



City of Cleveland  
Frank C. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 3799  
RETURN RECEIPT REQUESTED

March 9, 2009

Gordon Barr, President  
NewKor, Inc.  
10410 Berea Road  
Cleveland, OH 44102

HIGH PRIORITY FACILITY  
HIGH PRIORITY VIOLATOR – GC6

FACILITY ID: 13-18-00-5362

**3<sup>RD</sup> NOTICE OF VIOLATION (NOV):** Failure to submit a timely Title V permit application; Failure to submit an acceptable corrective action plan for additional violations cited in the January 27, 2009 NOV; Failure to submit a timely corrective action plan for odor nuisance violations cited in the September 8, 2008 NOV; exceeding organic compound emissions in violation of OAC 3745-21-07 (G); and failure to conduct a volatile organic compound (VOC) reasonably available control technology study as required by OAC rule 3745-21-11

Dear Mr. Barr:

On January 27, 2009, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) requesting that NewKor, Inc. (NewKor) submit a Title V permit application based on its operation of emissions unit P004: Dipping Room with two (2) dip tanks for resin impregnation of paper tubing & drying room. To date, CDAQ has not received an acceptable response addressing cited violations in the January 27, 2009 NOV.

On February 4, 2009, CDAQ received documentation from you that permit-to-install/operate (PTIO) applications would be submitted by March 15, 2009, for emissions units P001 and P003 and by April 15, 2009 for emissions unit P004. CDAQ has determined this response to be unacceptable for reasons indicated above.

The following violations were also cited in the January 27, 2009 NOV, and have not been addressed in your corrective action plan, dated February 4, 2009:

- NewKor, as applicable to the Title V permitting program, has not submitted annual fee emission reports, or pay fees on the facility's actual emissions as specified in division (C) of Ohio Revised Code (ORC) Section 3745.11. Thus,



NewKor is in violation of Ohio Administrative Code (OAC) rule 3745-78-02 (A) and ORC section 3745.11 (C)(1), since 1999.

- NewKor's operation of P004 is in violation of its permit terms and conditions by adding methanol, in addition to isopropyl alcohol, to the resin. These are violations of ORC Sections 3704.05 (C) and (G).

Furthermore, CDAQ has not received a corrective action plan from NewKor addressing the nuisance odors as requested in the September 8, 2008 NOV. Thus, NewKor is in violation of the City of Cleveland Codified Ordinance 277.08 for creating an air pollution nuisance, and OAC Rule 3745-15-07 for creating an air pollution nuisance since September 11, 2008.

In addition, CDAQ has found NewKor in violation of OAC rule 3745-21-07 (G) and the issued permit to operate for P004, in that organic compound (OC) emissions exceed the allowable limit of forty (40) pounds in any one day, and eight (8) pounds in any one hour. Actual OC emissions estimates from P004 considerably exceed those limits expressed in OAC 3745-21-07 (G).

CDAQ has also determined that NewKor is in violation of OAC rule 3745-21-11 (B) and (E), in that a detailed engineering study to determine the technical and economic feasibility of reducing VOC emissions from sources at NewKor has not been conducted to date.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that NewKor submit a correction action plan in response to the above noted violations, which shall include the submittal of a complete Title V permit application and a detailed engineering study to determine the technical and economic feasibility of reducing VOC emissions from sources at NewKor, to the following enforcement representative:

Valerie Shaffer  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-2080

Your written response to this letter, and a Title V permit application, must be received by CDAQ by April 15, 2009. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

Please be aware that Ohio EPA has launched its "Air Services" program as of June 30, 2008. Facilities subject to Title V and Synthetic Minor permitting are required to submit applications, deviation reports, Fee Emission Reports, Title V Compliance Certifications, Emissions Inventory Summary and Emissions Statements, as applicable, via this program. More information can be obtained from the following website: <http://www.epa.state.oh.us/dapc/airservices/>.



Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for NewKor: 13-18-00-5362.

Sincerely,

Valencia White  
Field Enforcement Manager, CDAQ

GB/vls

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318005362\2009-01-06 NOV3.doc



# CLEVELAND DIVISION OF AIR QUALITY SCENTOMETER FIELD DATA SHEET

REVISED: 11/26/2004

Date: 11/25/09 Investigator: Valerie Shaffer & Megan Murphy

Description of Odor: plastic (heated) / NewKoa odor Scentometer Used: (A) B

Suspected Source of Odor: NewKoa, INK

Weather Conditions: 50°F overcast Temperature: \_\_\_\_\_

Dew Point: \_\_\_\_\_ Relative Humidity: \_\_\_\_\_

**1<sup>st</sup> Measurement - Downwind**

Odor observed at 100% ambient  Yes  No  
 Odor observed with all odor air inlets closed  Yes  No Time of Measurement: 8:43 (AM) PM  
 Location of Measurement: NE of facility / across RR tracks / behind (field) townhomes  
 Odor Detected at: (circle below)

Odorous Air Inlets						
Hole	F	E	D	C	B	A
D/T	2	7	15	31	170	(350)

Wind Speed: 10-14 mph Wind Direction: SW  
 D/T of odor: 350

MEASUREMENTS MUST BE TAKEN NO LESS THAN 15 MINUTES APART

**2<sup>nd</sup> Measurement - Downwind**

Odor observed at 100% ambient  Yes  No  
 Odor observed with all odor air inlets closed  Yes  No Time of Measurement: 9:06 (AM) PM  
 Location of Measurement: NE of facility, across RR tracks  
 Odor Detected at: (circle below)

Odorous Air Inlets						
Hole	F	E	D	C	B	A
D/T	2	7	15	31	(170)	350

Wind Speed: 10-14 mph Wind Direction: SW  
 D/T of odor: 170

MEASUREMENTS MUST BE TAKEN NO LESS THAN 15 MINUTES APART

**3<sup>rd</sup> Measurement - Downwind**

Odor observed at 100% ambient  Yes  No  
 Odor observed with all odor air inlets closed  Yes  No Time of Measurement: 9:23 (AM) PM  
 Location of Measurement: NE of facility across from RR-tracks  
 Odor Detected at: (circle below)

Odorous Air Inlets						
Hole	F	E	D	C	B	A
D/T	2	7	15	31	(170)	350

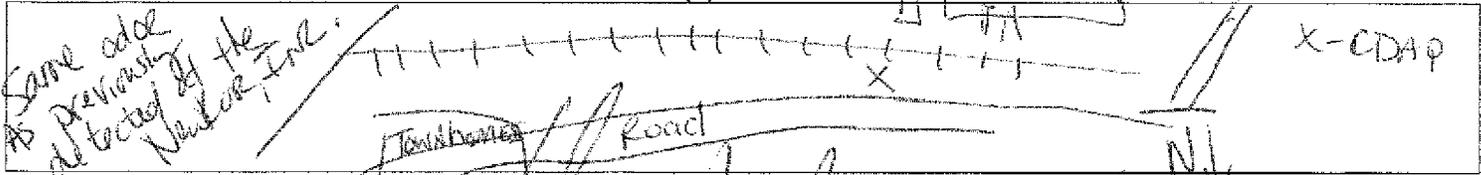
Wind Speed: 8-10 mph Wind Direction: SW  
 D/T of odor: 170

**Upwind Measurement**

Odor observed at 100% ambient  Yes  No Time of Measurement: 5:37 (AM) PM  
 Wind Speed: 10-14 mph Wind Direction: SW  
 Location of Measurement: Behind RR in front of factory near entrance

Complaint initiated? (Yes) No If Yes, Complaint Number: 7844

Additional Comments/Sketch of Measurement Area(s):



Investigator's Signature: [Signature] Date: 11/25/09

Talked w/ Annelle  
Kunder  
after  
Spectrometer  
reading

Resin  
5701 -  
Acetone 50/50 →  
5701 Tybros ptarmic  
phenol 11.5% max  
meth 25%  
CO.5

- products currently using
- stated that Tony Dattilo is still working w/ them. They have tested the resin; the methanol came in ~~at~~ at 13% (not 25% as MSDS says). She has tried to submit applications, but the system won't let her (?). I reiterated that they are still operating w/out permits.

## Shaffer, Valerie

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**From:** Shaffer, Valerie  
**Sent:** Thursday, September 03, 2009 12:25 PM  
**To:** Maline, Larry; Braun, Jim; Hearne, David; Dejanovic, Zorica  
**Cc:** Baker, George  
**Subject:** RE: FW: Certified Letter Response

Jim,

I have not responded back to Jim Orlemann. Eric Yates has been my contact and has been guiding me through this issue with NewKor. Since Jim O. has put this back on us, I'm not sure what we need to do from here. I've asked George to include himself on this issue with NewKor.

Valerie L Shaffer  
Environmental Enforcement Specialist  
Cleveland Division of Air Quality  
75 Erieview Plaza  
Cleveland, OH 44114  
phone: 216/ 664-6292  
email: vshaffer@city.cleveland.oh.us

-----Original Message-----

**From:** Maline, Larry  
**Sent:** Thursday, September 03, 2009 12:15 PM  
**To:** Braun, Jim; Hearne, David; Shaffer, Valerie; Dejanovic, Zorica  
**Subject:** RE: FW: Certified Letter Response

Given the way Mr. Barr has ignored the three NOVs, our request for a corrective action plan after returning his PTIO application, requests for MSDS information, our request to observe the mass balance testing, the request for formulation data for PRM determination and the request for a RACT study, I think we need to have everyone involved (CDAQ, DAPC CO, NewKor/Tony D), get together to discuss where all of this is going.

I am available to talk later today, that's not a problem.

Lawrence M. Maline, Jr.  
Environmental Compliance Specialist

Cleveland Division of Air Quality

Ohio EPA - Agency 13 (Cuyahoga)

75 Erieview Plaza - 2nd Floor | Cleveland, Ohio 44114  
(office) 216-664-3540 | (fax) 216-420-8047 LMaline@city.cleveland.oh.us | www.clevelandhealth.org

-----Original Message-----

**From:** Braun, Jim  
**Sent:** Thursday, September 03, 2009 12:02 PM  
**To:** Hearne, David; Maline, Larry; Shaffer, Valerie; Dejanovic, Zorica

Subject: RE: FW: Certified Letter Response

Did anyone respond to Jim Orlemann regarding his message below?

Do we need to discuss this before responding to both Jim O. and the company?

If needed, I should have some time available this afternoon to discuss.

JB

-----Original Message-----

From: Jim Orlemann [mailto:jim.orlemann@epa.state.oh.us]

Sent: Tuesday, September 01, 2009 3:02 PM

To: Hearne, David; Maline, Larry; Shaffer, Valerie; Dejanovic, Zorica; Jim Braun

Cc: Eric Yates; John Paulian; Stephen Feldmann

Subject: Re: FW: Certified Letter Response

As mentioned in David's letter, we need the % by volume of each constituent in the initial material [before they began to try to reformulate] and the current material. Is someone planning to talk to Mr. Barr to get this information? Also, are they planning to do the RACT study?

>>> "Hearne, David" <DHearne@city.cleveland.oh.us> 8/28/2009 1:42 PM >>>

FYI

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From: Gordon Barr [mailto:gbarr@newkor.com]

Sent: Friday, August 28, 2009 1:01 PM

To: Hearne, David

Subject: Certified Letter Response

Dear David,

Thanks for working with us. In response to your letter dated August 19, 2009 we would like to address the information that you requested.

1). We do not employ any cleanup material. What comes off the cores after the dipping process is streamed right back into the tanks and consistently recycled.

2). In late July we hired a consultant for Newkor, Inc., Anthony Dattilo from EnviroMatrix, Inc. He has been very helpful as we work towards compliance.

3). Newkor's VOC emission consisted of two different products combined together to create our phenolic resin solution that we use to manufacture paint rollers. The first alcohol solution was made up of 70% IPA and 30% Methanol. We were told by Adrienne LaFarve that if we able to use a 92.5% IPA / 7.5% Methanol we would be in compliance. Over a three month test intensive /expensive process we reformulated.

This was a mistake on Adrienne's part. This action that we spent so much time on did not bring us in compliance. We came to understand that since they are both Methanol and IPA are VOC's we would not be in compliant with that blend.

In response, we have changed to a 100% Acetone solution. We have been testing this solution with our current resin blend. The acetone seems to be working however it is more expensive. However, we

understand acetone is a NON-VOC and we would be able to emit that solution.

The second half of our blend is our saturating resin. Our current blend consists of the following Methanol @ 25% max.

Phenol @ 11.5 max.

Formaldehyde @ less than 0.5%

We have begun testing with a new phenolic resin. The chemical name and formula is as follows:

Phenolic Resin

Phenol @ 17% max.

Methyl alcohol @ 11% max.

Formaldehyde @ 1% max.

The initial testing with the above formula has proven inconclusive at this point. We are continuing with the testing as well as receiving new formulas in to be tested.

If you have any questions or need more information please let me know.

We appreciate your time and attention to this matter.

Sincerely

Gordon L. Barr

Newkor, Inc.

Phone: 216-631-7800

**Shaffer, Valerie**

**From:** Hearne, David  
**Sent:** Friday, August 28, 2009 1:42 PM  
**To:** Maline, Larry; Dejanovic, Zorica; Shaffer, Valerie; Jim Orlemann; 'john.paulian@epa.state.oh.us'; 'Eric Yates'; 'stephen.feldmann@epa.state.oh.us'  
**Subject:** FW: Certified Letter Response

FYI

**From:** Gordon Barr [mailto:gbarr@newkor.com]  
**Sent:** Friday, August 28, 2009 1:01 PM  
**To:** Hearne, David  
**Subject:** Certified Letter Response

*response to 8/19/09,  
letter*

Dear David,

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The second half of our blend is our saturating resin. Our current blend consists of the following  
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 Phenol @ 11.5 max.  
 Formaldehyde @ less than 0.5%

We have begun testing with a new phenolic resin. The chemical name and formula is as follows:  
 Phenolic Resin

Phenol @ 17% max.  
 Methyl alcohol @ 11% max.  
 Formaldehyde @ 1% max.

The initial testing with the above formula has proven inconclusive at this point. We are continuing with the testing as well as receiving new formulas in to be tested.

8/28/2009

If you have any questions or need more information please let me know.

We appreciate your time and attention to this matter.

Sincerely

Gordon L. Barr  
Newkor, Inc.  
Phone: 216-631-7800