accordance with the terms and conditions of permit-to-install and operate (PTIO) P0105547 for emission units P007 – P010. The semi-annual deviation report was submitted in accordance with the terms and conditions of permit-to-install (PTI) 01-7997, PTI 01-08766, and PTI 01-08932.

Listed below are "Findings" based upon CDO observations and conversations with facility personnel. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. **Finding:** Pressure drop across baghouse outside of permitted range

Sherwin-Williams reported numerous deviations of pressure drop across the baghouse for emission units P001 – P005 in the semi-annual report submitted to Ohio EPA on March 1, 2012. Specifically, Sherwin-Williams reported 14 deviations for P001, 3 deviations for P002, 9 deviations for P004, and 35 deviations for P005.

Violation

Operation of the emission unit when the baghouse pressure drop is outside of the allowable range is a violation of the terms and conditions of PTI 01-7997, PTI 01-08766, and PTI 01-08932, which states:

"The pressure drop across the baghouse shall be maintained within the range of 1-8 inches of water while the emissions unit is in operation."

Violation of the terms and conditions of an issued PTI is also considered a violation of Ohio Revised Code (ORC) 3704.05(C) which states:

"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."

Requested Actions

Sherwin-Williams reported that corrective action in the form of employee training has been taken. Furthermore, bags located within the P005 baghouse have been replaced and the bags located within the baghouses for P001 and P004 will be replaced in the second quarter of 2012. Ohio EPA requests the facility submit the inspection and maintenance plan for the baghouses to CDO within thirty (30) days of receipt of this letter.

CDO observed that the individual baghouses are incorporated into the permits differently for emission units P001 – P005 and P007 – P010. PTI 01-7997, PTI 01-08766, and PTI 01-08932 for emissions units P001 – P005 incorporate the baghouses as control equipment. PTIO P0105547 incorporates the baghouses for emission units P007 – P010 as recovery units. CDO requests Sherwin-Williams evaluate the baghouses located at the facility using the guidance in Engineering Guide #37 (enclosed) to ensure that the baghouses are properly incorporated in the permits for the facility. After evaluation, please submit any necessary modification permit-to-install and operate (PTIO) applications to Ohio EPA within sixty (60) days. If Sherwin-Williams determines that a permit modification is not necessary, please provide a detailed explanation as to the differences in processes for the specific emission units and baghouses.

Additional Information

Facilities may choose to submit permit applications and reports online. Ohio EPA recently implemented an on-line permitting and reporting system called Air Services, which is accessed through the eBusiness Center. The eBusiness Center may be reached from the Ohio EPA home page at www.epa.ohio.gov or directly at ebiz.epa.ohio.gov.

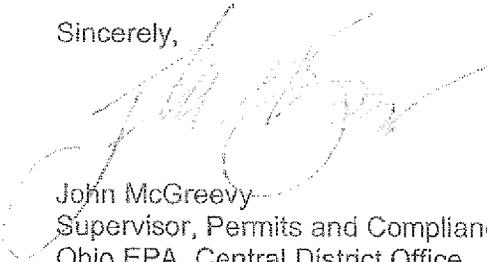
If at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact Ohio EPA, Central District Office to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner.

Please note that Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio EPA at a later date.

Timothy Dondero
Sherwin Williams Grove City Powder
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If you have any questions, please contact Barbara Walker of my staff at (614) 728-3805 or barbara.walker@epa.ohio.gov.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Ohio EPA, Central District Office
Division of Air Pollution Control

ec: Adam Ward, Manager, CDO/DAPC
Kelly Toth, CDO/DAPC
Barbara Walker, CDO/DAPC
John Paulian, CO/DAPC

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Ohio EPA

Division of Air Pollution Control

Engineering Guide #37

Question:

Should equipment such as cyclones or baghouses, that are an integral part of a process operation and that are used to separate and/or recover a raw material or an intermediate or final product from a gas stream, be considered as "control equipment" for the purpose of applying Figure II of OAC rule 3745-17-11?

(This question was originally answered in the now defunct Policy Guideline Series. The policy expressed in that guideline was subsequently updated and reissued as an engineering guide.)

Answer:

The answer to this question involves a case-by-case analysis of each specific process. The principal consideration is whether or not the equipment serves as a necessary component of the process or was added to the source for the primary purpose of controlling air pollutant emissions. Generally, if such equipment is an integral part of the manufacturing process and the process could not properly operate without these separation/recovery units, the equipment should not be considered as "control equipment."

Federal and Ohio statutes define air pollution control equipment and facilities. The pertinent statutes and regulations are as follows:

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| ORC 5709.20 (B) | "Air pollution control facility" means any property designed, constructed or installed <u>for the primary purpose of</u> eliminating or reducing the emission of, or ground level concentrations of, air contaminants generated at an industrial or commercial plant or site that renders air harmful or inimical to the public health or to property within this state...." (Emphasis added.) |
| OAC 3745-15-01 (K) | "Control Equipment" means any device or contrivance which prevents or reduces emissions. |
| Code of Federal Regulations (CFR) Title 40 Part 20, § 20.2 (f), 1978 | "Facility" means property comprising any new identifiable treatment facility, which removes, alters, disposes of, stores, or prevents the creation of pollutants, contaminants, wastes or heat. (Applicable for both air and water pollution control facilities.) |

P.L. 94-455
§ 2112 (b)(2)
(Tax Reform Act
of 1976) and
40 CFR Part 20,
August 4, 1977

"It removes, alters, disposes, stores or prevents the creation of emission of pollutants, contaminants, wastes or heat, which, but for the facility, would be released into the environment."

40 CFR Part 20
§ 20.8 (a)(2)(i), 1978

"(That the facility:) removes, alters, disposes of, stores, or prevents the creation of pollutants, contaminants, wastes or heat, which, but for the facility, would be released into the environment."

Some examples of product separation/recovery applications are wood waste cyclone systems, carbon black/air baghouse separators, cyclone precleaners, and grain handling cyclone systems.

In general, product separation/recovery equipment is not designed to provide a specific level of air pollution control or to meet a rule-based allowable emission rate. If the normal industry practice is to employ product separation/recovery equipment as an integral part of the manufacturing process, then that is how the equipment should be viewed in applying Figure II of OAC rule 3745-17-11; and the worst-case emissions from the equipment would be the "uncontrolled mass rate of emissions" for the equipment. If an entity takes the position that the equipment was designed to provide a specific level of air pollution control or to meet a rule-based allowable emission rate, then the engineering design documents and calculations for the equipment and the relative timing of the equipment installation in comparison to the adoption of air pollution control rules should be evaluated to determine whether or not the information supports the entity's contention.

In summary, the determination of whether or not product separation/recovery equipment should be considered as control equipment when applying Figure II of OAC rule 3745-17-11 must be carefully made on a case-by-case basis.

JGL/JO/JB

(Issued May 18, 1982; revised and updated August 11, 2010)

