



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

December 6, 2016

**CERTIFIED MAIL**

Kevin B. Lusk,  
Tecnocap, LCC.  
2100 Griswold NE  
Warren, Ohio 44483

Re: Final Findings and Orders for violations of  
Ohio's air pollution regulations

Dear Mr. Lusk:

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

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kavalec", is written over a thin horizontal line.

James Kavalec, Manager  
Compliance/Enforcement Section  
Division of Air Pollution Control

ec: James Lee, PIC  
Lee Tullis, DAPC  
Kara Philibin, DAPC  
John Paulian, DAPC  
Brandon Schwendeman, DAPC  
Stephen Feldman, Legal Office  
Tan Tran, DAPC  
Tim Fischer, NEDO-DAPC

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

DEC - 7 2016

In the Matter of:

ENTERED DIRECTOR'S JOURNAL

Tecnocap, LLC  
2100 Griswold NE  
Warren, Ohio 44483

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**Director's Final Findings  
and Orders**

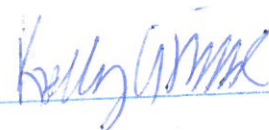
I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

**PREAMBLE**

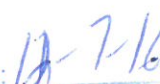
It is agreed by the parties hereto as follows:

**I. JURISDICTION**

By:



Date:



These Director's Final Findings and Orders ("Orders") are issued to Tecnocap, LLC, ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the facilities (as hereinafter defined) shall in any way alter Respondents obligations under these Orders.

**III. DEFINITIONS**

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

**IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a facility (Facility ID#0278080620) located at 2100 Griswold, in Warren, Ohio (Trumbull County). At this facility, metal sheets are coated and/or printed and shipped to various facilities to be made into lids for jars and other products. Respondent operates five coating/printing lines which are identified as emissions units ("EUs") K001, K002, K003, K005 and K006. The Title V permit P0108674 was issued for this facility on June 24, 2013.
2. The terms and conditions of Title V permit P0108674 require the permittee to monitor the performance of the emission capture system by either installing, calibrating, maintaining and operating a pressure measuring device to monitor the duct static pressure at the inlet plenum to the catalytic oxidizer; or installing, calibrating, maintaining and operating a flow measuring device to monitor the gas volumetric flow rate in the duct between the capture device and the catalytic oxidizer.

3. The terms and conditions of the Title V permit P0108674 require Pursuant to 40 CFR 64.3(a)(2), the permittee shall monitor each bypass damper (or valve) located in the exhaust gas capture system between the emissions unit and the air pollution control device and each emergency bypass valve installed at the air pollution control device that allows the exhaust gas to be diverted away from the air pollution control device to atmosphere using one of the following procedures:

- Install, calibrate, maintain and operate a flow control position indicator that provides a record indicating whether the exhaust stream was directed to the control device or was diverted from the control device. The time and control position shall be recorded at least once per hour, as well as every time the flow direction is changed.
- Ensure that any bypass line valve or damper is in the closed position through continuous monitoring of valve position. The monitoring system shall be inspected at least once every month to ensure that it is functioning properly.
- Use an automatic shutdown system in which the emissions unit is idled and operations are ceased when flow is diverted away from the control device to any bypass line. The automatic system shall be inspected at least once every month to ensure proper functioning.
- Secure a bypass line valve in the closed position with a car-seal or a lock-and-key type configuration; a visible inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve or damper is maintained in the closed position and the exhaust stream is not diverted through the bypass line. Each bypass damper or valve shall be inspected at least annually to ensure proper operation of the valve or damper.

4. The terms and conditions of Title V permit P0108674 require the permittee to perform a preventative maintenance inspection of the catalytic oxidizer on an annual basis to evaluate the performance of the catalyst bed. Each inspection shall consist of internal and visual inspections in accordance with the manufacturer's recommendations, and shall include a physical inspection of the unit and all of the associated equipment, including but not limited to burners, controls, dampers, valves, and monitoring and recording equipment. Repair and replacement of equipment and the catalyst shall be performed as determined by the inspection. During each annual inspection a sample of the catalyst material shall be collected from the catalyst bed and used to perform a catalyst activity test. The permittee shall maintain a record of the results of each annual inspection and the results of each annual catalyst activity test. The permittee shall also perform weekly inspections of the external integrity of the catalytic oxidizer. Records shall be maintained of the inspections and the date(s) of catalyst replacement, and if only partial, the amount or percent of the total catalyst replaced.

5. The terms and conditions of Title V permit P0108674 require the permittee to properly install, operate, and maintain continuous temperature monitors and recorder(s) that

measure and record(s) the temperature immediately upstream and downstream of the oxidizer's catalyst bed when the emissions unit(s) is/are in operation, including periods of startup and shutdown. The terms and conditions of Title V permit P0108674 require the permittee to collect and record the following information each day the emissions unit(s) is/are in operation:

- all 3-hour blocks of time, when the emissions unit(s) controlled by the catalytic oxidizer was/were in operation, during which the average temperature of the exhaust gases immediately before the catalyst bed was more than 50° F below the average temperature measured during the most recent performance test that demonstrated the emissions unit(s) was/were in compliance;
- all 3-hour blocks of time, when the emissions unit(s) controlled by the catalytic oxidizer was/were in operation, during which the average temperature difference across the catalyst bed was less than 80% of the average temperature difference measured during the most recent performance test that demonstrated the emissions unit(s) was/were in compliance; and
- a log or record of the operating time for the capture (collection) system, catalytic oxidizer, monitoring equipment, and the associated emissions unit(s).

The permittee may use a temperature chart recorder or equivalent recording device as the log that documents the temperature differential across the catalyst bed. These records shall be maintained at the facility for a period of no less than 3 years.

6. The terms and conditions of Title V permit P0108674 require the permittee to operate and maintain a catalytic oxidizer capable of capturing and controlling VOC emissions from emissions units K001, K002, K003, and K005. The capture and control system shall provide not less than an 81% reduction, by weight, in the overall VOC emissions from the coating lines and the reduction efficiency of the catalytic oxidizer shall not be less than 90%, by weight, for the VOC emissions vented to it.

7. ORC § 3704.05(J) states, in part, that no person shall violate any applicable requirement of a Title V permit or any permit condition.

8. On February 19, 2015, Ohio EPA, Northeast District Office ("NEDO"), conducted an inspection of Respondent's facility. At this inspection, NEDO documented that, for the catalytic oxidizer that controls EUs K001, K002, K003 and K005, Respondent failed to conduct the required monthly inspections of the pressure sensors to ensure that bypass line valves or dampers were in the closed position, in violation of the terms and conditions of the Title V renewal permit P0108674 and ORC § 3704.05(J). Also noted during the inspection, Respondent was not performing the required monitoring to demonstrate capture efficiency (inlet plenum duct static pressure or gas flow rate between the capture system and control device.) In addition, NEDO documented that Respondent was in violation of the terms and

conditions of Title V renewal permit P0108674 and ORC § 3704.05(J). Once the calculations were performed, NEDO noted that the required temperature across the catalyst bed could not be met. Lastly, NEDO noticed that Respondent failed to conduct annual preventative maintenance inspections of the oxidizer, including a physical inspection of the unit and all associated equipment, in violation of the terms and conditions of Title V renewal permit P0108674 and ORC § 3704.05(J).

9. On March 11, 2015, NEDO sent a notice of violation ("NOV") letter to Respondent for the violations of the terms and conditions of Title V permit P0108674 and ORC § 3704.05(J) that were documented during the February 19, 2015 inspection.

10. Despite significant communication with Ohio EPA, Respondent was unable to resolve the violations noted above quickly and by June 2015 indicated that the path forward to fully comply would include the replacement of the current catalytic oxidizer with a new regenerative thermal oxidizer (RTO). After getting vendor quotes, the RTO was ordered with a final installation date of June 2016.

11. Respondent requested that testing due by October 2015 not be required so that resources could be directed toward obtaining and testing the new control device. While considering the request Ohio EPA sent several information requests to Respondent. By September 2015, through information received in these requests and historical stack test data, Ohio EPA became aware of possible significant capture efficiency problems. Ohio EPA asked Respondent a level of comfort could be provided that they would not exceed emission limits until the new unit was installed. Ohio EPA requested that capture efficiency testing be performed. During the week of December 15, 2015 capture testing was attempted. Abbreviated testing was performed demonstrating that capture efficiency was inadequate. Despite making changes throughout the facility passing results could not be achieved.

12. By letter dated March 8, 2016, NEDO notifying Respondent of its failure to comply with the 81% overall control efficiency, in violation of the terms and conditions of Title V permit P0108674 and ORC § 3704.05(J). In order to correct all the violations, NEDO requested Respondent to submit the following: (1) a new Compliance Assurance Monitoring ("CAM") plan to address the capture and control of emissions from K001, K002, K003 and K005 which includes adequate monitoring, operational restrictions and record keeping; (2) a schedule and description of the final installation of the new control device; and (3) the engineering study related to and resolution of the issues with capture efficiency, including the proposed solution.

13. Around March 30, 2016, Respondent provided a schedule for final installation and testing of a new control system and for installing and testing a new capture system in order to resolve all the on-going violations including issues concerning compliance with the 81% overall control limit.

14. Based on the latest information provided by NEDO, Respondent: (1) installed the new RTO by June 24, 2016; (2) installed the capture system for EUs K001, K002, K003 and K005 between July 9 and 15, 2016; (3), conducted stack tests between August 22 and 26, 2016 to demonstrate compliance with the 81% overall control limit; (4) submitted the Intent-to-Test notification on July 18, 2016; and (5) submitted a new CAM plan for the new RTO on July 27, 2016.

15. 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 issues the following Orders:

1. Respondent shall pay the amount of forty-two thousand dollars (\$42,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for forty-two thousand dollars (\$42,000) of the total amount (split to Funds 6960 and 6A10). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders, these obligations have been embedded in operation permits, and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

#### **VIII. 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. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

#### **X. NOTICE**

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio EPA  
Northeast District Office  
Air Pollution Control Division  
2110 East Aurora Road  
Twinsburg, Ohio 44087-1924  
Attention: Tim Fischer

and to:

Ohio EPA  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Jim Kavalec, Manager  
Compliance and Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

#### **XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

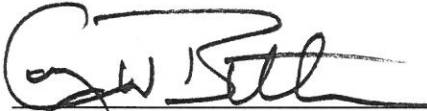


**XIV. SIGNATORY AUTHORITY**

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 these Orders.

**ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Craig W. Butler  
Director

12/5/16  
Date

**AGREED:**

**Tecnocap, LLC**

  
\_\_\_\_\_  
Signature

November 30, 2016  
Date

Kevin B. Lusk, CFO  
Printed or Typed Name