



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

JUL 07 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

Scott Paschke, General Manager
Cincinnati Thermal Spray
5901 Creek Road
Cincinnati, Ohio 45242

Re: Administrative Order EPA-5-16-113(a)-OH-15

Dear Mr. Paschke:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-6073.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure:

cc: Terence Branigan, C-14J
Brad Miller, Southwest Ohio Air Quality Agency
Bob Hodanbosi, Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-16-113(a)-OH-15
)	
Cincinnati Thermal Spray)	Proceeding Under Sections 113(a)(1)(3) and
Cincinnati, Ohio)	114(a)(1) of the Clean Air Act, 42 U.S.C.
)	§§ 7413(a)(1)(3) and 7414(a)(1)
_____)	

Administrative Consent Order

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

Statutory and Regulatory Background

2. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW at 40 C.F.R. §§ 63.11504 – 63.11513 (NESHAP WWWW). NESHAP WWWW applies to owners and operators of facilities that are area sources of hazardous air pollutant (HAP) emissions and that engage, among other things, in non-electrolytic metal coating processes including thermal spraying using or emitting one or more of the plating and polishing metal HAPs.

3. Under NESHAP WWWW, at 40 C.F.R. § 63.11504(a)(2), an area source of HAP emissions is any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 10 tons per year or more and any combination of HAPs at a rate of 25 tons per year or more.

4. Under NESHAP WWWWWW, at 40 C.F.R. § 63.11511, “plating and polishing metal HAP” includes any compound of any of the following metals in amounts greater than or equal to 0.1 percent by weight: cadmium, chromium, lead, manganese (but only if present in amounts greater than or equal to 1.0 percent by weight), and nickel, or any of these metals in elemental form, with the exception of lead.

5. Under NESHAP WWWWWW, at 40 C.F.R. § 63.11511, “thermal spraying” is a process that uses or emits any of the plating and polishing metal HAP in which a metallic coating is applied by projecting heated, molten or semi-molten metal particles onto a substrate.

6. Under NESHAP WWWWWW, at 40 C.F.R. 63.11505(a)(2), “affected sources” include “each thermal spraying operation” that applies one or more of the plating and polishing metal HAP.

7. NESHAP WWWWWW, at 40 C.F.R. § 63.11505(b), defines existing affected sources as sources that were constructed or reconstructed on or before March 14, 2008.

8. NESHAP WWWWWW, at 40 C.F.R. § 63.11506(a), requires that existing affected sources achieve compliance with 40 C.F.R. Part 63, Subpart WWWWWW no later than July 1, 2010.

9. NESHAP WWWWWW, at 40 C.F.R. § 63.11507(f), requires that emissions from affected thermal spraying operations be captured and routed to a water curtain, fabric filter, cartridge or HEPA filter, that such capture and control devices be operated according to the manufacturer’s specifications, and that the manufacturer’s operating instructions must be kept at the facility in a location where they can be easily accessed by the operators.

10. NESHAP WWWW, at 40 C.F.R. § 63.11507(f), requires owners and operators of affected thermal spraying operations to implement the applicable management practices listed in 40 C.F.R. § 63.11507(g).

11. NESHAP WWWW, at 40 C.F.R. § 63.11508(a) – (c), requires the owner or operator of affected sources to submit a Notification of Compliance Status, comply with applicable management practices and equipment standards of NESHAP WWWW at all times, and meet initial compliance requirements for affected sources, specifically including but not necessarily limited to the requirements in 40 C.F.R. § 63.11508(c)(9).

12. NESHAP WWWW requires owners and operators to demonstrate continuous compliance with the applicable management and equipment standards by satisfying the requirements in 40 C.F.R. § 63.11508(d).

13. NESHAP WWWW requires owners and operators of affected sources to comply with the applicable notification, reporting and recordkeeping requirements specified at 40 C.F.R. § 63.11509.

14. Owners and operators of affected sources are also required to comply with the NESHAP General Provisions at 40 C.F.R. Part 63, Subpart A in accordance with the requirements of 40 C.F.R. § 63.11510.

15. Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

16. The Administrator of EPA may require any person who owns or operates an emission source to make reports and provide information required by the Administrator under

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

17. CTS owns and operates a facility at 5901 Creek Road, Cincinnati, Ohio (Facility), at which CTS conducts coating operations, including one or more thermal spray aluminum wire arc coating lines and one or more thermal spraying operations to coat metal parts with a heated metal powder coating.

18. The thermal spraying operations at the Facility use and emit one or more plating and polishing metal HAPs, within the meaning of 40 C.F.R. § 63.11511.

19. The Facility is an area source of HAP emissions within the meaning of 40 C.F.R. § 63.11504(a)(2).

20. The thermal spraying operations at the Facility qualify as “thermal spraying” within the meaning of 40 C.F.R. § 63.11511.

21. The Facility is a “plating and polishing facility” within the meaning of 40 C.F.R. §§ 63.11504 and 63.11511, and is therefore subject to the area source NESHAP WWWWWW.

22. Each thermal spraying operation at the Facility is an “affected source” within the meaning of 40 C.F.R. § 63.11505(a)(2) and an “existing affected source” within the meaning of 40 C.F.R. § 63.11505(b).

23. CTS submitted an Initial Notification dated December 23, 2009, which was received by EPA on January 5, 2010, stating the facility is subject to the requirements of the NESHAP Subpart WWWWWW.

24. CTS submitted a request dated February 5, 2010, for a one year extension for compliance with NESHAP WWWWWW under 40 C.F.R. § 63.6(i)(4)(i)(A). EPA granted the

request for a one year extension for compliance with NESHAP WWWWWW on April 14, 2010. The compliance date was thereby extended to July 1, 2011.

25. CTS has operated its affected source beginning before March 14, 2008.

26. CTS did not timely prepare or submit the Notification of Compliance Status (NOCS) required by 40 C.F.R. § 63.11508(a) in accordance with 40 C.F.R § 63.11509(b) and the compliance extension granted by EPA on April 14, 2010, has not prepared annual compliance certifications required by 40 C.F.R. § 63.11508(d) as specified in 40 C.F.R § 63.11509(c), and has not prepared or maintained records as required by 40 C.F.R. § 63.11509(e).

27. EPA inspected CTS on June 23, 2015.

28. On April 15, 2016, EPA issued to CTS a finding of violation via electronic mail alleging that it violated the NESHAP Subpart WWWWWW by failing to comply with continuous compliance requirements set forth at 40 C.F.R § 63.11508, failing to generate and maintain records required by 40 C.F.R. § 63.11509(e), and failing to submit notifications, certifications and reports required by 40 C.F.R. §63.11509.

Compliance Program

29. By no later than 60 days after the Effective Date of this Order, CTS must achieve, demonstrate and maintain compliance with all applicable requirements of NESHAP WWWWWW at the Facility, specifically including but not necessarily limited to the requirements in paragraphs 30 through 39 below.

30. CTS was required to submit to EPA a Notification of Compliance Status in accordance with 40 C.F.R. §§ 63.11509(b) and 63.11508(c)(9)(ii), specifically including but not necessarily limited to:

- i. List of affected sources and the plating and polishing metal HAPs used in, or emitted by, those sources.
- ii. Methods used to comply with the applicable management practices and equipment standards in NESHAP WWWWWW.
- iii. Description of the capture and emission control systems used to comply with the applicable equipment standards in NESHAP WWWWWW.
- iv. Statement by CTS as to whether the source is in compliance with the applicable standards or other requirements of NESHAP WWWWWW.
- v. Statement whether CTS has installed and is operating the control system according to the manufacturer's specifications and instructions, as required by 40 C.F.R. § 63.11508(c)(9)(ii).

CTS satisfied the requirement to submit a Notification of Compliance Status on February 24, 2016.

31. CTS must operate a capture system that collects PM emissions from all thermal spraying operations. PM emissions must be vented to a water curtain, fabric filter, cartridge or HEPA filter. CTS must operate and maintain all capture and control devices according to the manufacturer's specifications and operating instructions and must keep the manufacturer's operating instructions at the Facility at all times in a location where they can be easily accessed by the operators, as required by 40 CFR § 63.11507(f) and 40 CFR § 63.11508(d)(4)(i).

CTS operates cartridge fabric filters that capture and control greater than 99.9% of PM emissions from each thermal spraying operation. Thermal spraying operations are locked out when the dust collector is not in operation. This meets the requirements to operate a PM capture system.

32. For each thermal spraying operation, CTS must implement the following applicable management practices, as practicable, as required by 40 CFR §§ 63.11507(g):

- i. Perform regular repair, maintenance, and preventive maintenance of equipment associated with the thermal spraying operations.
- ii. Perform general good housekeeping.
- iii. Minimize spills.
- iv. Perform regular inspections to identify leaks and other opportunities for pollution prevention.

33. CTS must comply with the applicable compliance requirements specified in 40 C.F.R. § 63.11508, specifically including but not limited to:

- i. Comply with the applicable management practices and equipment standards in NESHAP Subpart WWWWWW at all times.
- ii. Demonstrate initial compliance as specified in 40 C.F.R. § 63.11508(c), specifically including but not necessarily limited to the requirements of 40 C.F.R. § 63.508(c)(9).
- iii. Demonstrate continuous compliance with the applicable management practices and equipment standards in NESHAP Subpart WWWWWW by complying with the requirements of 40 C.F.R. § 63.11508(d), specifically including but not limited to:
 1. CTS must prepare an annual compliance certification as required by 40 C.F.R. § 63.11508(d)(2) and 40 C.F.R. § 63.11509(c) and keep it in a readily accessible location for inspector review.

2. CTS must only operate affected sources under NESHAP Subpart WWWW when associated air pollution control equipment is operating, as required by 40 C.F.R § 63.11508(d)(1).
3. Following any malfunction or failure of the capture or control devices to operate properly, CTS must take immediate corrective action to return equipment to normal operation, as required by 40 C.F.R. § 63.11508(d)(4)(ii).
4. CTS must state in its annual certification, prepared pursuant to 40 C.F.R. § 63.11509(c), whether it has operated and maintained the control system according to the manufacturer's specifications and instructions, as required by 40 C.F.R. § 63.508(d)(4)(iii).
5. CTS must record the results of all control system inspections, deviations from proper operation, and any corrective action taken, as required by 40 C.F.R. § 63.11508(d)(4)(iv).
6. CTS must implement all applicable management practices at all times that any one or more affected sources are in operation, as required by 40 C.F.R. § 63.11508(d)(8)(i).

34. CTS must prepare and maintain on-site an annual certification of compliance report, according to 40 C.F.R. §§ 63.11509(c), 63.11508(d)(4)(iii), and 63.11508(d)(8)(ii) for each calendar year beginning July 1, 2011.

35. CTS must submit to EPA the annual certification of compliance reports for 2011 through 2015.

36. CTS must annually report any deviations from the compliance requirements specified in NESHAP Subpart WWWWWW, along with the corrective action performed and submit the report no later than January 31 of the year immediately following the reporting period, in accordance with 40 C.F.R. §§ 63.11509(d).

37. CTS must maintain the following records, in accordance with 40 C.F.R. §§ 63.11509(e):

- i. Initial Notification and Notification of Compliance Status that CTS submitted (and all supporting documentation) and the records required by 40 C.F.R. § 63.10(b)(2)(i) through (iii) and (xiv).
- ii. Annual compliance reports and records required to show continuous compliance with each applicable management practice and equipment standard in NESHAP WWWWWW as required by 40 C.F.R. § 63.11509(e).

38. By no later than 45 days after the effective date of this order, CTS must submit a complete permit application to the Ohio Environmental Protection Agency to modify the existing permit to install for the thermal spray wire arc coating and aluminum deposition booth to include a requirement stating that the facility is subject to the requirements of 40 C.F.R. Part 63, Subpart WWWWWW, National Emission Standards for Hazardous Air Pollutants for Area Source Standards for Plating and Polishing Operations .

39. By no later than 60 days after the effective date of this order, CTS must submit to EPA a completion report certifying it has completed all requirements listed above and specified by the NESHAP WWWWWW.

40. CTS must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

41. This Order does not affect CTS's responsibility to comply with other federal, state and local laws.

42. This Order does not restrict EPA's authority to enforce Section 112 of the CAA or any other section of the CAA.

43. Failure to comply with this Order may subject CTS to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R.

Part 19.

44. The terms of this Order are binding on CTS, its assignees and successors. CTS 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 it has given the notice.

45. CTS may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information CTS submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If CTS fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

46. 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 recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

47. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

48. CTS agrees to the terms of this Order. CTS waives any remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Administrative Consent Order, including any right of judicial review under Section 307(b) of the CAA, 42 U.S.C. § 7606(b).

49. 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 CTS has complied with all terms of the Order throughout its duration.

JUNE 29, 2016
Date

Scott A. Paschke
Scott Paschke, General Manager
Cincinnati Thermal Spray

7/7/2016
Date

Ed Nam
Ed Nam
Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent the Administrative Consent Order, EPA-5-16-113(a)-OH-15, by certified mail, return receipt requested, to:

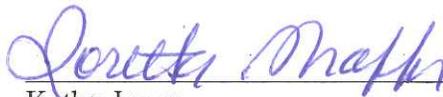
Scott Paschke
Cincinnati Thermal Spray
5901 Creek Road,
Cincinnati, Ohio 45242

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-16-113(a)-OH-15, by first-class mail to:

Brad Miller
Southwest Ohio Air Quality Agency
Air Quality Programs
250 William Howard Taft Road
Cincinnati Ohio 45219

Bob Hodanbosi
Ohio Environmental Protection
Agency
Lazarus Government Center
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216

On the 7 day of July 2016.



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7009 1680 0000 7646 9234