



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GREAT LAKES NATIONAL PROGRAM OFFICE
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 1 2010

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kathy Gargasz
Environmental Coordinator
The Lincoln Electric Company
22801 St. Clair Ave.
Cleveland, Ohio 44117

Re: Notice of Violation/Finding of Violation
The Lincoln Electric Company, Cleveland, Ohio

Dear Ms. Gargasz:

This letter advises you that the U.S. Environmental Protection Agency has determined that The Lincoln Electric Company's facility at 22801 St. Clair Ave., Cleveland, Ohio (Lincoln Electric, the facility, or you) has violated the Clean Air Act (the Act), the Ohio State Implementation Plan (Ohio SIP) and the requirements of a Title V Operation Permit and three Permits-to-Install issued by the State of Ohio. The requirements violated are described below. We are today issuing to you a Notice of Violation/Finding of Violation (NOV/FOV) for these violations.

The State issued a Title V Operation Permit to Lincoln Electric on May 30, 2003. The State issued Permit-to Install (PTI) 13-04550 to Lincoln Electric on September 15, 2005 and issued PTI 13-04741 to Lincoln Electric on February 21, 2008. These Permits, among other requirements, set certain conditions for operation, monitoring, reporting and compliance certification for processes and control equipment operated at the facility. The conditions for some of the emissions control units include requirements to maintain a range of pressure drop or velocity pressure across the emissions control unit while the emissions unit is in operation and to record the pressure drop or velocity pressure on a daily basis. The purpose of these requirements is to ensure that at all times the emissions units are operated under conditions that are representative of compliance with the particulate matter and opacity limits. Violations of the above requirements indicate increased emissions of particulate matter which contribute to respiratory problems and lung damage.

The Title V Operation Permit and the Permits-to-Install also require Lincoln Electric to submit quarterly deviation (excursion) reports that identify all periods of time when the pressure

drop or velocity pressure across the emission control unit did not comply with that allowable range. This program provides for more efficient implementation of the Act, including improved enforcement, enhanced State air program resources, and a streamlined process for revising air pollution control requirements.

EPA finds that you have violated the above requirements at your Cleveland, Ohio facility, which were established pursuant to OAC 3745-35-02(D)(6). In addition, Lincoln Electric violated the standard for particulate matter emissions on May 1, 2008 during a performance test on unit P904. EPA also believes that violations of the requirement to maintain a range of pressure drop or velocity pressure across the emission unit may indicate violations for some of the underlying emissions standards for particulate matter at each unit. These emission standards were established pursuant to OAC 3745-17-09(B), OAC 3745-17-12(N)(4), OAC 3745-17-11(B), OAC 3745-17-11(B)(1) and OAC 3745-31-05(A)(3).

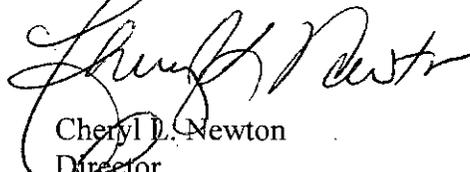
Because Lincoln Electric violated its Title V permit, you have also violated Section 502(a) of the Act and its associated regulations which require compliance with the terms and conditions of Title V permits. Additionally, in violating the Ohio SIP requirements and Permits-to-Install #13-04550 and #13-04741, you have violated Title I of the Act and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP and permits-to-install.

Section 113 of the Act gives EPA 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.

Before we decide which enforcement option is appropriate, Section 113 of the Act provides you with the opportunity to request a conference with us about the violations alleged in the NOV/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. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Virginia Palmer. You may call her at (312) 353-2089. If you wish to request a conference, you should do so within 10 days following receipt of this NOV/FOV. The parties should hold the conference within 30 days following receipt of this notice.

Sincerely,



Cheryl D. Newton
Director
Air and Radiation Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	NOTICE OF VIOLATION/FINDING
)	OF VIOLATION
The Lincoln Electric Company)	
Cleveland, Ohio)	EPA-5-10-OH-10
)	
Proceedings Pursuant to the Clean Air Act,)	
<u>42 U.S.C. §§ 7401 et seq.</u>)	

NOTICE AND FINDING OF VIOLATION

The Lincoln Electric Company (you or Lincoln Electric) owns and operates a welder manufacturing facility at 22801 St. Clair Ave, Cleveland, Ohio (the facility). 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, wet rotoclones, wet scrubbers or Aerodyne cyclones for the control of particulate matter and opacity emissions. The facility is subject to a Title V Operation Permit, as well as Permit-to-Install (PTI) 13-04550 and PTI 13-04741 (the Permits), all of which were issued by the State of Ohio. The facility is also subject to the Ohio State Implementation Plan (Ohio SIP).

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have found your facility has violated requirements in your Title V permit, Permits-to-Install, and the Ohio SIP. These violations constitute violations of the Clean Air Act (the Act).

Explanation of Violations

The following the statutory and regulatory bases of the violations and how Lincoln Electric violated these requirements.

Title V Background

1. 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."
2. 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."

3. 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.
4. 40 CFR § 52.23 states "...failure to comply with...any approved regulatory provision of a State implementation plan, or with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the State implementation plan, shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act."
5. The Ohio Environmental Protection Agency (Ohio EPA) issued a Title V Permit to Lincoln Electric on May 30, 2003.

SIP and Permits-to-Install Background

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. Ohio EPA issued Permit-to Install (PTI) 13-04550 to Lincoln Electric on September 15, 2005 and issued PTI 13-04741 to Lincoln Electric on February 21, 2008.

SIP, PTIs and Title V Violations

10. The permits, permit conditions, and regulatory requirements relevant to this NOV/FOV are as follows:
 - a. The Title V Permit contains the following requirements applicable to the baghouses, wet rotoclones, wet scrubbers and Aerodyne cyclones mentioned above:
 - i. For Emission Unit (EU) F001, an ore pit, Lincoln Electric is required to control particulate emissions through the use of a baghouse. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 1.0 to 7.0 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-11(B)(1), LEC is required to keep the emission of particulate from this source below 30.5 pounds per hour (lb/hr).
 - ii. For EU P020, a lime drier, Lincoln Electric is required to operate a wet rotoclone while the unit is in operation. Lincoln Electric is also required to maintain the pressure drop across the wet rotoclone within the range of 5 to 10 inches of water column while the unit is in operation. Pursuant to

- OAC 3745-17-11(B), LEC is required to keep the emission of particulate from this source below 2.0 lb/hr.
- iii. For EU P021, a kiln, Lincoln Electric is required by the Title V Permit to equip the unit with an Aerodyne cyclone and a wet scrubber. Lincoln Electric is also required to maintain the pressure drop across the wet scrubber within the range of 11 to 14 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-11(B), LEC is required to keep the emissions of particulate from this source below 6.79 lb/hr.
 - iv. For EU P022, a drier, Lincoln Electric is required to equip the unit with a baghouse. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 4.5 to 7.5 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-11(B), LEC is required to keep the emissions of particulate from this source below 8.61 lb/hr.
 - v. For EU P023, a kiln, Lincoln Electric is required to operate an Aerodyne cyclone while the unit is in operation. Lincoln Electric is also required to maintain the secondary blower velocity pressure across the cyclone within the range established during the most recent emissions test that demonstrated compliance. Pursuant to OAC 3745-17-11(B), LEC is required to keep the emissions of particulate from this source below 1.15 lb/hr.
 - vi. For EU P025, a drier, Lincoln Electric is required to equip the unit with a baghouse and operate the baghouse while the unit is in operation. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 2 to 7 inches of water column. Pursuant to OAC 3745-17-11(B), LEC is required to keep the emissions of particulate from this source below 4.03 lb/hr.
 - vii. For EU P026, a kiln, Lincoln Electric is required to equip the unit with a baghouse and operate the baghouse while the unit is in operation. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 2 to 6 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-11(B), LEC is required to keep the emissions of particulate from this source below 4.10 lb/hr.
 - viii. For EU P037, a roll crusher line, Lincoln Electric is required to equip the unit with a baghouse. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 2 to 8 inches of water column while the unit is in operation while the unit is in operation. Pursuant to OAC 3745-31-05(A)(3), LEC is required to keep the emissions of particulate from this source below 0.9 lb/hr.
 - ix. For EU P039, a ball mill, Lincoln Electric is required to control particulate emissions through the use of a baghouse. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 1.0 to 7.0 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-11(B)(1), LEC is required to keep the emissions of particulate from this source below 6.50 lb/hr.

- x. For EU P040, a Sweco screen, Lincoln Electric is required to control particulate emissions through the use of a baghouse. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 2 to 8 inches of water column while the unit is in operation. Pursuant to OAC 3745-31-05(A)(3), LEC is required to keep the emissions of particulate from this source below 0.45 lb/hr.
 - xi. For EU P902, a flux kiln, Lincoln Electric is required to vent all particulate emissions to a baghouse. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 0.5 to 4.5 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-12(N)(4), LEC is required to keep the emissions of particulate from this source below 2.4 lb/hr.
 - xii. For EU P904, a flux kiln, Lincoln Electric is required to operate the baghouse while the unit is in operation. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 1.5 to 6 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-12(N)(4), Lincoln Electric is required to keep the emissions of particulate from this source below 2.4 lb/hr. Pursuant to OAC 3745-17-12(N)(4), LEC is required to keep the emissions of particulate from this source below 2.4 lb/hr.
- b. For each EU listed above, the Title V Permit also requires Lincoln Electric to record the pressure drop or velocity pressure each day pursuant to OAC 3745-35-02(D)(6).
 - c. For each EU listed above, the Title V Permit also requires Lincoln Electric to submit quarterly deviation reports that identify all periods of time that the pressure drop or velocity pressure did not comply with the allowable range pursuant to OAC 3745-35-02(D)(6).
 - d. PTI 13-04550 allowed the facility to modify EU P021 by installing a baghouse as a replacement for the scrubber required by the Title V permit (see Paragraph 10.a.iii. above). This PTI requires Lincoln Electric to operate a baghouse while the EU is in operation. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 1 to 8 inches of water column while the unit is in operation. Pursuant to OAC 3745-17-11(B), LEC is required to keep the emissions of particulate from the calciner below 2.5 lb/hr and the emissions of particulate from the natural gas burner below 0.10 lb/hr.
 - e. PTI 13-04741 allowed the facility to install EU P910, a flux kiln mixer. Under this PTI, Lincoln Electric is required to install and operate a baghouse while the unit is in operation. Lincoln Electric is also required to maintain the pressure drop across the baghouse within the range of 1.0 to 8.0 inches of water column while the unit is in operation. Pursuant to OAC 3745-31-05(A)(3), LEC is required to keep the emissions of particulate from this source below 2.4 lb/hr.

- f. For EUs P021 and P910, PTIs 13-04550 and 13-04741 also require Lincoln Electric to record the pressure drop across the emissions control unit each day pursuant to OAC 3745-35-02(D)(6).
 - g. For EUs P021 and P910, PTIs 13-04550, and 13-04741 also require Lincoln Electric to submit quarterly pressure drop deviation reports that identify all periods of time that the pressure drop across the emissions control unit did not comply with the allowable range pursuant to OAC 3745-35-02(D)(6).
11. Copies of the daily pressure drop/velocity pressure reading records given to EPA during an on-site inspection show that Lincoln Electric has, on at least 690 days, operated the emission units listed above while the associated emissions control unit was operating outside the allowable range, in violation of its Title V Permit, PTIs 13-04550 and 13-04741 and the Ohio SIP.
 12. On April 29-May 2, 2008, Air Compliance Testing, Inc. conducted three runs using Reference Method 5 on several emissions units at the facility. The average particulate emission rate from EU P904 during the three runs was 8.67 lb/hr. The limit allowed by Lincoln Electric's Title V Permit is 2.4 lb/hr. This thus represents a violation of Lincoln Electric's Title V Permit and OAC 3745-17-12(N)(4).
 13. On June 19, 2008, Air Compliance Testing, Inc. conducted three runs using Reference Method 5 on EU P904. The average particulate emission rate from EU P904 demonstrated compliance with the 2.4 lb/hr limit.
 14. Copies of the daily pressure drop/velocity pressure reading records given to EPA during an on-site inspection show discrepancies between the form "EPA TITLE V – EQUIPMENT MONITORING" and "Visual Inspection of EPA Permitted Sources," both of which recorded the pressure drop for the Sweco Screen, EU P040. There are several instances where a pressure drop is recorded on one of the forms for a specific day but, on the same day, at a different time, the other form certifies that the unit did not run that day and a pressure drop was not taken.
 15. On most of the "Visual Inspection of EPA Permitted Sources" forms, the times at which the pressure drop readings were taken show that the readings for each unit were taken immediately after one another. A small percentage of the forms show that the readings for different units were taken at different times during the day. If a unit was not running at the time the operator was at the unit to take the reading, it is not apparent that the operator would come back and take a reading if the unit started operating later that day.
 16. There are several instances where, on the form "Visual Inspection of EPA Permitted Sources," the operator certified that the unit was on a changeover. This usually means that the unit is being switched to run one type of material to running a different type. If a unit is on a changeover, it usually means that the unit was operating shortly before and shortly after the time of the changeover. However, if the unit was certified to be on a

changeover, a pressure drop reading was never taken at a later point in the day when the unit was no longer on the changeover.

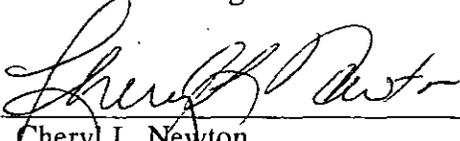
17. There are over 10,000 instances where the pressure drop reading was not taken because the operator recorded that the unit was not running that day. Paragraphs 14, 15 and 16 demonstrate that Lincoln Electric failed to record the pressure drop each day that the unit was running.
18. Copies of the quarterly pressure drop deviation reports submitted by Lincoln Electric show that Lincoln Electric has, on at least 650 days, failed to identify all periods of time that the pressure drop or velocity pressure did not comply with the allowable range, in violation of its Title V Permit, PTIs 13-04550 and 13-04741 and the Ohio SIP.
19. By violating the conditions of its Title V Permit, Lincoln Electric has also violated 40 C.F.R. § 70.7(b) and Section 502(a) of the Act.
20. By violating the conditions of the SIP and its Permits-to-Install, Lincoln Electric has also violated Title I of the Act.

Environmental Impact of Violations

21. Terms and conditions of the Permits were set to ensure that the emission units operate in continuous compliance with the emission standards. Violations of such conditions increase public exposure to unhealthy emissions of particulate matter which contributes to respiratory problems, lung damage and premature deaths.
22. The purpose of the Ohio SIP is to ensure compliance with the National Ambient Air Quality Standards (NAAQs) promulgated by EPA pursuant to Section 109 of the Act, 42 U.S.C. § 7409. Cuyahoga County, where Lincoln Electric is located, has been designated as a non-attainment area for PM_{2.5}, and has been since April 5, 2005 (70 FR 944 and 74 FR 58688). Violations of the conditions and standards set forth in the SIP, specifically those set to bring areas into attainment status, hinder the progress of the SIP and contribute to poor ambient air quality in the surrounding area.

Date

4/1/10


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

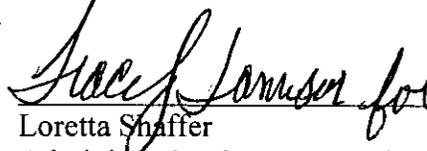
I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-10-OH-10, by Certified Mail, Return Receipt Requested, to:

Kathy Gargasz
The Lincoln Electric Company
22801 St. Clair Ave.
Cleveland, Ohio 44117-1199

I also certify that I sent a copy of the Notice of Violation/Finding of Violation by first class mail to:

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

on the 2 day of April, 2010.


Loretta Shaffer
Administrative Program Assistant
AECAS, (MN/OH)

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