



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

SEP 29 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kathy Gargasz, Environmental Coordinator
The Lincoln Electric Company
22801 Saint Clair Avenue
Cleveland, Ohio 44117

Dear Ms. Gargasz:

Enclosed is an executed copy of an Administrative Order between The Lincoln Electric Company (Lincoln Electric), and EPA. In conjunction with the Consent Agreement and Final Order sent under separate cover, this Order resolves the April 1, 2010, Notice and Finding of Violation that was issued to Lincoln Electric.

If you have any questions regarding this case, please contact Andre Daugavietis, Associate Regional Counsel at (312) 886-6663.

Sincerely,

A handwritten signature in black ink, which appears to read "William L. MacDowell".

William MacDowell, Chief
Minnesota/Ohio Air Enforcement and Compliance
Assurance Section

Enclosure

cc: Marcy Toney, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Andre Daugavietis/C-14J
Jeff T. Connell, Minnesota Pollution Control Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) Administrative Consent Order
)
The Lincoln Electric Company) EPA-5-11-113(a)-OH-16
Cleveland, Ohio)
)
Proceeding pursuant to Sections 113(a)(3) and)
114(a) of the Clean Air Act, 42 U.S.C.)
§§ 7413(a)(3) and 7414(a)(1).)
)
)
)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to The Lincoln Electric Company (Lincoln Electric) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Section 502(a) of the Clean Air Act states “After the effective date of any permit program approved or promulgated under this subchapter, it shall be unlawful for any person to violate any requirement of a permit issued under this subchapter, or to operate...a major source...except in compliance with a permit issued by a permitting authority under this subchapter.”
3. 40 C.F.R. § 70.7(b) states “...no part 70 source may operate after the time that it is required to submit a timely and complete application under an approved permit program, except in compliance with a permit issued under a part 70 program.”
4. EPA fully approved the Ohio Title V Permit program, effective October 1, 1995. 60 FR 42045 (August 15, 1995). Ohio's Title V Permit program requirements are codified at OAC 3745-77.
5. Sections 110(a) and 161 of the CAA, 42 U.S.C. 7410(a) and 7471, require states to adopt a State Implementation Plan that contains emission limitations and such other measures as may be necessary to prevent significant deterioration of air quality in areas designated as attainment or unclassifiable.
6. On November 8, 2006, EPA approved OAC 3745-17 (71 FR 65417).
7. On January 22, 2003, EPA approved OAC 3745-31 (68 FR 2909).

8. On July 12, 1982, EPA approved OAC 3745-35 (47 FR 25145).
9. Section 113(a) of the CAA, 42 U.S.C. § 7413(a), authorizes the Administrator to initiate an enforcement action whenever, on the basis of any available information, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of, among others, any implementation plan or permit, Title I or Title V of the CAA, or any rule promulgated, issued or approved under Title I or Title V of the CAA.
10. Failure to comply with any provisions of this part, any approved regulatory provision of a State implementation plan, any permit condition, or with any permit limitation or condition contained within an operating permit, renders the person or governmental entity so failing to comply in violation of a requirement and subject to enforcement action under Section 113 of the CAA. 40 C.F.R. § 52.23.
11. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

12. Lincoln Electric owns and operates a facility that produces electric welding equipment and products at 22801 St. Clair Ave, Cleveland, Ohio. The processes at the facility include a rail car unloader, a Sweco screen, driers, kilns, ball mills and a roll crusher (emissions units F001, P020, P021, P022, P023, P025, P026, P037, P039, P040, P902, P904 and P910). These units are equipped with baghouses or Aerodyne cyclones for the control of particulate matter and opacity emissions.
13. Lincoln Electric was issued a Title V Permit by the Ohio Environmental Protection Agency (Ohio EPA) on May 30, 2003. Lincoln Electric's Title V Permit contains requirements for pressure drop monitoring, particulate matter emissions, recordkeeping and reporting applicable to the baghouses, wet rotoclones, wet scrubbers and Aerodyne cyclones.
14. On April 1, 2010, EPA issued to Lincoln Electric a Notice and Finding of Violation alleging that Lincoln Electric violated its Title V Permit and the Ohio SIP by failing to maintain the pressure drop across certain emission control units at all times, failing to maintain complete records of the pressure drop across the emission control units, failing to report all deviations to the Ohio Environmental Protection Agency, and failing to comply with the particulate matter emission limit on Emission Unit P904.
15. On May 19, 2010, representatives of Lincoln Electric and EPA discussed the April 1, 2010, Notice and Finding of Violation.

Compliance Program

16. Lincoln Electric must continue maintaining compliance with its Title V Permit and the Ohio SIP at its Cleveland, Ohio, facility.
17. Within one (1) year of the effective date of this Order, Lincoln Electric will install, operate, and maintain an electronic continuous pressure drop monitoring system on the baghouses on Emission Units P021, P022, P023, P025, P026, P037, P039, P040, P902, P904, P910 and F001. This system shall meet the following requirements:
 - a. It shall operate at all times that the associated Emission Unit is operating, with deviations reported pursuant to Paragraph 20;
 - b. The pressure drop across each baghouse shall be monitored and recorded at least every 60 seconds and shall also be recorded every 60 minutes as an average of the previous 60 readings: only the hourly reported block averages shall be used to determine compliance with the applicable pressure drop ranges;
 - c. The pressure drop sensors shall be located in, or as close as possible to, a position that provides a representative measurement of the pressure drop and that minimizes or eliminates pulsating pressure, vibration, and internal and external corrosion;
 - d. If a gauge is used, it shall have a minimum measurement sensitivity of 0.5 inch of water. If a transducer is used, it shall have a minimum measurement sensitivity of the lower value of 3 percent of the pressure range or 0.5 inches of water;
 - e. The pressure tap must be checked for pluggage once per quarter;
 - f. If a gauge is used, the gauge calibration must be checked at least once per quarter using a manometer or equivalent technology. If a transducer is used, the calibration must be checked at least once per quarter;
 - g. Any time the sensor exceeds the manufacturer's specified maximum operating pressure range, calibration checks must be conducted or a new pressure sensor must be installed within 72 hours; however, during the interim, pressure drop monitoring shall be manually performed Pursuant to Paragraph 17.h; and,
 - h. Manual pressure drop monitoring and recording shall take place once per shift any time the electronic pressure drop monitoring system is down for repair. The manual recordkeeping form shall indicate the reason for the manual recording.
18. Within one (1) year of the effective date of this Order, Lincoln Electric will install, operate, and maintain a continuous bag break detection system on the baghouses on Emission Units P021, P022, P026, P902, P904, and P910. It shall operate at all times the associated Emission Unit is operating, with deviations reported pursuant to Paragraph 20.
19. Lincoln Electric shall maintain the electronic records developed by the equipment required by Paragraphs 17 and 18 for at least five (5) years.

20. Lincoln Electric shall report to Ohio EPA or the Cleveland Department of Air Quality pressure drop deviations as follows:
- a. Lincoln Electric is not required to record or report pressure drop deviations that occur when the Emission Unit is not operating;
 - b. Lincoln Electric is required to report deviations that occur during start-up process, shutdown process, bag changes, or maintenance of either the electronic continuous pressure drop monitoring system or the continuous bag break detection system, but the deviations shall be identified as having occurred during start-up process, shutdown process, bag changes, or maintenance of the electronic continuous pressure drop monitoring system or the continuous bag break detection system as applicable. These deviations shall be identified as such by methods that may include monitoring electronic process variables to denote non-steady state conditions that are not subject to the terms and conditions of the Title V permit; and
 - c. On emissions units with electronic bag break detection systems, P021, P022, P026, P903 and P910, a fluorescent dye check shall be performed during changeovers any time the electronic bag break detection system is down for repair. The recordkeeping form shall indicate the reason for the dye check.
21. Within 180 days after the performance tests are completed pursuant to Paragraph 21.c, Lincoln Electric shall submit an application for a Title V Permit Amendment to Ohio EPA. The application shall request inclusion of the following requirements:
- a. Operate and maintain the equipment described in Paragraphs 17 and 18;
 - b. Keep the records required by Paragraph 19.
 - c. Set the minimum pressure drop allowed for the baghouse on Emission Unit P021 to be no less than 0.2 inches of water below the minimum pressure drop reading achieved during a performance test that demonstrated compliance with the PM limit on EU P021. If Lincoln Electric believes that the minimum pressure drop achieved during the performance test is not representative, it can petition EPA to change the minimum pressure drop. If EPA approves the petition, or if EPA does not respond to the petition within 45 days, Lincoln Electric can proceed to petition OEPA to change the minimum pressure drop. The performance test shall be scheduled after issuance of the Title V Renewal permit, and shall serve as both a compliance test for the Title V permit and for setting pressure drop limits pursuant to this Order. The minimum pressure drop for Emission Units P022, P023, P025, P026, P037, P039, P040, P902, P904, P910 and F001 shall be set following the same procedure. The performance tests used to set the minimum pressure drops for each Emission Unit shall be conducted within 180 days of the permit issuance or 545 days after the effective date of this Order, whichever is later. The maximum pressure drop for each Emission Units P021, P022, P023, P025, P026, P037, P039, P040, P902, P904, P910 and F001 shall be set based on manufacturer specifications or engineering determinations to optimize baghouse life while

minimizing emissions.

- d. The 24 daily 1-hour average pressure drops across Emission Units P021, P022, P023, P025, P026, P037, P039, P040, P902, P904, P910 and F001, as measured by the system described in Paragraph 19, shall be kept within the range established pursuant to Paragraph 21.c.;
 - e. If any of the 24 daily 1-hour average pressure drops for any Emission Unit as measured by the system described in Paragraph 17 is outside the range established for that Emission Unit pursuant to Paragraph 21.c., an audible and visible alarm shall go off and a notification shall be sent to the unit operator and EHS manager.
22. Lincoln Electric shall submit a copy of this Order to the permitting agency as part of the application required pursuant to Paragraph 21.
23. If any of the steps set forth above prove to be unworkable in practice during the duration of this Order, Lincoln Electric may request a modification to the Order that sets forth a more viable alternative that the company wishes to employ to satisfy the Order and/or subsequent permit requirements.

General Provisions

24. This Order does not affect the Lincoln Electric's responsibility to comply with other local, state, and federal laws and regulations.
25. This Order does not restrict EPA's authority to enforce Section 111 of the Act, or any other section of the Act.
26. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Lincoln Electric's violation of its Title V Permit and the Ohio SIP.
27. Failure to comply with this Order may subject the Lincoln Electric to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.
28. The terms of this Order are binding on the Lincoln Electric, its assignees and successors. Lincoln Electric must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to EPA, at the above address, that the Lincoln Electric has given the notice.
29. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

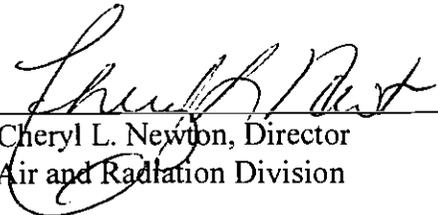
30. EPA may use any information submitted under this Order in an administrative, civil or criminal action.
31. Lincoln Electric agrees to the terms of this Order.
32. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate 1 year from the effective date, provided that Lincoln Electric has complied with all terms of the Order throughout its duration.

9/28/11
Date



John S. Petkovsek, Director, EHS
The Lincoln Electric Company

9/29/11
Date



Cheryl L. Newton, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-11-113(a)-MN-16, by Certified Mail, Return Receipt Requested, to:

Michael S. McMahon
McMahon DeGulis LLP
812 Huron Road
Cleveland, Ohio 44115

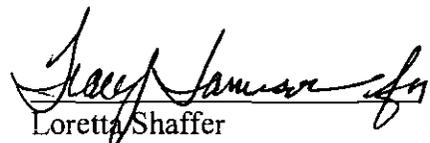
Kathy Gargas, Environmental Coordinator
The Lincoln Electric Company
22801 Saint Clair Avenue
Cleveland, Ohio 44117

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-11-113(a)-MN-16, by First Class Mail to:

Bob Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
1800 WaterMark Drive
Columbus, Ohio 43266-1049

George Baker
Chief of Enforcement
Cleveland Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080

on the 30 day of September 2011.


Loretta Shaffer
Administrative Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7009 4080 0000 7670 4885
" " " " 4892