

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
R.R. Donnelley & Sons Company) **NOTICE OF VIOLATION**
Willard, Ohio)
) **EPA-5-00-OH-07**
Proceedings Pursuant to)
Section 113 of the Clean Air Act,)
42 U.S.C. § 7413)

NOTICE OF VIOLATION

Pursuant to Section 113(a) (1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a) (1), the State of Ohio and R.R. Donnelley & Sons Company ("R.R. Donnelley") are hereby notified that the Administrator of the United States Environmental Protection Agency ("U.S. EPA"), by authority duly delegated to the undersigned, finds R.R. Donnelley, at its facility located in Willard, Ohio, in violation of Parts C and D of the Act, 40 C.F.R. § 52.21 and the Ohio State Implementation Plan ("SIP") adopted under the Act.

Specifically, R.R. Donnelley is in violation of Section 165(a) of the Act, 40 C.F.R. § 52.21 and Sections 3745-31-02, and 3745-35-02 of the Ohio Administrative Code ("OAC") by failing to obtain New Source Review (NSR) and/or Prevention of Significant Deterioration (PSD) permits, as required, prior to constructing and operating major modifications to an existing major emitting facility and failing to comply with an emission standard contained in an operating permit.

REGULATORY BACKGROUND

1. The Clean Air Act was enacted in 1970 (and amended in 1977 and 1990) to address the growing health and environmental problems caused by air pollution. Section 109 of the Act, 42 U.S.C. § 7409, required the Administrator of EPA to publish national ambient air quality standards ("NAAQS") for air pollutants. The NAAQS establish primary air quality standards to protect the public health and secondary standards to protect the public welfare.
2. The NAAQS include primary and secondary standards for, among other pollutants, ozone (includes volatile organic compounds or organic compounds ["VOC" or "OC"]) and particulate matter.
3. Section 110(a) of the Act, 42 U.S.C. § 7410, requires each state to submit to the Administrator for approval a plan that provides for the implementation, maintenance and enforcement of the NAAQS in each air quality control region in the state. These plans are known as State Implementation Plans or "SIPs."

4. Under Section 107(b) of the Act, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality attains the NAAQS, fails to attain the NAAQS, or cannot be classified due to insufficient data (unclassifiable). The Administrator is required to promulgate a list of such areas (with modifications as the Administrator deems necessary) and their attainment status.

PSD Program

5. Part C of Title I of the Act, 42 U.S.C. §§ 7470-7492, set forth provisions for the prevention of significant deterioration of air quality in those areas designated as attaining the NAAQS in order to protect public health and welfare, to assure that economic growth will occur in a manner consistent with the preservation of existing clean air resources, and to assure that any decision to permit increased air pollution is made only after careful evaluation of all of the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decision making process. These statutory provisions and regulations promulgated thereunder are known as the Prevention of Significant Deterioration ("PSD") program.
6. Section 161 of the Act, 42 U.S.C. § 7471, requires states to include provisions in their SIPs that provide for a program that complies with the PSD requirements of Part C of the Act, 42 U.S.C. § 7470-7492, and regulations promulgated thereunder.
7. Section 161 of the Act, 42 U.S.C. § 7471, requires each state to submit, as part of its PSD program, SIP provisions that contain "emission limitations and other such measures as may be necessary ... to prevent significant deterioration of air quality in each region" that is either an attainment or unclassifiable area.
8. The State of Ohio adopted PSD regulations purporting to satisfy the requirements of Part C of the Act, and officially submitted its regulations to EPA for approval into the Ohio SIP. On August 7, 1980, pursuant to Section 110(a) of the Act, 42 U.S.C. § 7410(a), the Administrator of U.S. EPA determined the Ohio SIP did not satisfy the measures required to ensure the prevention of significant deterioration of air quality. As a result, the Administrator disapproved the PSD portion of the Ohio SIP. 40 C.F.R. § 52.1884(a).
9. In Accordance with Section 110(c) of the Act, 42 U.S.C. § 7410(c), and 40 C.F.R. § 52.21(a), the Administrator promulgated a Federal Implementation Plan ("FIP") containing PSD requirements that are applicable to the State of Ohio. These PSD requirements, found at 40 C.F.R. § 52.21(b) through (v), have been incorporated into the federally approved Ohio SIP at 40 C.F.R. § 52.1884(b). Pursuant to 40 C.F.R. § 52.21(u), U.S. EPA has delegated to the State of Ohio the authority to issue PSD permits.

10. The permitting requirements of the Act's PSD program apply to the construction of any "major stationary source," or any "major modification" of such sources, in an area designated as in attainment with a NAAQS or unclassifiable. 40 C.F.R. § 52.21(i) (3). For stationary sources that are not in one of twenty-eight source categories, "major stationary source" is defined under 40 C.F.R. § 52.21(b) (1) (i) (b) as, inter alia , a stationary source that emits or has the potential to emit, 250 tons per year of a regulated pollutant. A significant net emissions increase for ozone is any increase equal to or more than 40 tons per year. 40 C.F.R. § 52.21(b) (23) (i). A significant net emissions increase for particulate matter is any increase equal to or more than 25 tons per year (15 tons per year for PM₁₀). 40 C.F.R. § 52.21(b) (23) (i).
11. Section 165(a) of the Act, 42 U.S.C. § 7475(a), and the federally imposed PSD regulations applicable in Ohio, prohibit the construction of any major stationary source, or the major modification of a major stationary source, within an area designated as being in attainment with the NAAQS or unclassifiable, unless a PSD permit has first been issued for the proposed facility or modification of the facility. 40 C.F.R. § 52.21(i).
12. Section 165(a) of the Act, U.S.C. § 7475(a), and the federally imposed PSD regulations applicable in Ohio, require any new major stationary source or major modification of a major stationary source to apply best available control technology (BACT) for each pollutant subject to regulation under the Act that the facility would have the potential to emit in significant amounts. 40 C.F.R. § 52.21(j).
13. Any owner or operator of a source subject to the PSD regulation who commences construction without applying for and receiving a permit to construct under the PSD regulations shall be subject to an enforcement action, 40 C.F.R. § 52.21(r).
14. 40 C.F.R. § 52.23 provides, among other things, that failure to comply with any approved regulatory provision of a SIP or with any permit condition, or with any permit limitation or condition contained within an operating permit issued under a U.S. EPA-approved program that is incorporated into the State implementation plan, subjects the person or governmental entity, so failing, in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act. 39 FR 33512 (September 18, 1974) as amended at 54 FR 27285, June 28, 1989.

NSR Program

15. Part D of Title I of the Act, 42 U.S.C. §§ 7501-7515, set forth provisions for new source review of air quality in those areas designated as not-

attaining the NAAQS. These statutory provisions and regulations promulgated thereunder are known as the new source review ("NSR") program.

16. Section 172 of the Act, 42 U.S.C. § 7502, requires each state to submit, as part of its NSR program, SIP provisions that provide for the implementation of all reasonably available control measures as expeditiously as practicable and shall provide for attainment of the NAAQS through, inter alia, requiring permits for the construction and operation of new or modified major stationary sources anywhere in the nonattainment area.

17. On July 2, 1979, the U.S. EPA promulgated 40 C.F.R. § 52.24(a), which provides:

After June 30, 1979, no major stationary source shall be constructed or modified in any nonattainment area as designated in 40 C.F.R. part 81, Subpart C (nonattainment area) to which any State implementation plan applies, if the emissions from such source will cause or contribute to concentrations of any pollutant for which a national ambient air quality standard is exceeded in such area, unless, as of the time of application for a permit for such construction, such plan meets the requirements of Part D, Title I, of the Clean Air Act, as amended (42 U.S.C. 7501 et seq.) (Part D). This section shall not apply to any nonattainment area once EPA has fully approved the State implementation plan for the area as meeting the requirements of Part D.

18. The Ohio SIP was federally approved on April 15, 1974. 39 FR 13542 (April 15, 1974). On October 31, 1980, U.S. EPA conditionally approved the State of Ohio's revisions to its NSR SIP in nonattainment areas as meeting the requirement of Part D of the Act. 45 FR 72119 (October 31, 1980).

19. OAC 3745-31-02 provides that no person shall cause, permit, or allow the installation of a new source of air pollutants or permit or allow modification of any source of air pollutants without first applying for and obtaining a permit to install from OEPA. OAC 3745-31-05 provides that the Director of OEPA shall not issue a permit to install unless he determines that installation or modification and operation will not result in a violation of, inter alia, the Act.

20. OAC 3745-35-02 provides that no person shall cause, permit, or allow the operation of any air contaminant source without first applying for and obtaining a permit to operate from OEPA. OAC 3745-35-05 provides that the Director of OEPA shall not issue a permit to operate to a new source unless the applicant demonstrates, inter alia, that the source was constructed or modified in compliance with a permit to install and in compliance with the Act.

21. Section 173(a) (2), 42 U.S.C. § 7503(a) (2) of the Act provides that permits to construct or operate may be issued for new sources or modifications to existing sources in nonattainment areas where, inter alia, the proposed source is required to comply with the lowest achievable emission rate ("LAER").

22. Section 171(3) of the Act, 42 U.S.C. § 7501, provides:

The term "lowest achievable emission rate" means for any source, that rate of emissions which reflects-

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(B) the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under any applicable new source standards of performance.

23. Section 113(a) of the Act provides that where the Administrator of U.S. EPA finds that any person has violated or is in violation of any applicable implementation plan or permit, the Administrator, at any time after the expiration of 30 days following the date on which a notice of violation is issued, may issue a compliance order, administrative penalty order or bring a civil judicial action, as provided in Section 113(b).

FINDINGS AND VIOLATIONS

24. R.R. Donnelley owns and operates a printing facility located in Huron County at 1145 Conwell Avenue, Willard, Ohio.

25. Since 1973, the facility has operated at least four printing presses with a combined permitted emission limit of 521.1 tons per year (tpy) of volatile organic compounds (VOC or OC).

26. Since 1987, the facility has operated at least six binding lines and eight paper separators with a combined permitted emission limit of 124.2 tpy OC and 169.6 tpy of particulate matter, respectively.

27. From October 5, 1978 to July 12, 1984, Huron County, Ohio was designated as nonattainment for ozone. 49 FR 45992 (October 5, 1978); 49 FR 24124 (July 12, 1984). At all other times relevant to this NOV, Huron County was designated as attainment for ozone.

28. At all times relevant to this NOV, Huron County was designated as attainment for particulate matter.

Violations Ohio SIP

29. In 1982, R.R. Donnelley installed one press, OEPA number K002, with a potential to emit of at least 349.5 tpy of OC.
30. R.R. Donnelley's operation of K002 at its Willard, Ohio facility without first obtaining a "permit to operate" from the Director of OEPA is a violation of the Ohio SIP at OAC 3745-35-02(a).
31. R.R. Donnelley's construction and operation of K002 at its Willard, Ohio facility without applying LAER technology is a violation of Section 173(a)(2) of the Act and the Ohio SIP at OAC 3745-31-02(a).
32. In 1982, R.R. Donnelley installed one press, OEPA number K008, with a potential to emit of at least 95.9 tpy of OC.
33. R.R. Donnelley's operation of K008 at its Willard, Ohio facility without first obtaining a "permit to operate" from the Director of OEPA is a violation of the Ohio SIP at OAC 3745-35-02(a).
34. R.R. Donnelley's construction and operation of K008 at its Willard, Ohio facility without applying LAER technology is a violation of Section 173(a)(2) of the Act and the Ohio SIP at OAC 3745-31-02(a).
35. R.R. Donnelley's monthly average emission rate for VOCs from its press, OEPA number K007, for December 1995 at its Willard, Ohio facility of 7.1 lbs./hr exceeded the 3.0 lb/hr VOC emission rate limitation and R.R. Donnelley's thermal oxidizer was not in operation at relevant times during the reporting period in violation of OEPA Permit to Install number 03-3195 issued pursuant to the Ohio SIP at OAC 3745-31-02.
36. R.R. Donnelley's monthly average emission rate for VOCs from its press, OEPA number K007, for February 1998 at its Willard, Ohio facility of 4.7 lbs./hr exceeded the 3.0 lb/hr VOC emission rate limitation and R.R. Donnelley's thermal oxidizer was not in operation at relevant times during the reporting period in violation of OEPA Permit to Install number 03-3195 issued pursuant to the Ohio SIP at OAC 3745-31-02.
37. R.R. Donnelley's monthly average emission rate for VOCs from its press, OEPA number K006, for December 1995 at its Willard, Ohio facility of 7.5 lbs/hr. exceeded the 3.0 lb/hr VOC emission rate limitation and R.R. Donnelley's thermal oxidizer was not in operation at relevant times during the reporting period in violation of OEPA Permit to Install number 03-2749 issued pursuant to the Ohio SIP at OAC 3745-31-02.

38. R.R. Donnelley's monthly average emission rate for VOCs from its press, OEPA number K006, for February 1998 at its Willard, Ohio facility of 21.2 lbs/hr. exceeded the 3.0 lb/hr VOC emission rate limitation and R.R. Donnelley's thermal oxidizer was not in operation at relevant times during the reporting period in violation of OEPA Permit to Install number 03-2749 issued pursuant to the Ohio SIP at OAC 3745-31-02.

Violations of U.S. EPA PSD Regulations

39. In 1980, R.R. Donnelley installed one paper separator, OEPA number P028, with a permit limit of 35 tpy of particulate matter.
40. R.R. Donnelley's construction of P028 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a) (1) of the Act and 40 C.F.R. § 52.21(i).
41. R.R. Donnelley's construction and operation of P028 at its Willard, Ohio facility without applying BACT is a violation of Section 165(a) (4) of the Act and 40 C.F.R. § 52.21(i).
42. In 1981, R.R. Donnelley installed three paper separators, OEPA numbers P029, P030, and P009, with a combined potential to emit of at least 99.4 tpy of particulate matter.
43. R.R. Donnelley's construction of P029, P030, and P009 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a) (1) of the Act and 40 C.F.R. § 52.21(i).
44. R.R. Donnelley's construction and operation of P029, P030, and P009 at its Willard, Ohio facility without applying BACT is a violation of Section 165(a) (4) of the Act and 40 C.F.R. § 52.21(i).
45. In 1987 R.R. Donnelley installed one paper separator, OEPA number P027, with a potential to emit of at least 35 tpy of particulate matter.
46. R.R. Donnelley's construction of P027 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a) (1) of the Act and 40 C.F.R. § 52.21(i).
47. R.R. Donnelley's construction and operation of P027 at its Willard, Ohio facility without applying BACT is a violation of Section 165(a) (4) of the Act and 40 C.F.R. § 52.21(i).
48. In 1989 R.R. Donnelley installed one paper separator, OEPA number P014, with a potential to emit of at least 35 tpy of particulate matter.

49. R.R. Donnelley's construction of P014 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a)(1) of the Act and 40 C.F.R. § 52.21(i).
50. R.R. Donnelley's construction and operation of P014 at its Willard, Ohio facility without applying BACT is a violation of Section 165(a)(4) of the Act and 40 C.F.R. § 52.21(i).
51. In 1996 R.R. Donnelley installed one paper separator, OEPA number P031, with a potential to emit of at least 35 tpy of particulate matter.
52. R.R. Donnelley's construction of P031 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a)(1) of the Act and 40 C.F.R. § 52.21(i).
53. R.R. Donnelley's construction and operation of P031 at its Willard, Ohio facility without applying BACT is a violation of Section 165(a)(4) of the Act and 40 C.F.R. § 52.21(i).
54. In July 1984, R.R. Donnelley installed one press, OEPA number K004, with a potential to emit of at least 246.6 tpy of OC.
55. R.R. Donnelley's construction of K004 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a)(1) of the Act and 40 C.F.R. § 52.21(i).
56. R.R. Donnelley's operation of K004 at its Willard, Ohio facility without applying BACT is in violation of Section 165(a)(4) of the Act and 40 C.F.R. § 52.21(i).
57. In 1985, R.R. Donnelley installed two binding lines, OEPA numbers P021 and P023, with a combined potential to emit of at least 57.8 tpy of OC.
58. R.R. Donnelley's construction of P021 and P023 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a)(1) of the Act and 40 C.F.R. § 52.21(i).
59. R.R. Donnelley's operation of P021 and P023 at its Willard, Ohio facility without applying BACT is in violation of Section 165(a)(4) of the Act and 40 C.F.R. § 52.21(i).
60. In 1986, R.R. Donnelley installed one binding line, OEPA number P022, and two presses, OEPA numbers K005 and K019, with a combined potential to emit OC of at least 54.6 tpy.
61. R.R. Donnelley's construction of P022, K005, and K019, at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a)(1) of the Act and 40 C.F.R. § 52.21(i).

62. R.R. Donnelley's operation of P022, K005, and K019 at its Willard, Ohio facility without applying BACT is in violation of Section 165(a) (4) of the Act and 40 C.F.R. § 52.21(i).
63. In 1990, R.R. Donnelley installed one binding line, OEPA number P024, and one press, OEPA number K009, with a combined potential to emit OC of at least 46.2 tpy.
64. R.R. Donnelley's construction of P024 and K009 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a) (1) of the Act and 40 C.F.R. § 52.21(i).
65. R.R. Donnelley's operation of P024 and K009 at its Willard, Ohio facility without applying BACT is in violation of Section 165(a) (4) of the Act and 40 C.F.R. § 52.21(i).
66. In 1991, R.R. Donnelley modified one paper separator, OEPA number P015. The potential to emit Particulate matter from this modification is at least 43.4 tpy.
67. R.R. Donnelley's construction of P015 at its Willard, Ohio facility without first obtaining a PSD permit is a violation of Section 165(a) (1) of the Act and 40 C.F.R. § 52.21(i).
68. R.R. Donnelley's operation of P015 at its Willard, Ohio facility without applying BACT is in violation of Section 165(a) (4) of the Act and 40 C.F.R. § 52.21(i).

12/20/98
Date


Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, do hereby certify that a Notice of Violation was sent by Certified Mail, Return Receipt Requested, to:

Chris Hassman, Environmental Specialist
R.R. Donnelley and Sons Company
1145 Conwell Avenue
Willard, Ohio 44888-0002

I also certify that a copy of this Notice of Violation was sent by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

on the 21st day of December, 1999.

Loretta Shaffer
Loretta Shaffer, Secretary
AECAS (MN-OH)

2 199 026 372
CERTIFIED MAIL RECEIPT NUMBER