



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

MAY 31 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bernie Ingle, Plant Manager
Metalworking Lubricants Company
1509 South Senate Avenue
Indianapolis, Indiana 46225

Re: Notice and Finding of Violation
Metalworking Lubricants Co.
Indianapolis, Indiana

Dear Mr. Ingle:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Metalworking Lubricants Company (you) under Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you are violating the Indiana State Implementation Plan, your Federally Enforceable State Operating Permits issued in 2008 and 2015, and the National Emissions Standards for Hazardous Air Pollutants at your Indianapolis, Indiana facility.

Section 113 of the Clean Air Act 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 contacts in this matter are Linda H. Rosen and Shilpa Patel. You may call either at (312) 886-6810 or (312) 886-0120 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,



Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Phil Perry, Chief
Air Compliance Branch
Indiana Department of Environmental Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

| | | |
|----------------------------------|---|------------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Metalworking Lubricants Company |) | NOTICE AND FINDING OF |
| Indianapolis, Indiana |) | VIOLATION |
| |) | |
| Proceedings Pursuant to |) | EPA-5-17-IN-05 |
| Section 113(a)(1) and (3) of the |) | |
| Clean Air Act, 42 U.S.C. |) | |
| § 7413(a)(1) and (3) |) | |

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). EPA finds that Metalworking Lubricants Company (MLC) is violating the Indiana State Implementation Plan (SIP), its Federally Enforceable State Operating Permits (FESOPs) issued in 2008 and 2015, and the National Emissions Standards for Hazardous Air Pollutants (NESHAP) as follows:

Statutory and Regulatory Background

Federally Enforceable State Operating Permit Program

1. EPA approved the State of Indiana's FESOP program on August 18, 1995. *See* 60 Fed. Reg. 43,008 (Aug. 18, 1995). Indiana's FESOP program became effective on October 17, 1995. *Id.*

FESOP Requirements

2. On October 27, 2003, the Indiana Department of Environmental Management (IDEM) issued FESOP Renewal No. F097-15365-00139 to MLC with an effective date of October 27, 2003. On February 7, 2008, IDEM issued an Administrative Amendment to FESOP Renewal No. F097-15365-00139, with an effective date of February 7, 2008 (the 2008 FESOP).
3. Condition D.2.3 of the 2008 FESOP requires that MLC record the total static pressure drop across the scrubbers used in conjunction with the controlled tanks, at least once per day. When for any one reading the pressure drop across the scrubber is outside the normal range of 1-4 inches of water or a suitable range established during the latest stack test, MLC shall take reasonable response steps in accordance with Section C - Response to Excursions or Exceedances. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps in accordance with Section C-Response to Excursions or Exceedances shall be considered a deviation from this permit.

4. On June 25, 2015, IDEM issued FESOP Renewal No. F097-32513-00139 to MLC with an effective date of June 25, 2015. On July 13, 2015, MLC petitioned, pursuant to the authority of Indiana Administrative Code (IAC) 4-12.5-3-7, for administrative review and a stay of effectiveness of certain conditions of FESOP Renewal No. 097-32513-00139. On October 29, 2015, IDEM issued an Administrative Amendment to FESOP Renewal No. 097-32513-00139 with an effective date of October 29, 2015 (the 2015 FESOP). On November 13, 2015, MLC petitioned for administrative review and a stay of effectiveness of certain conditions of the administrative amendment to the 2015 FESOP.
5. On September 26, 2016, IDEM and MLC entered into a stay agreement on FESOP 097-32513-00139, which became effective September 26, 2016 (the Stay).
6. Condition D.1.1 of the 2015 FESOP and Stay states that total hazardous air pollutant (HAP) emissions from receiving, handling, processing, storage and treatment (including wastewater and process treatment) shall not exceed twenty-four (24) tons per twelve (12) consecutive month period, with compliance determined at the end of each month.
7. Condition D.1.3 of the 2015 FESOP and Stay states that the Hypochlorite Injection Scrubber shall be in operation when the heated tanks, identified as P1, P2, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12, P13, P14, P15, SHT2, W8, D1, D2, D3, D4, D5, K1, K2, and K3, are in operation.
8. Condition D.1.4 of the 2015 FESOP and Stay states that the scrubber system serving the tanks for sulfur dioxide (SO₂), volatile organic compounds (VOC), and HAP control shall be in operation and control emissions from the tanks at all times the tanks are operating or holding liquid.
9. Condition D.1.5 of the 2015 FESOP and Stay requires that MLC perform VOC, SO₂ and HAP testing utilizing methods approved by the EPA and by the IDEM Commissioner no later than 90 days after September 26, 2016.
10. Condition D.1.6 of the 2015 FESOP and Stay requires that MLC determine the VOC and HAP content of each shipment of waste product received and each additive used in the processing of waste by the following: (1) providing vendor analysis of waste product delivered, if accompanied by a vendor certification; or (2) The shipment of waste product received is sampled and analyzed by an independent laboratory, utilizing the appropriate American Society for Testing and Materials (ASTM) standards for sampling and chemical analysis. Sampling and analysis is conducted as follows: (A) The sample acquisition points are at locations where representative samples of the respective materials may be obtained. (B) Samples are composited, prepared and analyzed in accordance with ASTM specifications and forwarded to a third-party for analysis; (C) Samples are tested for the list of materials approved by IDEM and listed in Attachment A of the Stay; (D) Permittee's laboratory completes the appropriate chain of custody documentation; and (E) At the completion of ninety (90) days of testing, Permittee completes calculations to show their potential to emit VOC and HAPs based upon the data collected pursuant to Condition D.1.6.

11. Condition D.1.8 of the 2015 FESOP and Stay states that MLC shall determine the calendar month HAP emissions from receiving, handling, processing, storage, and treatment (including wastewater and process treatment) in accordance with one of two methodologies using the input values determined through the sampling and analysis required by Condition D.1.6 of the 2015 FESOP and Stay.
12. Per Condition D.1.9 of the 2015 FESOP and Stay, in lieu of deducting the amount of total HAPs contained in the final product (oil), the source may elect to set all or some of the shipment values to zero (0).

State Implementation Plan

13. On June 13, 2007, EPA approved General Reduction Requirements for New Facilities (as of January 1, 1980) at 326 IAC 8-1-6 as part of the federally enforceable SIP for Indiana. *See* 72 Fed. Reg. 32,531 (June 13, 2007).
14. 326 IAC 8-1-6 states that new facilities (as of January 1, 1980) that: (1) have potential emissions of twenty-five (25) tons or more per year; (2) are located anywhere in the state; and (3) are not otherwise regulated by: (A) other provisions of Article 8; (B) 326 IAC 20-48 (Emissions Standards for Hazardous Air Pollutants for Boat Manufacturing); or (C) 326 IAC 20-56 (Reinforced Plastic Composites Production) shall reduce VOC emissions using best available control technology (BACT).
15. On November 5, 1981, EPA approved 325 IAC 1.1-1-27 (recodified to 326 IAC 1-2-27), 325 IAC 1.1-1-08 (recodified to 326 IAC 1-2-06), and 325 IAC 1.1-1-58 (recodified to 326 IAC 1-2-55) as part of the federally enforceable SIP for Indiana, effective December 7, 1981. *See* 46 Fed. Reg. 54,943 (Nov. 5, 1981).
16. 326 IAC 1-2-27 defines “Facility” as any one (1) structure, piece of equipment, installation or operation which emits or has the potential to emit any air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for the purpose of this rule.
17. 326 IAC 1-2-06 defines “BACT” as an emission limitation or equipment standard based on the maximum degree of reduction of each pollutant subject to regulation under the Clean Air Act and applicable Indiana laws or rules which would be emitted from or which results from any proposed major facility or modification thereto which the Board, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such facility or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant.
18. 326 IAC 1-2-55 defines “Potential Emissions” as emissions of any one (1) pollutant which would be emitted from a facility if that facility were operated without the use of pollution control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is

integral to the normal operation of the facility. Potential emissions shall be based on maximum annual rated capacity unless hours of operation are limited by enforceable permit conditions. Potential emissions from a facility shall take into account the hours of operation per year and shall be calculated according to federal emission guidelines in AP 42-most recent edition-Compilation of Air Pollution Factors, or calculated based on stack test data or other equivalent data acceptable to the IDEM Commissioner.

National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

19. Section 112 of the CAA U.S.C. § 7412(c), requires EPA to promulgate a list of all categories and subcategories of new and existing “major sources” of HAPs, and establish emissions standards for the categories and subcategories.
20. Pursuant to Section 112 of the CAA, on July 1, 1996, EPA promulgated the NESHAP for Hazardous Air Pollutants from Off-Site Waste Recovery Operations.
21. The NESHAP at 40 C.F.R. § 63.680(a), states that the provisions of 40 C.F.R. Part 63, Subpart DD apply to the owner and operator of a plant site for which both of the conditions specified in 40 C.F.R. § 63.680(a)(1) and (a)(2) are applicable. If either one of these conditions does not apply to the plant site, then the owner and operator of the plant site are not subject to the provisions of 40 C.F.R. Part 63, Subpart DD.
22. The NESHAP, at 40 C.F.R. § 63.680(a)(1), states the plant site must be a major source of HAP emissions as defined in 40 C.F.R. § 63.2.
23. Under 40 C.F.R. § 63.2, a “major source” of HAP emissions means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.
24. The NESHAP, at 40 C.F.R. § 63.680(a)(2), states that the plant site must be one or more of operations that receives off-site materials as specified in 40 C.F.R. § 63.680(b) and the operations is one of the waste management operations or recovery operations specified in 40 C.F.R. § 63.680(a)(2)(i) through (a)(2)(vi).
25. The NESHAP, at 40 C.F.R. § 63.680(a)(2)(vi), states that a recovery operation that re-refines or reprocesses used oil which is an off-site material, and the operation is regulated under 40 C.F.R. 279 Subpart F – Standards for Used Oil Processors and Refiners, is subject to 40 C.F.R. Part 63, Subpart DD.
26. The NESHAP, at 40 C.F.R. § 63.680(b), states that for the purpose of implementing 40 C.F.R. Part 63, Subpart DD, an off-site material is a material that meets all of the criteria specified in 40 C.F.R. § 63.680(b)(1) but is not one of the materials specified in 40 C.F.R. § 63.680(b)(2).

27. The NESHAP, at 40 C.F.R. § 63.680(b)(1), states an off-site material is a material that meets all of the criteria specified in 40 C.F.R. § 63.680(b)(1)(i) through (b)(1)(iii). If any one of these criteria does not apply to the material, then the material is not an off-site material subject to 40 C.F.R. Part 63, Subpart DD.
28. The NESHAP, at 40 C.F.R. § 63.680(b)(1)(i), states the material is a waste, used oil, or used solvent as defined in 40 C.F.R. § 63.681.
29. The NESHAP, at 40 C.F.R. § 63.681, states that “waste” means a material generated from industrial, commercial, mining, or agricultural operations or from community activities that is discarded, discharged, or is being accumulated, stored, or physically, chemically, thermally, or biologically treated prior to being discarded or discharged.
30. The NESHAP, at 40 C.F.R. § 63.681, states that “used oil” means any oil refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities. This definition is the same definition of “used oil” in 40 C.F.R. § 279.1.
31. The NESHAP, at 40 C.F.R. § 63.680(b)(1)(ii), states the waste, used oil, or used solvent is not produced or generated within the plant site, but the material is delivered, transferred, or otherwise moved to the plant site from a location outside the boundaries of the plant site.
32. The NESHAP, at 40 C.F.R. § 63.680(b)(1)(iii), states the waste, used oil, or used solvent contains one or more of the HAPs listed in Table 1 of 40 C.F.R. Part 63, Subpart DD based on the composition of the material at the point-of-delivery, as defined in 40 C.F.R. § 63.681.
33. The NESHAP, at 40 C.F.R. § 63.681, states the “point-of-delivery” is the point at the boundary or within the plant site where the owner or operator first accepts custody, takes possession, or assumes responsibility for the management of an off-site material stream managed in a waste management operation or recovery operation specified in 40 C.F.R. § 63.680(a)(2)(i) through (a)(2)(vi). The characteristics of an off-site material stream are determined prior to combining the off-site material stream with other off-site material streams or with any other materials.

Off-Site Waste NESHAP Requirements

34. The NESHAP, at 40 C.F.R. § 63.697(a)(1), states the owner or operator of an affected source must submit notices to the Administrator in accordance with the applicable notification requirements in 40 C.F.R. § 63.9 as specified in Table 2 of 40 C.F.R. Part 63, Subpart DD. For the purpose of 40 C.F.R. Part 63, Subpart DD, an owner or operator subject to the initial notification requirements under 40 C.F.R. § 63.9(b)(2) must submit the required notification on or before October 19, 1999.

35. The NESHAP, at 40 C.F.R. § 63.9(b)(2), states the owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under 40 C.F.R. Part 63 shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:
- (a) The name and address of the owner or operator;
 - (b) The address (i.e., physical location) of the affected source;
 - (c) An identification of the relevant standard or other requirement, that is the basis of the notification and the source's compliance date;
 - (d) A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and
 - (e) A statement of whether the affected source is a major source or an area source.
36. The NESHAP, at 40 C.F.R. § 63.9(c), states if the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet lowest achievable emission rate (LAER) consistent with 40 C.F.R. § 63.6(i)(5), he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in 40 C.F.R. § 63.6(i)(4) through § 63.6(i)(6).
37. The NESHAP, at 40 C.F.R. § 63.697(b)(2), states the owner or operator of an affected source must submit reports to the Administrator in accordance with the applicable reporting requirements in 40 C.F.R. § 63.10 as specified in Table 2 of 40 C.F.R. Part 63, Subpart DD.
38. The NESHAP, at 40 C.F.R. § 63.10(a)(2), states for affected sources that have been granted an extension of compliance under Subpart D of 40 C.F.R. Part 63, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.
39. The NESHAP, at 40 C.F.R. § 63.10(a)(3), states if any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of 40 C.F.R. § 63.10 for that report.
40. The NESHAP, at 40 C.F.R. § 63.10(b)(1), states that the owner or operator of an affected source subject to the provisions of 40 C.F.R. Part 63 shall maintain files of all information (including all reports and notifications) required by 40 C.F.R. Part 63 recorded in a form suitable and readily available for expeditious inspection and review.

The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

41. The NESHAP, at 40 C.F.R. § 63.10(b)(3), states that if an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to Section 112(d) or (f) of the Clean Air Act, 42 U.S.C. § 7412(d) or (f), and that stationary source is in the source category regulated by the relevant standard, but that source is not subject to the relevant standard (or other requirement established under 40 C.F.R. Part 63) because of limitations on the source's potential to emit or an exclusion, the owner or operator must keep a record of the applicability determination on site at the source for a period of 5 years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) must be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis must be performed in accordance with requirements established in relevant subparts of 40 C.F.R. Part 63 for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under Section 112 of the Clean Air Act, 42 U.S.C. § 7412, if any. The requirements to determine applicability of a standard under 40 C.F.R. § 63.1(b)(3) and to record the results of that determination under 40 C.F.R. § 63.1(b)(3) shall not by themselves create an obligation for the owner or operator to obtain a title V permit.

Relevant Factual Background

42. MLC owns and operates a used oil recycling facility located at 1509 South Senate Avenue, Indianapolis, Indiana. The facility operates about 16 heated production tanks, at least 1 heated water tank, and about 8 heated product tanks, all controlled by a hypochlorite injection scrubber followed by a carbon box. The heated tanks and the hypochlorite injection scrubber/carbon box were installed after January 1, 1980. The heated tanks and hypochlorite scrubber/carbon box will hereinafter be referred to as the Heated Tank Scrubber/Carbon Box Operation.
43. On March 31 - April 1, 2015, EPA conducted an inspection of the MLC facility.

44. During the March 31 - April 1, 2015 inspection, MLC stated that the facility processes oil 7 days per week, 24 hours per day.
45. During the March 31 - April 1, 2015 inspection, specifically on March 31, 2015, EPA inspectors observed that the scrubber was not operating while the heated tanks were holding liquid and in operation.
46. During the March 31 - April 1, 2015 inspection, particularly on March 31, 2015, EPA inspectors observed the pressure drop gauge on the scrubber was registering zero (0) pounds per square inch gauge (psig).
47. On July 22, 2015, EPA issued to MLC a request to, among other things, conduct VOC and SO₂ emissions testing at the inlet and outlet to the Heated Tank Scrubber/Carbon Box Operation and to determine its removal efficiency. On December 20-21, 2016, MLC conducted the required testing.
48. On January 20, 2017, MLC submitted the following results from the December 20 - 21, 2016 emissions testing. Testing was conducted at the inlet of the Heated Tank Scrubber/Carbon Box Operation and the outlet of the Heated Tank Scrubber/Carbon Box Operation.

| Pollutant | Test Method | Run 1 | Run 2 | Run 3 | Average |
|---|--------------------|--------------|--------------|--------------|----------------|
| Inlet Total Hydrocarbon (lb/hr) | Method 25A | 5.6 | 6.9 | 9.4 | 7.3 |
| Outlet Total Hydrocarbon (lb/hr) | Method 25A | 6.8 | 6.6 | 8.1 | 7.2 |
| Scrubber/Carbon Box Efficiency | N/A | -23% | 5.1% | 13.0% | 0 % |
| Total Gaseous Non-Methane Organic as carbon, outlet (lb/hr) | Method 25 | 7.69 | 6.54 | 9.80 | 8.01 |

49. Based on the test results and an operating schedule of 7 days per week, 24 hours per day, 52 weeks per year, the Heated Tank Scrubber/Carbon Box Operation emits 35.08 tons of VOC per year and has a Scrubber/Carbon Box removal efficiency of 0 percent.
50. MLC's VOC emissions from the Heated Tank Scrubber/Carbon Box Operation are not regulated by 326 IAC 20-48, 326 IAC 20-56 or any other provision of Article 8 other than 326 IAC 8-1-6, and are therefore subject to 326 IAC 8-1-6.

51. On January 30, 2017, MLC submitted its FESOP VOC, SO₂ and Total HAPs Quarterly Report and Quarterly Deviation and Compliance Monitoring Report required by the 2015 FESOP and the Stay. In February 2017, MLC submitted supplementary data to EPA related to the VOC tested and HAPs present in the waste materials identified in the report. Together, the January 30, 2017 quarterly report and supplemental data are referred to as January 2017 Quarterly Emissions and Deviation Report.
52. In the January 2017 Quarterly Emissions and Deviation Report, MLC stated that there were three deviations of the 2015 FESOP and Stay permit requirements due to the scrubber being out of operation: (1) on October 27, 2016 due to the air compressor repair from 7:30 a.m. to 9:45 a.m.; (2) on December 5, 2016 for the bleach pump recirculation repair from 12:00 p.m. to 2:00 p.m.; and (3) on December 7, 2016 to install a new deflector on the blower shaft from 12:00 p.m. to 3:00 p.m.
53. The February 2017 Supplementary data indicated the following:
 - (a) At least 240 occasions when the sample was analyzed for HAPs outside the method defined hold time; and
 - (b) On more than 1,000 occasions when the sample result for HAPs was measured below the minimum detection level and the final result reported was zero (0).
54. According to EPA calculations based on the January 2017 Quarterly Emissions and Deviation Report, MLC's HAP emissions are more than 28 tons based on a twelve (12) consecutive month period.
55. MLC owns and operates a major source of HAPs.
56. MLC operates a recovery operation that re-refines or reprocesses used oil which is an off-site material, and the operation is regulated under 40 C.F.R. 279 Subpart F – Standards for Used Oil Processors and Refiners and, is therefore subject to 40 C.F.R. Part 63, Subpart DD.
57. MLC treats a used oil which is an off-site material. The off-site material is a waste that is not produced or generated within the plant site, but the material is delivered, transferred, or otherwise moved to the plant site from a location outside the boundaries of the plant site. Additionally, the waste is hazardous because it contains HAPs listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, based on the composition of the material at the point-of-delivery as required by 40 C.F.R. § 63.680(b). Finally, the off-site waste material is not one of the materials specified in 40 C.F.R. § 63.680(b)(2).

Violations

58. On March 31, 2015, MLC failed to take response steps when the total static pressure drop across the Heated Tank Scrubber/Carbon Box Operation was outside the required range of 1-4 inches of water, in violation of Condition D.2.3 of the 2008 FESOP.

59. MLC is failing to reduce VOC emissions from the Heated Tank Scrubber/Carbon Box Operation using BACT, in violation of 326 IAC 8-1-6.
60. On at least October 27, 2016, December 5, 2016, and December 7, 2016, MLC failed to operate the scrubber and control emissions when the heated processing tanks were operating, in violation of D.1.3 and D.1.4 of the 2015 FESOP.
61. MLC failed to follow ASTM methods for analyzing and reporting VOC and HAPs in its waste materials, in violation of Condition D.1.6 of the 2015 FESOP and Stay.
62. MLC is emitting HAPs in excess of 24 tons per twelve (12) consecutive month period, in violation of Condition D.1.1 of the 2015 FESOP and Stay.
63. MLC failed to submit notices to the Administrator in accordance with the applicable notification requirements in 40 C.F.R. § 63.9 as specified in Table 2 of 40 C.F.R. Part 63, Subpart DD, in violation of 40 C.F.R. § 63.697(a)(1).
64. MLC failed to notify the Administrator in writing that its source is subject to the relevant standard within 120 calendar days after the effective date of the relevant standard as required by 40 C.F.R. § 63.9(b)(2).
65. MLC failed to request an extension of compliance if it could not comply with a relevant standard by the applicable compliance date for its source, or if the owner or operator has installed BACT or technology to meet LAER consistent with 40 C.F.R. § 63.6(i)(5) as required by 40 C.F.R. § 63.9(c).
66. MLC failed to submit reports to the Administrator in accordance with the applicable reporting requirements in 40 C.F.R. § 63.10 as specified in Table 2 of 40 C.F.R. Part 63, Subpart DD as required by 40 C.F.R. § 63.697(b)(2).
67. MLC failed to maintain files of all information (including all reports and notifications) required by 40 C.F.R. Part 63 recorded in a form suitable and readily available for expeditious inspection and review as required by 40 C.F.R. § 63.10(b)(1).
68. MLC failed to determine that its stationary source emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants regulated by any standard established pursuant to Section 112(d) or (f) of the Clean Air Act, 42 U.S.C. § 7412(d) or (f), and that its stationary source is in the source category regulated by the relevant standard, but that its source is not subject to the relevant standard (or other requirement established under 40 C.F.R. Part 63) because of limitations on the source's potential to emit or an exclusion.
69. MLC has failed to keep a record of the applicability determination (described in paragraphs 39 and 66, above) on site at the source for a period of 5 years after the determination or until the source changed its operations to become an affected source, whichever came first.

Environmental Impact of Violations

70. VOCs: These violations have caused or can cause excess emissions of VOCs, which contribute to the formation of ground-level ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.
71. Organic HAPs: These violations have caused or can cause excess emissions of organic HAPs. Organic HAPs include halogenated and nonhalogenated organic classes of compounds such as polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs). Both PAHs and PCBs are classified as potential human carcinogens, and are considered toxic, persistent, and bioaccumulative. Organic HAPs also include compounds such as benzene, methane, propane, chlorinated alkanes and alkenes, phenols and chlorinated aromatics. Adverse health effects of HAPs include damage to the immune system, as well as neurological, reproductive, developmental, respiratory, and other health problems.

5/31/17
Date



Edward Nam
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Notice and Finding of Violation, No. EPA-5-17-IN-05, by Certified


Mail, Return Receipt Requested, to:

Bernie Ingle, Plant Manager
Metalworking Lubricants Company
1509 South Senate Avenue
Indianapolis, Indiana 46225

I also certify that I sent copies of the Notice and Finding of Violation by email to:

Phil Perry, Chief
Air Compliance Branch
Indiana Department of Environmental
Management
PPerry@idem.in.gov

On the 31st day of May 2017.


Kathy Jones
Program Technician
AECAB, PAS

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