



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 20 2006

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Stibrick, President
Products Chemical Company
6400 Herman Avenue
Cleveland, Ohio 44102

Re: Finding of Violation for Products Chemical Company,
Cleveland, Ohio

Dear Mr. Stibrick:

This is to advise you that the United States Environmental Protection Agency has determined that the Products Chemical Company (Products Chemical), located at 6400 Herman Avenue in Cleveland, Ohio, is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Section 183(e) of the CAA authorizes U.S. EPA to promulgate regulations establishing requirements regarding the manufacture of certain consumer or commercial products, the use of which may result in the release of volatile organic compounds (VOCs). On September 11, 1998, U.S. EPA promulgated National VOC Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D (40 C.F.R. §§ 59.400 through 59.413, and Appendix A). These standards include the following requirements:

- 1) Each manufacturer and importer of any architectural coating subject to Subpart D is required to submit an initial notification report no later than September 13, 1999, or within 180 days after the date that the first architectural coating is manufactured or imported, whichever is later.

- 2) Each manufacturer and importer of any architectural coating subject to Subpart D is required to ensure that the VOC content of the coating does not exceed the applicable limit in Table 1 of Subpart D.

The purpose of the VOC content limits is to help protect the public from unhealthy exposures to VOCs. VOCs react with nitrogen oxides in the presence of sunlight to form ground-level ozone, which contributes to respiratory problems such as increased susceptibility to respiratory infection, pulmonary inflammation, painful deep breathing, aggravated asthma, and reduced lung capacity.

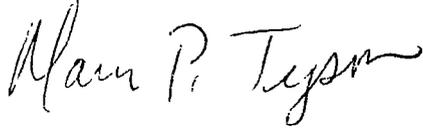
EPA finds that Products Chemical has violated the above listed requirements for the manufacture of architectural coatings. Additionally, Section 183(e)(6) of the CAA provides that, for enforcement purposes, any violation of a regulation established under Section 183 is to be treated as a violation of a new source performance standard under Section 111 of the Act, 42 U.S.C. Section 7411.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by Products Chemical to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the FOV.

Before we decide which enforcement option is appropriate, we are offering you the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Erik Hardin. You may call him at (312) 886-2402 if you wish to request a conference. EPA hopes that this FOV will encourage Products Chemical's compliance with the requirements of the Clean Air Act.

Sincerely yours,



 Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: George Baker, Chief of Enforcement
Cleveland Department of Public Health
Division of the Environment

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
Products Chemical Company)	
Cleveland, Ohio)	FINDING OF VIOLATION
)	
Proceedings Pursuant to)	EPA-5-07-OH-04
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Products Chemical Company (you or Products Chemical) manufactures architectural coatings at 6400 Herman Avenue, Cleveland, Ohio (Facility).

The United States Environmental Protection Agency (U.S. EPA) is sending this Finding of Violation (FOV) to you for violating regulations limiting the volatile organic compound content and other related requirements located in the National Volatile Organic Compound Emission Standards for Architectural Coatings, 40 C.F.R. Part 59, Subpart D (Subpart D). The underlying statutory and regulatory requirements include provisions of the Clean Air Act (the Act or CAA) and its implementing regulations.

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The regulatory authority and facility requirements relevant to this FOV are as follows:

- a. Section 183(e) of the CAA, 42 U.S.C. § 7511b(e), authorizes U.S. EPA to promulgate regulations establishing requirements regarding the manufacture of certain consumer or commercial products, the use of which may result in the release of VOCs.
 - b. Pursuant to Section 183(e) of the CAA, 42 U.S.C. § 7511b(e), on September 11, 1998, U.S. EPA promulgated the Architectural Coatings Rule at 40 C.F.R. Part 59, Subpart D.
 - c. 40 C.F.R. § 59.408(b) requires each manufacturer and importer of any architectural coating subject to Subpart D to submit an initial notification report no later than September 13, 1999, or within 180 days after the date that the first architectural coating is manufactured or imported, whichever is later.
 - d. 40 C.F.R. § 59.402(a) requires that each manufacturer and importer of any architectural coating subject to Subpart D ensure that the VOC contents of the subject coatings do not exceed the applicable limits in Table 1 of Subpart D. Table 1 is located in Appendix A of 40 C.F.R. Part 59, Subpart D.
2. Based on an evaluation of the information submitted by Products Chemical to U.S. EPA in response to an information request from April 6, 2006, U.S. EPA has determined the following:
- a. Products Chemical began producing architectural coatings more than 180 days before September 13, 1999.
 - b. Products Chemical did not submit an initial notification report for Subpart D until May 17, 2006.
 - c. Beginning in at least 2000, Products Chemical produced several architectural coatings subject to Subpart D with VOC contents that exceed the limits specified by Table 1 of Subpart D. The following table summarizes the VOC contents reported for 2000 to 2005 as well as the applicable limit:

VOC Content and Applicable Subpart D Limit of Architectural Coatings Produced by Products Chemical in 2000 to 2005

Product Description	Products Chemical Product Number	Subpart D Coating Category	Actual VOC Content (grams/liter)	Applicable VOC Content Limit (grams/liter)	Years Produced
Stone/ Terazzo Seal	3202	Quick-dry Sealers	767.7	400	2003
R.B. Enamel Az. Blue	3333	Swimming Pool Coatings	643.8	600	2002 - 2004
R.B. Enamel White	3328	Swimming Pool Coatings	610.0	600	2001, 2003, 2004
Poly Sealer 1028	8200	Sanding Sealers	620.9	550	2000 - 2002
Oil Modified Sealer 1035	8408	Sanding Sealers	555.7	550	2001 - 2005
Epoxy Finish 9050	3211	Varnish	473.07	450	2003
Poly Finish 1040	8410	Varnish	520.9	450	2000 - 2005
Epoxy Finish 9040	3201	Varnish	572.5	450	2002*
Epoxy Finish 9040	3201	Varnish	527.6	450	2004, 2005*
RB Int & Ext Seal	3200	Concrete Curing and Sealing Compounds	700.6	700	2001 - 2005
Epoxy Ester Seal	3207	Industrial Maintenance Coatings	527.5	450	2003
Urethane Enamel Yellow	3351	Industrial Maintenance Coatings	454.8	450	2003, 2004
RBE Non Skid-Grey	3305	Industrial Maintenance Coatings	467.6	450	2002, 2003
RBE Non Skid-Green	3304	Industrial Maintenance Coatings	464.7	450	2005

* Products Chemical reported a change in VOC content for Epoxy Finish 9040 between 2002 and 2004.

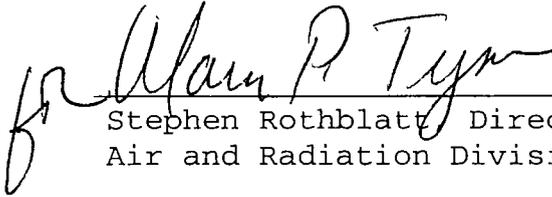
d. Products Chemical has yet to pay any exceedance fees as specified by 40 C.F.R. § 59.403(a).

3. Products Chemical's failure to submit a timely initial notification report under Subpart D constitutes a violation of 40 C.F.R. § 59.408(a).
4. Products Chemical's production of architectural coatings subject to Subpart D with VOC contents in excess of the limits specified by Table 1 of Subpart D constitutes violations of 40 C.F.R. § 59.402(a).

Environmental Impact of Violations

5. Violations of VOC standards increase ground-level (tropospheric) ozone (smog). Ground-level ozone irritates lung airways and can cause wheezing, coughing, and painful or difficult breathing, especially in people with respiratory problems. Repeated exposure can lead to more serious health problems like asthma, reduced lung capacity, and increased susceptibility to pneumonia or bronchitis. In addition, ground-level ozone inhibits the ability of plants to produce and store food, leading to ecological damage.

12/20/06
Date



Stephen Rothblatt Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-07-OH-04, by Certified Mail, Return Receipt Requested, to:

John Stibrick, President
Products Chemical Company
6400 Herman Avenue
Cleveland, Ohio 44102

I also certify that I sent copies of the Finding of Violation and Notice of Violation by first class mail to:

George Baker, Chief of Enforcement
Cleveland Department of Public Health
1925 St. Clair Avenue
Cleveland, Ohio 44114

on the 22nd day of December, 2006.

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 2409