OhioEPA
State of Ohio Environmental Protection Agency

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August 21, 1995

CERTIFIED MAIL

Re: Final Findings & Orders
for the Midwest Mica &
Insulation Co. facility
located in Cleveland, Ohio

Mr. David Kuivinen
Director of Safety and Environment
Kirkwood Industries, Inc.
4855 West 130th Street
Cleveland, Ohio 44136-5182

Dear Mr. Kuivinen:

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

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

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

In the Matter of:

Midwest Mica & Insulation Co.	:	Director's Final Findings
4855 West 130th St.	:	and Orders
Cleveland, Ohio 44135	:	

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 Midwest Mica & Insulation Company, Division of Kirkwood Industries ("Midwest Mica"), 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 Midwest Mica 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. Midwest Mica owns and operates a mica insulation products manufacturing facility, which is located at 4855 West 130th St., Cleveland (Cuyahoga County), Ohio. At this facility Midwest Mica operates mica coating and laminating lines in which coatings are applied to mica splittings to form composites for mica insulation products. These coatings contain volatile organic compounds ("VOCs"), as defined in Ohio Administrative Code ("OAC") rule 3745-21-01(B)(6). None of the mica coating and laminating lines are governed by Control Technique Guidelines ("CTGs") developed by the United States Environmental Protection Agency ("USEPA") as set forth in 40 CFR Part 60.

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3. On May 25, 1988, the Ohio EPA promulgated VOC emission control requirements, based on reasonably available control technology ("RACT"), for Midwest Mica under OAC rule 3745-21-09(NN). This rule was submitted to the USEPA as a revision to the Ohio SIP on June 9, 1988.

4. On March 31, 1993, the Ohio EPA promulgated revisions to OAC rule 3745-21-09(NN) and OAC rule 3745-21-09(B) that subject Midwest Mica to recordkeeping and reporting requirements. These rule revisions were submitted to the USEPA as a revision to the Ohio SIP on June 7, 1993.

4. 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 this action, USEPA gave concurrent limited approval/limited disapproval to OAC rule 3745-21-09(NN).

5. 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.

6. On January 17, 1995 the Ohio EPA promulgated OAC rule 3745-21-04(B)(5) that subject Midwest Mica to requirements on compliance testing. This rule revision was submitted to the USEPA as a revision to the Ohio SIP on February 17, 1995.

7. In a memorandum dated February 7, 1995, John S. Seitz, Director of Office of Air Quality Planning and Standards, USEPA, issued guidance on USEPA approved test methods for determining capture efficiency of VOC emission control systems. The guidance included the release of a technical document entitled "Guidelines for Determining Capture Efficiency."

8. On March 22, 1995, the USEPA, Region 5 issued a letter to the Ohio EPA informing it of a deficiency in OAC rule 3745-21-09(NN). The deficiency pertained to a lack of control requirements for fugitive emissions. The USEPA informed the Ohio EPA that disapproval of this rule would adversely impact the redesignation request for the Cleveland area.

9. 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 fugitive emission issue for Midwest Mica. It was determined that the capture of fugitive VOC emissions be addressed with a RACT requirement stating a minimum 81 percent overall control efficiency for non-exempt mica coating or laminating lines. Also, the capture efficiency of the VOC emission control system for each non-exempt mica coating or laminating line should be determined in accordance with the USEPA test methods under Finding 7.

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10. 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 Midwest Mica to meet the minimum 81 percent overall control efficiency in Finding 9, with the understanding that a rule change will follow at a later date.

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11. 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. Except as provided in Order 6, Midwest Mica shall comply within one year from the effective date of these Orders with the VOC emission requirements specified in Order 2.

2. For any mica coating or laminating line subject to OAC rule 3745-21-09(NN)(1) and not exempted under OAC rule 3745-21-09(NN)(2), the VOC emission control system shall be designed and operated to achieve an overall control efficiency which is at least 81 percent by weight for the VOC emissions from the mica coating or laminating line and the control device shall be designed and operated to achieve a VOC control efficiency which is at least 98 percent by weight or an outlet VOC concentration which is less than or equal 20 parts per million by volume (dry basis). The VOC capture efficiency of the control system shall be determined in accordance with the test methods and guidance specified in Finding 7. For the VOC control device, the VOC control efficiency and outlet VOC concentration shall be determined in accordance with OAC rule 3745-21-10(C).

3. Pursuant to OAC rule 3745-21-09(B)(3)(n), Midwest Mica shall install and operate continuous monitoring and recording devices for combustion temperature within the VOC control device. Midwest Mica shall operate and maintain the continuous monitoring and recording devices in accordance with manufacturer's recommendations.

4. Pursuant to OAC rule 3745-21-09(B)(3)(l), Midwest Mica shall collect and record the following information each day for the VOC emission control equipment and maintain the information at the facility for a period of three years:

a) a log of operating time for the capture (collection) system, control device, monitoring equipment, and the associated mica coating or laminating line, and

b) all three-hour periods of operation of the thermal incinerator during which the average combustion temperature was

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more than 50 degrees Fahrenheit below the average combustion temperature during the most recent performance test that demonstrated that the line was in compliance.

5. Pursuant to OAC rule 3745-21-09(B)(3)(m), Midwest Mica shall submit to the Ohio EPA quarterly summaries of the records specified under Order 2. 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

6. Midwest Mica may request from the Ohio EPA a less stringent or alternative control plan within one year from the effective date of these Orders if it can be demonstrated to the satisfaction of the Ohio EPA and the USEPA that the requirement under Order 2 is not technically feasible or economically reasonable. If the request is denied, the requirement under Order 2 applies.

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 Midwest Mica'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 VOC emission control requirements prescribed in Finding 9 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.

IX. WAIVER

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

Midwest Mica hereby waives the right to appeal the issuance,

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

IT IS SO ORDERED AND AGREED:

Midwest Mica & Insulation Company
Division of Kirkwood Industries

Gregory M. Ensigni
By

Date 8/8/95

VICE PRESIDENT - ADMINISTRATION
Title

Ohio Environmental Protection Agency

Gerry Boonicks for
Donald R. Schregardus
Director

AUG 18 1995
Date

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