



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

FEB - 5 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jerry Osheka
Director, Environmental Compliance
PPG Industries, Inc.
440 College Park Drive
Monroeville, PA 15146

Re: Notice of Violation and Finding of Violation
PPG Industries, Inc., Barberton Plant
Barberton, Ohio

Dear Mr. Osheka:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to PPG Industries, Inc., (you) under Section 113(a)(1) and (a)(3) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you have violated or are violating Section 114 of the CAA, 42 U.S.C. § 7414, the Ohio State Implementation Plan, a Permit-to-Install, and a Title V permit at your Barberton, Ohio, facility.

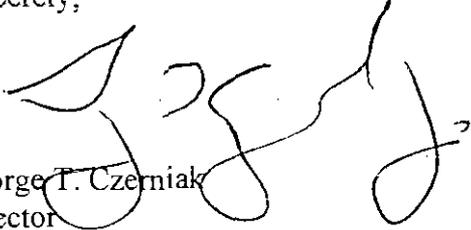
Section 113 of the CAA gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference

The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Czerniak". The signature is fluid and cursive, with a large initial "G" and a long, sweeping tail.

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Travis Cobb, Environmental Engineer, PPG
Robert Hodanbosi, Chief, Division of Air Pollution Control, OEPA
Sam Rubens, Air Administrator, Akron Regional Air Quality Management District
Robert Brubaker, Esq., Porter Wright Morris & Arthur LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
PPG Industries, Inc.)	NOTICE OF VIOLATION and
Barberton, Ohio)	FINDING OF VIOLATION
)	
Proceedings Pursuant to)	EPA-5-15-OH-13
Section 113(a)(1) and (a)(3) of the)	
Clean Air Act, 42 U.S.C.)	
§ 7413(a)(1) and (a)(3))	

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV) to PPG Industries, Inc. (PPG or you) to notify you that we have found violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401-7671q, and its implementing regulations at your facility located at 4829 Fairland Road, Barberton, Ohio (the Facility). The relevant statutory and regulatory background, factual background, finding of violations, and environmental impact of these violations are set forth in detail below.

This NOV/FOV is issued in accordance with Sections 113(a)(1) and (a)(3) of the CAA, 42 U.S.C. § 7413(a)(1) and (a)(3), which authorize the Administrator to take certain enforcement actions after notifying a person that it is in violation of the CAA. The authority to issue this NOV/FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Relevant Statutory and Regulatory Background

Section 114 of the Clean Air Act

1. Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of EPA to require the submission of information for the purpose of determining, among other things, whether any person is in violation of any requirement of a State Implementation Plan (SIP) under Section 110 of the CAA, 42 U.S.C. § 7410, or a standard associated with Hazardous Air Pollutants under Section 112 of the CAA, 42 U.S.C. § 7412.

State Implementation Plan

2. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to the EPA for approval a SIP that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). Under Section 110(a) of the CAA, 42 U.S.C. § 7410(a), each SIP must include a permit program to regulate the operation of any stationary source of air pollution as necessary to assure that NAAQS are achieved.

3. On August 19, 2011, EPA approved Ohio Administrative Code (OAC) 3745-21-07(M), with an effective date of September 19, 2011, as part of the federally enforceable SIP for the State of Ohio. 76 Fed. Reg. 51901. OAC 3745-21-07(M) provides facility-specific control requirements for operations using liquid organic materials.
4. The Ohio SIP at OAC 3745-21-07(M)(1) states, in part, that Emission Unit P098 at the PPG Industries, Barberton Plant is subject to the control requirements of paragraph (M)(2) of this rule.
5. The Ohio SIP at OAC 3745-21-07(M)(2) requires emission units identified in paragraph (M)(1) of the rule to be equipped with a control system that reduces organic compound emissions from the emission unit by an at least eighty-five per cent, by weight, or by ninety percent, if the reductions are achieved by incineration.
6. Pursuant to 40 C.F.R. § 52.23, EPA may take an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413, when a person fails to comply with any permit limitation or condition contained within a permit issued under an EPA-approved permit program that is incorporated into the SIP.
7. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113.

Federally Enforceable State Permits to Install

8. On January 22, 2003, EPA approved OAC Rule 3745-31-05 as part of the federally-enforceable Ohio SIP with an effective date of March 10, 2003. 68 Fed. Reg. 2909.
9. OAC Rule 3734-31-05 authorizes the Ohio Environmental Protection Agency (Ohio EPA) to, among other things, issue federally-enforceable Permits-to-Install (PTI) with such terms and conditions as are necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality.

PTI Requirements

10. On April 8, 2010, Ohio EPA issued a PTI to the Facility (Permit Number P0106015) for Emission Unit P098 (Chloroformate Plant) with an effective date of April 8, 2010 (2010 PTI).
11. The emission limitations for the Chloroformate Plant at C.1(b)(1)a. of the 2010 PTI specify that organic materials emissions shall not exceed 2.00 pounds per hour (lbs/hr).
12. The control requirements for the Chloroformate Plant at C.1(b)(1)b. of the 2010 PTI require an 85% overall organic compound control efficiency, by weight; however, if incineration is used to reduce emissions, a 90% destruction efficiency is required.

Title V Permit Program

13. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution.
14. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), the EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *See* 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.
15. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to the EPA a permit program meeting the requirements of Title V.
16. On August 15, 1995, EPA approved the State of Ohio operating permit program with an effective date of October 1, 1995. *See* 40 C.F.R. Part 70, Appendix A.
17. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.
18. 40 C.F.R. § 70.6(b)(1) provides that that all terms and conditions in a Title V permit are enforceable by the EPA.

Title V Permit Requirements

19. On August 17, 2012, Ohio EPA issued a Title V permit to the Facility (Permit Number P0106489) for the South Plant with an effective date of September 7, 2012 (2012 South Plant Title V Permit).
20. The emission limitations for the Chloroformate Plant at C.1(b)(1)a. of the 2012 South Plant Title V Permit specify that organic materials emissions shall not exceed 2.00 lbs/hr.
21. The control requirements for the Chloroformate Plant at C.1(b)(1)b. of the 2012 South Plant Title V Permit require organic compounds to be reduced by 85% overall control efficiency, by weight; however, if incineration is used to reduce emissions, a 90% destruction efficiency is required.

Relevant Factual Background

22. PPG owns and operates three plants at its campus located at 4829 Fairland Road, Barberton, Ohio. The alleged violations in this NOV/FOV are limited to the Teslin Plant and the South Plant (also called the Optical Plant).
23. On October 26, 2012, EPA issued a request for information pursuant to Section 114 of the CAA (First Information Request) to PPG. Request No. 26 in the First Information Request required PPG to provide monitoring records and logs maintained pursuant to the leak detection and repair requirements in the Title V permit for the Teslin Plant.

24. On February 11, 2013, EPA received PPG's response to the First Information Request. The response did not include many monitoring records from 2008 through 2012 that EPA had requested.
25. On July 10, 2013, EPA issued an NOV/FOV to PPG alleging, among other things, that PPG failed to perform weekly and monthly monitoring at the Teslin Plant as part of a leak detection and repair program required under the Title V permit.
26. On November 5, 2013, representatives of EPA and PPG met to discuss the violations alleged in the July 10, 2013 NOV/FOV. Subsequent to this meeting, PPG representatives provided the monitoring records responsive to the First Information Request that had not been included with PPG's February 11, 2013 response.
27. On February 7, 2014, EPA issued a second Section 114 Information Request (Second Information Request) to PPG. The Second Information Request required PPG to conduct performance testing at the incinerator and emergency scrubber controlling emissions from the Chloroformate Plant.
28. On May 27 and 28, 2014, PPG conducted a performance test at the South Plant incinerator and emergency scrubber (May 2014 Performance Test). This test was conducted to satisfy the Second Information Request.
29. The May 2014 Performance Test identified an average destruction efficiency at the incinerator of 66.14%.
30. The May 2014 Performance Test identified a control efficiency at the emergency scrubber of -2,125.4%¹ and an organic compound emission rate of 3.96 lbs/hr.
31. On October 28 and 29, 2014, PPG conducted a second performance test at the South Plant incinerator and emergency scrubber (October 2014 Performance Test). This test was conducted to demonstrate compliance with applicable limits following plant modifications undertaken in response to the results of the May 2014 Performance Test.
32. The October 2014 Performance Test identified an average destruction efficiency at the incinerator of 77.5%.
33. The October 2014 Performance Test identified an average destruction efficiency at the emergency scrubber of 33.8%.

¹ A negative control efficiency value indicates that the concentration of organic compounds increased from the inlet to the outlet of the control device.

34. The following table summarizes periods when the emergency scrubber acted as the primary pollution control device for the Chloroformate Plant.

Year	Emergency Scrubber as Primary Control (days)	Emergency Scrubber as Primary Control (hours)
2010 ¹	10	2.4
2011	24	10.1
2012	18	4.4
2013	28	20.1
2014 ²	30	20.6

Notes: PPG did not record periods when the emergency scrubber acted as the primary control device from July 1, 2010, through March 22, 2011.

1. Starting April 16, 2010

2. Ending October 26, 2014

Alleged Violations

35. PPG failed to provide all records responsive to the First Information Request in violation of Section 114(a) of the CAA, 42 U.S.C. § 7414(a).
36. The destruction efficiency of the incinerator controlling emissions of organic compounds from the Chloroformate Plant has been less than 90% from September 19, 2011, to the present, in violation of the Ohio SIP at OAC 3745-21-07(M)(2).
37. The control efficiency of the emergency scrubber controlling emissions of organic compounds from the Chloroformate Plant has been less than 85% from September 19, 2011, to the present, in violation of the Ohio SIP at OAC 3745-21-07(M)(2).
38. Organic compound emissions from the Chloroformate Plant exceeded 2.00 lbs/hr when the emergency scrubber acted as the primary pollution control device on 47 days from April 16, 2010, through August 29, 2012, in violation of C.1(b)(1)a. of the 2010 PTI .
39. Organic compound emission from the Chloroformate Plant exceeded 2.00 lbs/hr when the emergency scrubber acted as the primary pollution control device on 63 days from September 10, 2012, to October 26, 2014, in violation of C.1(b)(1)a. of the 2012 South Plant Title V Permit.
40. The destruction efficiency of the incinerator controlling emissions of organic compounds from the Chloroformate Plant was less than 90% from April 8, 2010, through September 6, 2012, in violation of C.1(b)(1)b. of the 2010 PTI .

41. The destruction efficiency of the incinerator controlling emissions of organic compounds from the Chloroformate Plant was less than 90% from September 7, 2012, to the present, in violation of C.1(b)(1)b. of the 2012 South Plant Title V Permit.
42. The control efficiency of the emergency scrubber controlling emissions of organic compounds from the Chloroformate Plant was less than 85% from April 16, 2010, through August 29, 2012, in violation of C.1(b)(1)b. of the 2010 PTI.
43. The control efficiency of the emergency scrubber controlling emissions of organic compounds from the Chloroformate Plant was less than 85% from September 7, 2012, to the present, in violation of C.1(b)(1)b. of the 2012 South Plant Title V Permit.

Environmental Impact of Violations

44. These violations have caused or can cause excess emissions of volatile organic compounds, which contribute to ground level ozone. Ground level ozone irritates the human respiratory system and reduces lung function.

Date

2/5/15

George T. Czerniak
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-5-15-OH-13, by Certified Mail, Return Receipt Requested, to:

Jerry Oshcka
PPG Industries, Inc.
Monroeville Chemical Center
440 College Park Drive
Monroeville, PA 15146

Travis Cobb
Environmental Engineer, EH&S
PPG-Barberton
4829 Fairland Rd
Barberton, OH 44203

~ 7009 1680 0000 7670 1167

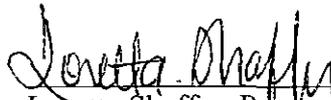
I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Robert L. Brubaker
Porter Wright Morris & Arthur LLP
41 South High Street
Suites 2800-3200
Columbus, Ohio 43215-6194

Robert Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
50 West Town Street, Suite 700,
Columbus, OH 43215

Sam Rubens, Air Administrator
Akron Regional Air Quality Management District
146 South High St. Room 904
Akron, OH 44308

On the 9 day of February 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 1136