OhioEPA
State of Ohio Environmental Protection Agency

STREET ADDRESS:
1800 WaterMark Drive
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

August 21, 1995

CERTIFIED MAIL

Re: Final Findings & Orders for the new VOC content limitation for the fountain solution used at the Springdale facility

Mr. Jay Millen
Plant Manager
International Paper Company
100 Progress Place
Cincinnati, Ohio 45246

Dear Mr. Millen:

Transmitted herewith are the Final Findings and Orders of the Director of the Ohio EPA concerning the above-referenced matter.

Very truly yours,

Thomas G. Rigo, Manager
Field Operations & Permit Section
Division of Air Pollution Control

TGR/tms

xc: Carol Porter, PIC
Steve Feldmann, Legal Section
Jim Orlemann, DAPC
Tom Kalman, DAPC
Martin Joseph, DAPC
Bill Juris, DAPC
Harry Schwietering, HAMCO

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BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

International Paper Company Folding Carton Division 100 Progress Place Cincinnati, Ohio 45246	: : : :	Director's Final Findings and Orders

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to International Paper Company ("IPC"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under section 3704.03 and 3745.01 of the Ohio Revised Code ("ORC").

II. PARTIES

The Orders shall apply to and be binding upon IPC, its assigns and successors in interest.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in Chapter 3704 of the ORC and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

The Director of the Ohio EPA has determined the following findings of fact:

1. IPC, Folding Carton Division, owns and operates sheet-fed offset lithographic printing presses ("presses") at its facility located at 100 Progress Place, Springdale, Ohio ("Springdale facility"). These presses are "air contaminant sources" as defined in Ohio Administrative Code ("OAC") rule 3745-35-01(B)(1) and emit volatile organic compounds ("VOC"), as defined in OAC rule 3745-21-01(B)(6).

2. The presses employ fountain solution in the operation. The fountain solution contains alcohol, which is a VOC.

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By: _____ Date 8/21/95

3. On May 25, 1988, the Ohio EPA promulgated OAC rule 3745-21-09(II)(2) which limited the VOC content (alcohol) of the fountain solution to not greater than 20 percent by volume and required that the fountain solution be refrigerated at the cooling unit to a temperature not to exceed 60 degrees Fahrenheit. On June 9, 1988, Ohio EPA submitted this rule to the United States Environmental Protection Agency ("USEPA") for approval as a revision to the State Implementation Plan ("SIP").

4. In a letter dated June 4, 1991, USEPA informed Ohio EPA that it had not adequately documented that the 20 percent (by volume) VOC content limitation represented reasonably available control technology ("RACT") for the fountain solution and, as such, could not be approved as a SIP revision, pursuant to Section 182(a)(2)(A) of the Clean Air Act Amendments of 1990 ("CAAA").

5. On June 14, 1991, in response to the deficiency cited by USEPA, Ohio EPA revised the VOC content (alcohol) limitation for the fountain solution in OAC rule 3745-21-09(II)(2) to not greater than 10 percent by volume at each cooling unit of the presses. The existing requirement for refrigeration of the fountain solution to a temperature not to exceed 60 degrees Fahrenheit at the cooling units was not changed. Ohio EPA submitted this rule revision to the USEPA for approval as a revision to the SIP for ozone.

6. In the Federal Register of May 9, 1994, the USEPA issued a final action on Ohio EPA's SIP submittal of June 9, 1988 in which the VOC content (alcohol) limitation of 20 percent (by volume) was proposed for limited disapproval based on the USEPA's contention that this limitation was inconsistent with RACT and the lack of a demonstration showing that a lower VOC content fountain solution was unavailable.

7. On November 14, 1994, pursuant to the CAAA of 1990, the Ohio EPA submitted a formal request to the USEPA to redesignate Hamilton County from a nonattainment area to an attainment area for the National Ambient Air Quality Standard ("NAAQS") for ozone.

8. In a letter dated May 11, 1995, the USEPA informed the Ohio EPA that the redesignation request for Hamilton County could not be approved until all of the VOC emission control requirements in OAC Chapter 3745-21 were federally approved. Among the specific deficiencies mentioned was the VOC content (alcohol) limitation in OAC rule 3745-21-09(II)(2) for the fountain solution employed in the presses at the Springdale facility. The USEPA indicated that the VOC (alcohol) content limitation of 10 percent by volume with refrigeration at or below 60 degrees Fahrenheit was not consistent with the recommendation in the December 12, 1992 draft Control Techniques Guidelines for

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offset lithographic printing, which specifies an 8.5 percent VOC content limit with refrigeration at or below 60 degrees Fahrenheit. Furthermore, USEPA indicated that meeting the 8.5 percent VOC content limit should not pose a problem for IPC since, according to a letter dated April 24, 1990 to Ohio EPA and from IPC's attorneys, IPC had been using a fountain solution containing slightly more than 6 percent alcohol, by weight, since 1989.

9. In order to obtain USEPA approval of the VOC rules and the redesignation request, Ohio EPA has proposed to IPC that the VOC content (alcohol) limitation in OAC rule 3745-21-09(II)(2) be revised to 8.5 percent by volume. The refrigeration temperature requirement would be left unchanged. In order to expedite the approval of the redesignation request, these Orders are being used to require IPC to meet the 8.5 percent limitation and a rule change will follow at a later date.

10. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby makes the following orders:

1. Upon the effective date of these Orders, IPC shall not employ any fountain solution containing greater than 8.5 percent VOC (alcohol) by volume at each cooling unit in any sheet-fed offset lithographic printing press at the Springdale facility.

2. IPC shall measure the VOC content of the fountain solution, in percent by volume, used in each cooling unit on a daily basis, and shall maintain records of the results of the measurements at the Springdale facility for a period of three years.

3. The VOC content of the fountain solution shall be measured using a hydrometer.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any statutes or regulations applicable to IPC's Springdale facility

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VII. TERMINATION

These Orders shall terminate upon the effective date of any USEPA approval of an Ohio EPA request for a revision to the SIP for ozone that incorporates the VOC emission control requirements prescribed in Orders 1 through 3 within OAC Chapter 3745-21.

VIII. SIGNATORIES

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to this document.

IX. WAIVER

IPC agrees that these Orders are lawful and reasonable and IPC agrees to comply with these Orders.

IPC hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek administrative and/or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, the Ohio EPA and IPC agree that in the event that these Orders are appealed by any other party to the Environmental Board of Review, or any court, IPC retains the right to intervene and participate in such an appeal in support of these Orders. In such event, IPC shall continue to comply with these Orders unless said Orders are stayed, vacated, or modified.

IT IS SO ORDERED AND AGREED:

International Paper Company

By _____ Date 8/15/95

Plant Manager
Title

Ohio Environmental Protection Agency

Donald R. Schregardus
Director

Date AUG 18 1995

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