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 Reilly Industries, Inc.
facility located at
3201 Independence Road
Cleveland, Ohio 44105

Mr. William A. Justin
Senior Product Manager
Corporate Environmental Affairs
Reilly Industries, Inc.
1500 South Tibbs Avenue
Indianpolis, Indiana 43242-0912

Dear Mr. Justin:

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
Bill Juris, DAPC
Robert Staib, Cleveland DAPC

OHIO E.P.A.
AUG 18 95
ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Reilly Industries, Inc. 3201 Independence Road Cleveland, Ohio 44105	: : :	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 Reilly Industries, Inc. ("Reilly"), 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

These Orders shall apply to and be binding upon Reilly and its officers, directors, agents, servants, employees, 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. Reilly owns and operates a coal tar refining facility, which is located at 3201 Independence Road, Cleveland (Cuyahoga County), Ohio. This facility has distillation stills and other operations that emit volatile organic compounds ("VOCs"), as defined in Ohio Administrative Code ("OAC") rule 3745-21-01(B)(6). None of the distillation stills and operations are governed by Control Technique Guidelines ("CTGs") developed by the United States Environmental Protection Agency ("USEPA") as set forth in 40 CFR Part 60.

2. On March 17, 1992, Reilly submitted to Ohio EPA an engineering study on reasonably available control technology

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.
By: _____ Date _____

(RACT) for its VOC emitting operations pursuant to the requirements under OAC rule 3745-21-11.

3. On March 31, 1993, the Ohio EPA promulgated VOC emission control requirements, based on reasonably available control technology ("RACT"), for Reilly under OAC rule 3745-21-09(AAA). This rule did not include Reilly's existing distillation stills because Ohio EPA determined that the control devices for the distillation stills are subject to the current requirements under OAC rule 3745-21-07(G). This rule was submitted to the USEPA as a revision to the Ohio SIP on June 7, 1993.

4. On November 14, 1994, pursuant to the Clean Air Act Amendments of 1990, the Ohio EPA submitted a formal request to the U.S. Environmental Protection Agency ("USEPA") to redesignate the Cleveland area, which includes Cuyahoga County and seven other counties, from a nonattainment area to an attainment area for the National Ambient Air Quality Standard ("NAAQS") for ozone.

5. On May 11, 1995, the USEPA, Region 5 informed Ohio EPA that the use of OAC rule 3745-21-07(G) as RACT for existing control devices at Reilly creates significant problems of federal enforceability. The USEPA stated that all non-CTG RACT rules for Reilly must be federally approved in order for the redesignation request for the Cleveland area to be approved.

6. On June 1 and 2, 1995, Ohio EPA staff met with USEPA staff to resolve issues pertaining to Ohio's non-CTG VOC RACT rules in the ozone SIP, including the enforceability of OAC rule 3745-21-07(G) for existing control devices at Reilly. It was determined that the distillation stills are subject to OAC rule 3745-21-07(G) and that the test methods under OAC rule 3745-21-10(C), which are federally approved, should be used to determine compliance with OAC rule 3745-21-07(G).

7. In order to obtain USEPA approval of the VOC rules contained in the ozone SIP and to expedite the approval of the redesignation request for the Cleveland area, the Ohio EPA is using these Orders to require Reilly to meet the control requirements and test methods in Finding 6, with the understanding that a rule change will follow at a later date.

8. 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:

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date _____

OHIO E.P.A.
AUG 18 95
DIRECTOR'S JOURNAL

1. The VOC emissions from each distillation still at Reilly shall be subject to the emission control requirements under OAC rule 3745-21-07(G), and compliance with those requirements shall be demonstrated in accordance with the test procedures under OAC rule 3745-21-10(C). Emission control requirements stated in terms of "organic materials" shall apply to VOCs.

2. Each distillation still shall be vented to an emission control device (condensing scrubber) that is equipped with continuous monitoring and recording devices for outlet gas temperature. Reilly shall install, operate, and maintain the continuous monitoring and recording devices in accordance with the requirements under OAC rule 3745-21-09(B)(4)(d).

3. Reilly shall collect and record daily the information identified under OAC rule 3745-21-09(B)(4)(b)(i) and (ix) and shall maintain the information at the facility for a period of three years.

4. Reilly shall submit to the Ohio EPA quarterly summaries of the records specified under Order 3. These quarterly summaries shall be submitted by April 30, July 31, October 31, and January 31 and shall cover the records for the previous calendar quarters. Each quarterly summary is to be submitted to:

Bureau of Engineering Services
Division of Air Pollution Control
1925 St. Clair
Cleveland, Ohio 44114

OHIO E.P.A.
AUG 18 95
ENTERED DIRECTOR'S JOURNAL

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 other statutes or regulations applicable to Reilly's facility.

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 requirements prescribed in Orders 1 through 4 within OAC Chapter 3745-21.

VIII. SIGNATORIES

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

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date _____

IX. WAIVER

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

Reilly 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 judicial review of these Orders either in law or equity.

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

IT IS SO ORDERED AND AGREED:

Reilly Industries, Inc.

By: _____ 7-27-95
Date

Director of Legal Affairs
Title

Ohio Environmental Protection Agency

Donald R. Schregardus
Director

AUG 18 1995
Date

OHIO E.P.A.
AUG 18 95
ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date 8/21/95