UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 13 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Theodore Ladd
Plant Manager, Barberton Plant
PPG Industries, Inc.
4829 Fairland Road
Barberton, OH 44203

Dear Mr. Ladd:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves PPG Industries, Inc., docket no. **CAA-05-2016-0021**. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on April 13, 2016.

Pursuant to paragraph 125 of the CAFO, PPG Industries, Inc., must pay the civil penalty within 30 days of the filing date. Your check must display the case name and docket number.

Please direct any questions regarding this case to Christine Liszewski, Associate Regional Counsel, (312) 886-4670.

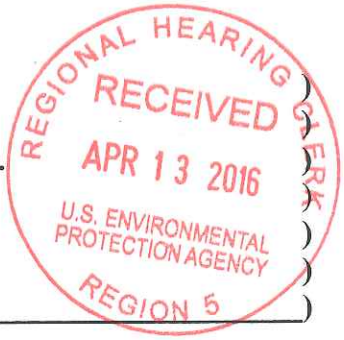
Sincerely,

Sarah Marshall, Chief
Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Christine Liszewski /C-14J
Robert Hodanbosi, Ohio EPA
James Kavalec, Ohio EPA
Sam Rubens, Akron Regional Air Quality Management District

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:	**Docket No. CAA-05-2016-0021**
PPG Industries, Inc. **Barberton, Ohio**	**Proceeding to Assess a Civil Penalty Under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d)**
Respondent.	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is PPG Industries, Inc. (PPG), a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents, without any concession of liability or admission of fact or law except as provided in paragraph 7 below, to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations and findings of violation in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

State Implementation Plan

9. On February 23, 1995, EPA approved Ohio Administrative Code (OAC) 3745-21-10(C). This rule became effective as part of the federally enforceable State Implementation Plan (SIP) for the State of Ohio on May 22, 1995. 60 Fed. Reg. 15241 (March 23, 1995). On July 8, 2009, EPA approved OAC 3745-21-10. This rule became effective as part of the federally enforceable SIP for the State of Ohio on August 27, 2009. 74 Fed. Reg. 37173 (July 28, 2009). OAC 3745-21-10(C) specifies the method for the determination of Volatile Organic Compound (VOC) concentration, VOC mass emission rate, and VOC control equipment efficiency.

10. The Ohio SIP at OAC 3745-21-10(C)(3)(a) provides, in pertinent part, that the source shall be operated at or near maximum operating capacity during any testing.

11. The Ohio SIP at OAC 3745-21-10(C)(3)(g) provides, in pertinent part, that for gas streams tested by EPA Method 25 or 25A, the VOC emission rate shall be based upon the average of three test runs.

12. On August 4, 2011, EPA approved OAC 3745-21-07(M), with an effective date of September 19, 2011, as part of the federally enforceable SIP for the State of Ohio. 76 Fed. Reg. 51901 (Aug. 19, 2011). OAC 3745-21-07(M) provides facility-specific control requirements for operations using liquid organic materials.

13. The Ohio SIP at OAC 3745-21-07(M)(1) states, in part, that Emission Unit P098 at the PPG Industries, Barberton Plant is subject to the control requirements of paragraph (M)(2) of this rule.

14. The Ohio SIP at OAC 3745-21-07(M)(2) requires that emission units identified in paragraph (M)(1) of the rule be equipped with a control system that reduces organic compound emissions from the emission unit by at least eighty-five per cent, by weight, or, if the reductions are achieved by incineration, oxidizes ninety percent or more of the carbon in the organic material to carbon dioxide.

Federally Enforceable State Permits to Install

15. On January 22, 2003, EPA approved OAC Rule 3745-31-05 as part of the federally-enforceable Ohio SIP with an effective date of March 10, 2003. 68 Fed. Reg. 2909.

16. OAC Rule 3734-31-05 authorizes the Ohio Environmental Protection Agency (Ohio EPA) to, among other things, issue federally-enforceable Permits-to-Install (PTI) with such terms and conditions as are necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality.

South Plant PTI

17. On April 8, 2010, Ohio EPA issued a PTI (Permit Number P0106015) to PPG for emission unit P098 (Chloroformate Plant) with an effective date of April 8, 2010 (2010 Chloroformate Plant PTI).

18. The emission limitations for the Chloroformate Plant at C.1.b)(1)a. of the 2010 Chloroformate PTI specify that organic materials emissions shall not exceed 2.00 pounds per hour (lbs/hr).

19. The control requirements for the Chloroformate Plant at C.1.b)(1)b. of the 2010 Chloroformate PTI require an 85% overall organic compound control efficiency, by weight; however, if incineration is used to reduce emissions, a 90% destruction efficiency is required.

Teslin Plant PTI

20. On September 27, 2007, Ohio EPA issued PTI Number 16-02500 for the construction of Teslin Line 4 (2007 Teslin PTI) to PPG.

21. The testing requirements for Teslin Line 4 (P115) at Part III.A.V.1.c.xii of the 2007 Teslin PTI specify that when testing for compliance with the emission limitation of 90% reduction of trichloroethylene (TCE), the overall removal efficiency (RE) shall be calculated daily as follows:

$$RE(\%) = \frac{R_{\text{AVG DAILY}}}{R_{\text{AVG DAILY}} + \frac{E_{\text{TOT30}}}{30}} \times 100$$

22. The testing requirements for Teslin Line 4 (P115) at Part III.A.V.1.c.iii. of the 2007 Teslin PTI specify that when testing for compliance with the emission limitation of 90% reduction of TCE, the total air emissions as a rolling 30-day summation (E_{TOT30}) shall be calculated daily using the current day emissions plus the previous 29 days.

23. The testing requirements for Teslin Line 4 (P115) at Part III.A.V.1.c.iv. of the 2007 Teslin PTI specify that when testing for compliance with the emission limitation of 90% reduction of TCE, the point source emissions as a rolling 30-day summation (E_{ADS30}) shall be calculated daily using the current day emissions plus the previous 29 days.

24. The testing requirements for Teslin Line 4 (P115) at Part III.A.V.1.c.x. of the 2007 Teslin PTI specify that when testing for compliance with the emission limitation of 90%

reduction of TCE, the TCE recovered from the carbon adsorber as a rolling 30-day total (R_{30}) shall be calculated daily using the current day emissions plus the previous 29 days.

25. The testing requirements for Teslin Line 4 (P115) at Part III.A.V.1.c.i. of the 2007 Teslin PTI specify that, when testing for compliance with the emission limitation of 90% reduction for TCE, daily point source emissions (E_{ADS}) shall be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

26. The testing requirements for Teslin Line 4 (P115) at Part III.A.V.1.e.i. of the 2007 Teslin PTI specify that, when testing for compliance with the emission limitation of 39.4 tons per year of TCE/Organic Compounds (OC), annual emissions shall be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

27. The testing requirements for Teslin Line 4 (P115) at Part III.A.V.1.f.i. of the 2007 Teslin PTI specify that, when testing for compliance with the emission limitation of 9.0 pounds per hour TCE/OC, combined stack and fugitive emissions shall be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

28. The testing requirement for Teslin Line 4 (P115) at Part III.A.V.2.a. of the 2007 Teslin PTI specifies that emission testing must be conducted within three months after the startup of Teslin Line 4.

Title V Permit Program

29. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to the EPA a permit program meeting the requirements of Title V.

30. On August 15, 1995, EPA approved the State of Ohio operating permit program with an effective date of October 1, 1995. *See* 60 Fed. Reg. 42045.

31. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

Teslin Plant Title V Permits

32. On November 21, 2005, Ohio EPA issued a Title V permit to PPG for the Teslin Plant (2005 Teslin Permit). On May 2, 2012, Ohio EPA issued Title V Permit Number P0106487 to PPG for the Teslin Plant (Current Teslin Permit).

33. The testing requirements for Teslin Line 2 (P110) at C.1.f)(1)b.xii of the Current Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of OC, the overall RE shall be calculated daily as follows:

$$RE(\%) = \frac{R_{\text{AVG DAILY}}}{R_{\text{AVG DAILY}} + \frac{E_{\text{TOT30}}}{30}} \times 100$$

34. The testing requirements for Teslin Line 3 and Line 4 (P114 and P115) at C.2.f)(1)f.xii. of the Current Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of TCE, the overall RE shall be calculated daily as follows:

$$RE(\%) = \frac{R_{\text{AVG DAILY}}}{R_{\text{AVG DAILY}} + \frac{E_{\text{TOT30}}}{30}} \times 100$$

35. The testing requirements for Teslin Line 2 (P110) at Part III.A.V.1.c.11. of the 2005 Teslin Permit, specify that when testing for compliance with the emission limitation of 90% reduction of OC, the overall RE shall be calculated daily as follows:

$$RE(\%) = \frac{R_{\text{AVG DAILY}}}{R_{\text{AVG DAILY}} + \frac{E_{\text{TOT30}}}{30}} \times 100$$

36. The testing requirements for Teslin Line 3 (P114) at Part III.A.V.1.c.xi. of the 2005 Teslin Permit, specify that when testing for compliance with the emission limitation of 90% reduction of TCE, the overall RE shall be calculated daily as follows:

$$RE(\%) = \frac{R_{\text{AVG DAILY}}}{R_{\text{AVG DAILY}} + \frac{E_{\text{TOT30}}}{30}} \times 100$$

37. The testing requirements for Teslin Line 2 (P110) at Part III.A.V.1.c.3. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of OC, the total air emissions as a rolling 30-day summation (E_{TOT30}) shall be calculated daily using the current day emissions plus the previous 29 days.

38. The testing requirements for Teslin Line 2 (P110) at Part III.A.V.1.c.4. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of OC, the point source emissions as a rolling 30-day summation (E_{ADS30}) shall be calculated daily using the current day emissions plus the previous 29 days.

39. The testing requirements for Teslin Line 2 (P110) at Part III.A.V.1.c.9. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of OC, the TCE recovered from the carbon adsorber as a rolling 30-day summation (R_{30}) shall be calculated daily using the current day emissions plus the previous 29 days.

40. The testing requirements for Teslin Line 2 (P110) at Part III.A.V.1.d.2. of the 2005 Teslin Permit specify that when testing for compliance with the stack emission limitation of 0.8 pounds per hour of OC and 3.5 tons per year of OC, the point source emissions as a rolling 30-day summation (E_{ADS30}) shall be calculated daily using the current day emissions plus the previous 29 days.

41. The testing requirements for Teslin Line 2 (P110) at Part III.A.V.1.e.3. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 191

pounds per day and 33.8 tons per year of fugitive OC emissions, the total air emissions as a rolling 30-day rolling summation (E_{TOT30}) shall be calculated daily using the current day emissions plus the previous 29 days.

42. The testing requirements for Teslin Line 2 (P110) at Part III.A.V.1.e.4. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 191 pounds per day and 33.8 tons per year of fugitive OC emissions, the point source emissions as a rolling 30-day summation (E_{ADS30}) shall be calculated daily using the current day emissions plus the previous 29 days.

43. The testing requirements for Teslin Line 3 (P114) at Part III.A.V.1.c.iii. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of TCE, the total air emissions as a rolling 30-day rolling summation (E_{TOT30}) shall be calculated daily using the current day emissions plus the previous 29 days.

44. The testing requirements for Teslin Line 3 (P114) at Part III.A.V.1.c.iv. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of TCE, the point source emissions as a rolling 30-day summation (E_{ADS30}) shall be calculated daily using the current day emissions plus the previous 29 days.

45. The testing requirements for Teslin Line 3 (P114) at Part III.A.V.1.c.ix. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 90% reduction of TCE, the TCE recovered from the carbon adsorber as a rolling 30-day total (R_{30}) shall be calculated daily using the current day emissions plus the previous 29 days.

46. The testing requirements for Teslin Line 3 (P114) at Part III.A.V.1.e.iii. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 39.4

tons per year TCE/OC, the total air emissions as a rolling 30-day summation (E_{TOT30}) shall be calculated daily using the current day emissions plus the previous 29 days.

47. The testing requirements for Teslin Line 3 (P114) at Part III.A.V.1.e.iv. of the 2005 Teslin Permit specify that when testing for compliance with the emission limitation of 39.4 tons per year TCE/OC, the point source emissions as a rolling 30-day summation (E_{ADS30}) shall be calculated daily using the current day emissions plus the previous 29 days.

48. The testing requirements for Teslin Line 2 (P110) at C.1(f)(1)a.i. of the Current Teslin Permit specify that, when testing for compliance with the OC emission limitation of 0.8 pounds per hour and 3.5 tons per year, annual emissions shall be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

49. The testing requirements for Teslin Line 2 (P110) at C.1.f)(1)b.i. of the Current Teslin Permit specify that, when testing for compliance with the emission limitation of 90% reduction for OC, the daily point source emissions shall be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

50. The testing requirements for Teslin Line 2 (P110) at C.1.f)(1)c.i. of the Current Teslin Permit specify that, when testing for compliance with the emission limitation of 191 pounds per day and 33.8 tons per year of fugitive OC emissions, compliance shall be demonstrated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

51. The testing requirements for Teslin Line 3 and Line 4 (P114 and P115) at C.2.f)(1)d.i. of the Current Teslin Permit specify that, when testing for compliance with the TCE/OC emission limitation of 9.0 pounds per hour, combined stack and fugitive emissions shall

be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

52. The testing requirements for Teslin Line 3 and Line 4 (P114 and P115) at C.2.f)(1)e.i. of the Current Teslin Permit specify that, when testing for compliance with the TCE/OC emission limitation of 39.4 tons per year, annual emissions shall be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

53. The testing requirements for Teslin Line 3 and Line 4 (P114 and P115) at C.2.f)(1)f.i. of the Current Teslin Permit specify that, when testing for compliance with the emission limitation of 90% reduction of TCE, daily point source emissions shall be calculated using daily point source emissions from the combined operations of Line 2, Line 3 and Line 4.

54. The compliance certification requirements at I.A.12.d. of the 2005 Teslin Permit require PPG to provide an annual compliance certification which identifies, among other things, each term or condition of the permit that is the basis of the certification and whether compliance was continuous or intermittent.

South Plant Title V Permits

55. On November 21, 2005, Ohio EPA issued a Title V permit to PPG for the South Plant (2005 South Plant Permit). On August 17, 2012, Ohio EPA issued Title V Permit Number P0106489 to PPG for the South Plant (Current South Plant Permit).

56. The monitoring and recordkeeping requirements for the Chloroformate Plant (P098) at Part III.A.III.2.a. of the 2005 South Plant Permit specify that the permittee shall collect and record the following information for each day: all 3-hour blocks of time during which the average combustion temperature within the thermal incinerator, when both the emissions unit and control devices are in operation, was more than 50 degrees Fahrenheit below the average

temperature during the most recent emission test that demonstrated the emissions unit was in compliance.

57. The testing requirements for the Chloroformate Plant (P098) at Part III.A.V.1.a. of the 2005 South Plant Permit specify that compliance with the 90% destruction of OC emission limit shall be demonstrated based upon the emission testing specified in section A.V.2.

58. The testing requirements for the Chloroformate Plant (P098) at Part III.A.V.2.a. of the 2005 South Plant Permit specify the emission testing shall be conducted approximately 2.5 years after permit issuance and within 6 months prior to permit expiration.

59. The testing requirements for the Chloroformate Plant (P098) at Part III. A.V.2.d. of the 2005 South Plant Permit specify that the control efficiency of the thermal incinerator (i.e., the percent reduction in mass emissions between the inlet and outlet of the control system) shall be determined in accordance with the test methods and procedures specified in OAC rule 3745-21-10 and that inlet and outlet sampling shall be conducted simultaneously.

60. The emission limitations for the Chloroformate Plant at C.1.b)(1)a. of the Current South Plant Permit specify that organic materials emissions shall not exceed 2.0 lbs/hr.

61. The control requirements for the Chloroformate Plant at C.1.b)(1)b. of the Current South Plant Permit require organic compounds to be reduced by 85% overall control efficiency, by weight; however, if incineration is used to reduce emissions, a 90% destruction efficiency is required.

62. The Administrator of EPA (the Administrator) may assess a civil penalty of up to $37,500 per day of violation up to a total of $295,000 for SIP, PTI and Title V permit violations that occurred after January 12, 2009, through December 6, 2013, and may assess a civil penalty of up to $37,500 per day of violation up to a total of $320,000 for SIP, PTI and Title V permit

violations that occurred after December 6, 2013, under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

63. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

64. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

65. PPG owns and operates three plants at its campus located at 4829 Fairland Road, Barberton, Ohio. The alleged violations in this CAFO are limited to the Teslin Plant and the South Plant (also called the Optical Plant).

66. PPG conducted compliance emission tests at Teslin Lines 2 and 3 (simultaneously) on June 23, 2010, and at Teslin Line 4 on December 2, 2009.

67. On April 29, 2011, PPG submitted a 2010 Title V Compliance Certification for the Teslin Plant to EPA. On April 25, 2012, PPG submitted a 2011 Title V Compliance Certification for the Teslin Plant to EPA.

68. On October 25, 27, and 28, 2004, PPG conducted a performance test at the South Plant thermal incinerator. The purpose of this testing was to determine compliance with the 90% destruction efficiency requirement for OCs at the Chlorformates Plant stack. This performance test did not determine the destruction efficiency of the incinerator.

69. On February 15, 2005, PPG conducted a performance test at the South Plant thermal incinerator. The purpose of this testing was to determine compliance with the 90% destruction efficiency requirement for OCs at the Chlorformates Plant stack. Based on discrepancies of the stated airflow at the inlet and outlet of the incinerator, this performance test did not consist of three valid runs as required by the Ohio SIP at OAC 3745-21-10(C)(3)(g).

70. On October 27, 2010, PPG conducted a performance test at the South Plant thermal incinerator. The purpose of this testing was to determine compliance with the emission limits. During the performance test conducted on October 27, 2010, PPG did not operate at or near maximum operating capacity as required by the Ohio SIP at OAC 3745-21-10(C)(3)(a). During the performance test conducted on October 27, 2010, PPG failed to perform three valid test runs as required by the Ohio SIP at OAC 3745-21-10(C)(3)(g).

71. On October 26, 2012, EPA issued to PPG a CAA Section 114 Information Request (2012 Information Request). PPG provided a response on or about February 13, 2013. PPG's initial response included most but not all of the monitoring records related to the leak detection and repair (LDAR) requirements in the Current Teslin Permit that EPA requested. PPG subsequently discovered the missing LDAR monitoring records and submitted them to EPA on December 6, 2013.

72. On July 10, 2013, EPA issued to PPG a Notice and Finding of Violation (NOV/FOV) alleging, among other things, that PPG violated provisions of the Teslin Permits by not tracking, calculating, and recording emissions as required; that the NDO within the Teslin permanent enclosure did not meet the requirements of the 2005 Teslin Permit and the Current Teslin Permit; and that it violated provisions of its South Plant Permit and the Ohio SIP by failing to perform valid performance tests.

73. On November 5, 2013, representatives of PPG and EPA discussed the July 10, 2013 NOV/FOV.

74. On February 10, 2014, and December 12, 2014, EPA issued CAA Section 114 Information Requests requiring PPG to conduct performance testing at the South Plant and provide additional information. PPG provided responses on March 31, 2014; May 7, 2014; August 1, 2014; and January 21, 2015.

75. On May 27 and 28, 2014, PPG conducted a performance test at the South Plant incinerator and emergency scrubber (May 2014 Performance Test). This test was conducted to satisfy the February 7, 2014 Information Request. The May 2014 Performance Test estimated an average destruction efficiency at the incinerator of greater than 66.14%, a control efficiency at the emergency scrubber of -2,125.4% and an OC emission rate at the emergency scrubber of 3.96 lbs/hr.

76. On October 28 and 29, 2014, PPG conducted a second performance test at the South Plant incinerator and emergency scrubber (October 2014 Performance Test). This test was conducted to demonstrate compliance with applicable limits following plant modifications undertaken in response to the results of the May 2014 Performance Test.

77. The October 2014 Performance Test identified an average destruction efficiency at the incinerator of 77.5%, an average destruction efficiency at the emergency scrubber of 33.8%, and an OC emission rate at the emergency scrubber of 0.24 lbs/hr.

78. In a January 26, 2015, letter to the Ohio EPA, PPG submitted a formal request for an amendment to OAC 3745-21-07(M) to exempt Emission Unit P098 at the South Plant from the percent reduction requirements for organic compounds in that rule.

79. On February 5, 2015, EPA issued to PPG a second NOV/FOV alleging that it had violated Section 114 of the CAA by not providing a complete response to the 2012 Information Request, and that it violated provisions of its PTI, Title V Permit, and the Ohio SIP by exceeding OC emissions limitations at the Chloroformate Plant when the emergency scrubber was being used as the primary pollution control device and by failing to meet control efficiency requirements for the incinerator and the emergency scrubber at the Chloroformate Plant.

Alleged Violations at the Teslin Plant

80. On every day from May 23, 2012, through October 31, 2012, PPG calculated the RE for Teslin Line 2 (P110) using R_{30} (the total TCE recovered from the adsorber over the last 30 days) in place of the $R_{AVG\ DAILY}$ (the daily average amount of TCE recovered from the carbon adsorber) when testing for compliance with the emission limitation of 90% reduction of OC. As a result, all calculated RE values were shown to be 100% rather than reflecting the actual RE. This is a violation of the testing requirements at C.1.f)(1)b.xii. of the Current Teslin Permit.

81. On every day from May 23, 2012, through October 31, 2012, PPG calculated the RE for Teslin Line 3 and Line 4 (P114 and P115) using R_{30} in place of the $R_{AVG\ DAILY}$ when testing for compliance with the emission limitation of 90% reduction of TCE. As a result, all calculated RE values were shown to be 100% rather than reflecting the actual RE. This is a violation of the testing requirements at C.2.f)(1)f.xii. of the Current Teslin Permit.

82. On every day from at least July 1, 2008, through May 22, 2012, PPG calculated the RE for Teslin Line 4 (P115) using R_{30} in place of the $R_{AVG\ DAILY}$ when testing for compliance with the emission limitation of 90% reduction of TCE. As a result, all calculated RE values were shown to be 100% rather than reflecting the actual RE. This is a violation of the testing requirements at Part III.A.V.1.c.xii of the 2007 Teslin PTI.

83. On every day from at least July 1, 2008, through May 22, 2012, PPG calculated the RE for Teslin Line 2 (P110) using R_{30} in place of the $R_{AVG\ DAILY}$ when testing for compliance with the emission limitation of 90% reduction of OC. As a result, all calculated RE values were shown to be 100% rather than reflecting the actual RE. This is a violation of the testing requirements at Part III.A.V.1.c.11. of the 2005 Teslin Permit.

84. On every day from at least July 1, 2008, through May 22, 2012, PPG calculated the RE for Teslin Line 3 (P114) using R_{30} in place of the $R_{AVG\ DAILY}$ when testing for compliance with the emission limitation of 90% reduction of OC. As a result, all calculated RE values were shown to be 100% rather than reflecting the actual RE. This is a violation of the testing requirements at Part III.A.V.1.c.xi. of the 2005 Teslin Permit.

85. On every day from January 1, 2012, through January 29, 2012, PPG calculated the total emissions as a rolling 30-day summation (E_{TOT30}) using data from December 2010 when testing for compliance with emission limitation of 90% reduction of OC for Teslin Line 2 (P110). This is a violation of the testing requirements at Part III.A.V.1.c.3. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

86. On every day from January 1, 2012, through January 29, 2012, PPG calculated the point source emissions as a rolling, 30-day summation (E_{ADS30}) using data from December 2010 when testing for compliance with the emission limitation of 90% reduction of OC for Teslin Line 2 (P110). This is a violation of the testing requirements at Part III.A.V.1.c.4. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

87. On every day from January 1, 2012, through January 29, 2012, PPG calculated the TCE recovered from the adsorber as a rolling 30-day total (R_{30}) using data from December 2010 when testing for compliance with the emission limitation of 90% reduction of OC for Teslin Line 2 (P110). This is a violation of the testing requirements at Part III.A.V.1.c.9. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

88. On every day from January 1, 2012, through January 29, 2012, PPG calculated the point source emissions as a rolling, 30-day summation (E_{ADS30}) using data from December 2010 when testing for compliance with the emission limitation of 0.8 pounds per hour of OC and 3.5 tons per year of OC for Teslin Line 2 (P110). This is a violation of the testing requirements at Part III.A.V.1.d.2. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

89. On every day from January 1, 2012, through January 29, 2012, PPG calculated the total emissions as a rolling 30-day summation (E_{TOT30}) using data from December 2010 when testing for compliance with the emission limitation of 191 pounds per day and 33.8 tons per year of fugitive OC emissions for Teslin Line 2 (P110). This is a violation of the testing requirements at Part III.A.V.1.e.3. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

90. On every day from January 1, 2012, through January 29, 2012, PPG calculated the point source emissions as a rolling, 30-day summation (E_{ADS30}) using data from December 2010 when testing for compliance with the emission limitation of 191 pounds per day and 33.8 tons per year of fugitive OC emissions for Teslin Line 2 (P110). This is a violation of the testing

requirements at Part III.A.V.1.e.4. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

91. On every day from January 1, 2012, through January 29, 2012, PPG calculated the total emissions as a rolling 30-day summation (E_{TOT30}) using data from December 2010 when testing for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 3 (P114). This is a violation of the testing requirements at Part III.A.V.1.c.iii. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

92. On every day from January 1, 2012, through January 29, 2012, PPG calculated the point source emissions as a rolling, 30-day summation (E_{ADS30}) using data from December 2010 when testing for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 3 (P114). This is a violation of the testing requirements at Part III.A.V.1.c.iv. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

93. On every day from January 1, 2012, through January 29, 2012, PPG calculated the TCE recovered from the adsorber as a rolling 30-day total (R_{30}) using data from December 2010 when testing for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 3 (P114). This is a violation of the testing requirements at Part III.A.V.1.c.ix. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

94. On every day from January 1, 2012, through January 29, 2012, PPG calculated the total emissions as a rolling 30-day summation (E_{TOT30}) using data from December 2010 when testing for compliance with the emission limitation of 39.4 tons per year of TCE/ OC emissions

for Teslin Line 3 (P114). This is a violation of the testing requirements at Part III.A.V.1.e.iii. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

95. On every day from January 1, 2012, through January 29, 2012, PPG calculated the point source emissions as a rolling, 30-day summation (E_{ADS30}) using data from December 2010 when testing for compliance with the emission limitation of 39.4 tons per year of TCE/ OC emissions for Teslin Line 3 (P114). This is a violation of the testing requirements at Part III.A.V.1.e.iv. of the 2005 Teslin Permit which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

96. On every day from January 1, 2012, through January 29, 2012, PPG calculated the total emissions as a rolling 30-day summation (E_{TOT30}) using data from December 2010 when testing for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 4 (P115). This is a violation of the testing requirements at Part III.A.V.1.c.iii. of the 2007 Teslin PTI which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

97. On every day from January 1, 2012, through January 29, 2012, PPG calculated the point source emissions as a rolling, 30-day summation (E_{ADS30}) using data from December 2010 when testing for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 4 (P115). This is a violation of the testing requirements at Part III.A.V.1.c.iv. of the 2007 Teslin PTI which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

98. On every day from January 1, 2012, through January 29, 2012, PPG calculated the TCE recovered from the adsorber as a rolling 30-day total (R_{30}) using data from December

2010 when testing for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 4 (P115). This is a violation of the testing requirements at Part III.A.V.1.c.x. of the 2007 Teslin PTI which specify that a rolling 30-day summation shall be calculated daily using the current day emissions plus the previous 29 days.

99. On every day from May 23, 2012, to October 31, 2012, PPG calculated daily emissions for compliance with the emission limitation of 0.8 pounds per hour and 3.5 tons per year for Teslin Line 2 (P110) using the emission factor generated during the stack test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at C.1.f)(1)a.i. of the Current Teslin Permit.

100. On every day from May 23, 2012, to October 31, 2012, PPG calculated daily emissions for compliance with the emission limitation of 90% reduction of OC for Teslin Line 2 (P110) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at C.1.f)(1)b.i. of the Current Teslin Permit.

101. On every day from May 23, 2012, to October 31, 2012, PPG calculated daily emissions for compliance with the emission limitation of 191 pounds per day and 33.8 tons per year of fugitive OC emissions for Teslin Line 2 (P110) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in

violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at C.1.f)(1)c.i. of the Current Teslin Permit.

102. On every day from May 23, 2012, to October 31, 2012, PPG calculated daily emissions for compliance with the emission limitation of 9.0 pounds per hour of TCE/OC for Teslin Line 3 and Line 4 (P114 and P115) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at C.2.f)(1)d.i. of the Current Teslin Permit.

103. On every day from May 23, 2012, to October 31, 2012, PPG calculated daily emissions for compliance with the emission limitation of 39.4 tons per year of TCE/OC for Teslin Line 3 and Line 4 (P114 and P115) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at C.2(f)(1)e.i. of the Current Teslin Permit.

104. On every day from May 23, 2012, to October 31, 2012, PPG calculated daily emissions for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 3 and Line 4 (P114 and P115) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at C.2.f)(1)f.i. of the Current Teslin Permit.

105. On every day from June 23, 2010, to May 22, 2012, PPG calculated daily emissions for compliance with the emission limitation of 90% reduction of TCE for Teslin Line 4 (P115) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at Part III.A.V.1.c.i. of the 2007 Teslin PTI.

106. On every day from June 23, 2010, to May 22, 2012, PPG calculated daily emissions for compliance with the emission limitation of 39.4 tons per year of TCE/OC for Teslin Line 4 (P115) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at Part III.A.V.1.e.i. of the 2007 Teslin PTI.

107. On every day from June 23, 2010, to May 22, 2012, PPG calculated daily emissions for compliance with the emission limitation of 9.0 pounds per hour TCE/OC for Teslin Line 4 (P115) using only the emission factor generated during the test for Lines 2 and 3 performed on June 23, 2010. This emission factor does not reflect the actual stack emissions from the facility when all three lines are operating and is in violation of the testing requirement to calculate daily point source emissions from the combined operations of Line 2, Line 3 and Line 4 at Part III.A.V.1.f.i. of the 2007 Teslin PTI.

108. PPG began operating Teslin Line 4 on June 1, 2009, and performed the first compliance test on December 2, 2009, over six months after beginning operations. This is a

violation of the testing requirement to conduct emission testing within three months after the startup of Teslin Line 4 (P115) at III.A.V.2.a. of the 2007 Teslin PTI.

109. In the annual compliance certifications submitted to EPA for the years 2010 and 2011, PPG failed to identify the above listed instances of noncompliance with permit requirements in violation of the compliance certification requirements at I.A.12.d. of the 2005 Teslin Permit.

110. PPG failed to provide all records responsive to EPA's First Information Request issued on October 26, 2012, in violation of Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

Alleged Violations at the South Plant

111. By not performing valid performance tests during testing in 2004 and 2005, PPG could not collect and record temperature data from the incinerator for periods when the average temperature was more than 50 degrees Fahrenheit below the average temperature during the most recent emission test that demonstrated the emission unit was in compliance. This is a violation of the monitoring and recordkeeping requirements for the Chloroformate Plant (P098) at Part III.A.III.2.a. of the 2005 South Plant Permit from at least July 1, 2008, to October 27, 2010.

112. By not operating at or near maximum operating capacity during the performance test conducted on October 27, 2010, PPG violated the Ohio SIP at OAC 3745-21-10(C)(3)(a).

113. By not performing three valid test runs during the performance test conducted on October 27, 2010, PPG violated the Ohio SIP at OAC 3745-21-10(C)(3)(g).

114. By not conducting a valid performance test on October 27, 2010, PPG violated the testing requirements for the Chloroformate Plant (P098) to conduct emission testing

approximately 2.5 years after permit issuance and within 6 months of permit expiration at Part III.A.V.2.a. of the 2005 South Plant Permit.

115. By not performing a valid performance test during testing in 2010, PPG could not collect and record temperature data from the incinerator for periods when the average temperature was more than 50 degrees Fahrenheit below the average temperature during the most recent emission test that demonstrated the emission unit was in compliance. This is a violation of the monitoring and recordkeeping requirements for the Chloroformate Plant (P098) at Part III.A.III.2.a. of the 2005 South Plant Permit from October 28, 2010, to September 7, 2012.

116. The destruction efficiency of the incinerator controlling emissions of organic compounds from the Chloroformate Plant has been less than 90% from September 19, 2011, to the present, in violation of the Ohio SIP at OAC 3745-21-07(M)(2).

117. The control efficiency of the emergency scrubber controlling emissions of organic compounds from the Chloroformate Plant has been less than 85% from September 19, 2011, to the present, in violation of the Ohio SIP at OAC 3745-21-07(M)(2).

118. Organic compound emissions from the Chloroformate Plant exceeded 2.00 lbs/hr when the emergency scrubber acted as the primary pollution control device on 47 days from April 16, 2010, through August 29, 2012, in violation of C.1.b)(1)a. of the 2010 PTI.

119. Organic compound emissions from the Chloroformate Plant exceeded 2.00 lbs/hr when the emergency scrubber acted as the primary pollution control device on 63 days from September 10, 2012, to October 26, 2014, in violation of C.1.b)(1)a. of the Current South Plant Permit.

120. The destruction efficiency of the incinerator controlling emissions of organic compounds from the Chloroformate Plant was less than 90% from April 8, 2010, through September 6, 2012, in violation of C.1.b)(1)b. of the 2010 PTI.

121. The destruction efficiency of the incinerator controlling emissions of organic compounds from the Chloroformate Plant was less than 90% from September 7, 2012, to the present, in violation of C.1.b)(1)b. of the Current South Plant Permit.

122. The control efficiency of the emergency scrubber controlling emissions of organic compounds from the Chloroformate Plant was less than 85% from April 16, 2010, through August 29, 2012, in violation of C.1.b)(1)b. of the 2010 PTI.

123. The control efficiency of the emergency scrubber controlling emissions of organic compounds from the Chloroformate Plant was less than 85% from September 7, 2012, to the present, in violation of C.1.b)(1)b. of the Current South Plant Permit.

Civil Penalty

124. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case and cooperation, Complainant has determined that an appropriate civil penalty to settle this action is $137,500.

125. Within 30 days after the effective date of this CAFO, Respondent must pay a $137,500 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The check must note Respondent's name and the docket number of this CAFO.

126. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Christine Liszewski (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

127. This civil penalty is not deductible for federal tax purposes.

128. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

129. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This

nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

130. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: liszewski.christine@epa.gov (for Complainant), and rbrubaker@porterwright.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

131. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

132. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

133. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 131, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

134. Respondent certifies that it is complying fully with the testing requirements in the Current Teslin Permit and the 2007 Teslin PTI, with the testing requirements in the Ohio SIP at OAC 3745-21-10(C)(3)(a) and (g), with the mass emission limits for organic compounds in the 2010 Chloroformate Plant PTI and Current South Plant Permit, and with the control and testing requirements for the Chloroformate Plant in the Current South Plant Permit.

135. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

136. The terms of this CAFO bind Respondent, its successors and assigns.

137. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

138. Each party agrees to bear its own costs and attorneys fees in this action.

139. This CAFO constitutes the entire agreement between the parties.

PPG Industries, Inc., Respondent

3/18/2016
Date

Theodore Ladd
Plant Manager, Barberton Plant
PPG Industries, Inc.

United States Environmental Protection Agency, Complainant

4/8/16
Date

George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

4-8-16
Date

Robert A. Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: PPG Industries, Inc., Barberton Plant
Docket Number: **CAA-05-2016-0021**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number **CAA-05-2016-0021**, which was filed on April 13, 2016, in the following manner to the following addressees:

Copy by Certified Mail to Respondent:	Theodore Ladd Plant Manager, Barberton Plant PPG Industries, Inc. 4829 Fairland Road Barberton, OH 44203
Copy by E-mail to Attorney for Complainant:	Christine Liszewski liszewski.christine@epa.gov
Copy by E-mail to Attorney for Respondent:	Robert Brubaker rbrubaker@porterwright.com
Copy by E-mail to Regional Judicial Officer:	Ann Coyle coyle.ann@epa.gov

Dated: April 13, 2016

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2640 6745