



**Environmental
Protection Agency**

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

Re: Erie County
AutoGate
Notice of Violation (NOV/non-HPV)

October 16, 2012

CERTIFIED MAIL

Mr. Don Rodwancy, Vice President
AutoGate
7306 Drive Road
P. O. Box 50
Berlin Heights, Ohio 44814

Dear Mr. Rodwancy:

This letter shall serve as a follow-up to the inspection conducted on October 4, 2012, of AutoGate by Miranda Garlock and Chad Winebrenner of the Division of Air Pollution Control (DAPC). Because a review of the general Erie County files indicated DAPC had no information regarding potential emissions from your facility operations and the subsequent observance of three stacks on the facility's rooftop, DAPC conducted an unannounced inspection. The purpose of this inspection was to determine the compliance status of any potential air contaminant emissions units located at the facility with the rules and regulations of the DAPC.

It is our understanding that the facility manufactures Vertical Pivot Lift gates and associated operating systems. The facility operates approximately 10 hours a day, five days a week for a total of 269 days or 2,690 hours a year. Facility operations include metal fabrication, welding, grinding, and painting. There are a total of four welding/grinding stations located within the fabrication shop and two separate paint booths. One paint booth is used on a daily basis as part of the facility's operations. The second paint booth is an older paint booth which is currently being remodeled for temporary use during the replacement of the current paint booth. It is anticipated that the current paint booth will be removed in November 2012, and replaced with a new booth which will handle mostly water based paints and will be equipped with a down draft system. The current paint booth utilizes a 16,000-18,000 cfm exhaust fan under negative pressure which is vented to two stacks on the roof top which have stack-in-stack rain guards. The temporary paint booth ventilates to one stack on the roof top which has a china hat shaped rain guard. Both booths are equipped with dry filtration. The facility estimates that it produces between 280 and 320 lift gate units and associated operating systems in one year and utilizes approximately 1,000 gallons or less of all paints, solvents, and other coatings per year.

Based upon our inspection of the facility and our discussion with you on October 4, 2012, the following was noted:

1. During the site visit on October 4, 2012, the following air emissions sources were identified:

- the current paint booth equipped with dry filtration and two vent stacks
- the temporary paint booth equipped with dry filtration and one vent stack
- four welding/grinding stations located within the fabrication shop which are not vented or controlled.

Some sources of air pollution are exempt from obtaining air permits because the air emissions from these sources are low or below “de minimis” amounts as defined in Ohio Administrative Code (OAC) rule 3745-15-05. A company claiming a “de minimis” exemption is not required to provide notification to the Ohio EPA; however, the company must maintain records demonstrating that the source meets the exemption and actual emissions do not exceed “de minimis” thresholds. Other sources are specifically listed as exempt sources in Ohio’s air pollution control regulations under OAC 3745-31-03(A). A company claiming a permanent exemption under this rule is not required to provide notification to the Ohio EPA.

A Permit by Rule (PBR) is a specific permit provision in the OAC that applies to certain types of low-emitting air pollution sources. Companies may use the PBR in place of a formal air pollution permit. It should be noted that upon further review of the available PBR provisions, your facility’s operations do not qualify for a PBR as previously suggested during the inspection. PBRs are developed for specific industries and the only type of operations that currently have an approved PBR for paint booth operations is associated with the auto body refinishing industry.

a. Painting Operations:

The facility’s paint booths do not qualify for a PBR and do not fall under a listed permit exemption in OAC rule 3745-31-03(A). In addition, based upon the quantity of paint materials used and their VOC content, it is believed that air emissions from painting operations would likely exceed “de minimis” levels. Therefore, each paint booth is subject to the rules and regulations under OAC rule 3745-31-02 regarding Permits to Install and Operate (PTIO).

The installation and operation of these emission units prior to obtaining a permit is a violation of OAC rule 3745-31-02 and Ohio Revised Code 3704.05. Therefore, AutoGate is required to submit PTIO applications, emissions Activity Category (EAC) forms, process flow diagrams, and emission calculations for these emissions units in order to correct this administrative violation. These applications will be treated as initial installations and will be assessed applicable fees. A permit application and EAC form can be downloaded from the following link on Ohio EPA’s website: <http://www.epa.ohio.gov/dapc/fops/eacforms.aspx>.

b. Welding Operations:

Welding operations do not fall under a listed permit exemption in OAC rule 3745-31-03(A) and therefore may require an air permit.

Based on the information provided during the investigation it was not clearly ascertained whether the facility's welding operations would qualify for a "de minimis" exemption as defined in OAC rule 3745-15-05 or are subject to the rules and regulations under OAC rule 3745-31-02 regarding PTIO. In order to determine the applicability and compliance with air pollution rules and regulations, it is necessary for AutoGate to submit emission calculations. If emission calculations indicate emissions exceed ten pounds per day, AutoGate will be required to obtain a PTIO for its welding operations.

c. Grinding Operations:

Uncontrolled grinding operations would qualify for a listed permit exemption in OAC rule 3745-31-03(A)(z) if grinding operations had no visible emissions, vent to the inside of the building, and emit less than ten pounds per day. Upon inspection, no visible emissions were noted from the grinding operations and these operations are vented to the inside of the building. In order to determine the applicability and compliance with air pollution rules and regulations, it is necessary for AutoGate to submit emission calculations. If emission calculations indicate emissions are below ten pounds per day, AutoGate will not be required to obtain a PTIO because the specifications of the permit exemption under 3745-31-03(A)(z) would be satisfied.

2. As discussed during the inspection, the temporary paint booth is equipped with a vertical stack that has a china hat type rain guard. It is important that a rain guard not prevent or hinder the vertical (upward) discharge of the exhaust stream. The china hat rain guard stops the upward flow of the exhaust steam thus not allowing for the upward dispersion of pollutants which reduces impacts and odor nuisances. Examples of acceptable rain guards were provided to you in an email sent from Ms. Garlock on October 5, 2012.
3. AutoGate indicated that a new paint booth would be installed by November 2012. AutoGate is reminded that the installation and operation of this emission unit prior to obtaining a permit would be in direct violation of OAC rule 3745-31-02 and Ohio Revised Code 3704.05, unless emission calculations can demonstrate emissions fall below de minimis levels.
4. The Ohio EPA has several divisions, the information AutoGate supplied on October 5, 2012, pertains to the facility's hazardous waste ID number assigned to the facility by the Division of Material and Waste Management (DMWM). This number is different from an air pollution facility ID number (ten digits) which will be assigned to the facility during the permitting process.

Please note that the Ohio EPA has an Office of Compliance Assistance and Pollution Prevention (OCAPP) that may be able to assist you in coming into compliance with the rules and regulations of DAPC. This is a free service and additional information about this office can be found at <http://www.epa.ohio.gov/ocapp> or by calling OCAPP at 1-800-329-7518.

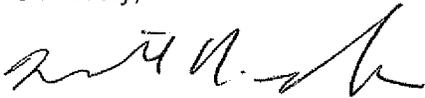
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The OCAPP representative at the Northwest District Office is Mr. Ron Nabors and he can be reached at (419) 373-3147 or at ron.nabors@epa.state.oh.us.

AutoGate is required to submit the information detailed above no later than **November 7, 2012**. Please be advised that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC Section 3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a late date.

Should you have any questions or comments concerning this letter, please feel free to contact me at (419) 373-3069 or electronically at Miranda.Garlock@epa.ohio.gov.

Sincerely,



Miranda R. Garlock
Division of Air Pollution Control

/llr

pc: Certified Mail Receipt Number 7009 1410 0001 1834 4942

ec: Miranda Garlock, NWDO, DAPC
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