IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. PPG INDUSTRIES OHIO, INC. Defendant.	)	Civil Action No. 2:17-cv-374

COMPLAINT

The United States of America, by authority of the Attorney General and through the undersigned attorneys, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), files this complaint and alleges as follows:

NATURE OF ACTION

1. This is a civil action brought against PPG Industries Ohio, Inc. ("PPG" or "Defendant") pursuant to Section 113(b) of the Clean Air Act ("CAA"), as amended, 42 U.S.C. § 7413(b), to obtain injunctive relief and civil penalties for violations of Section 112 of the CAA, 42 U.S.C. § 7412, and the implementing regulations at: (1) 40 C.F.R. Part 63, Subpart FFFF (National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing); (2) 40 C.F.R. Part 63, Subpart UU (National Emission Standards for Equipment Leaks – Control Level 2 Standards); and (3) EPA Reference Method 21 (Determination of Volatile Organic Compound Leaks) at 40 C.F.R. Part 60, Appendix A-7. The violations alleged

in the Complaint occurred at PPG's resin manufacturing plant located in Delaware, Ohio (the "Facility").

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and under Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1395 and under Section 113(b) of the CAA, 42 U.S.C. § 7413(b), because the violations alleged in this Complaint have occurred at Defendant's Facility located in this District.

NOTICE

4. The United States has provided notice of the commencement of this action to the State of Ohio as required by Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

AUTHORITY

5. The United States has authority to bring this action on behalf of the Administrator of EPA under 28 U.S.C. §§ 516 and 519 and Section 305 of the CAA, 42 U.S.C. § 7605.

DEFENDANT

6. PPG is incorporated in Delaware and registered to do business in the State of Ohio.

7. PPG owns and operates the Facility, a resin manufacturing process located at 760 Pittsburgh Drive, Delaware, Ohio.

CLEAN AIR ACT

I. STATUTORY AND REGULATORY BACKGROUND

8. The Clean Air Act, 42 U.S.C. § 7401(b)(1), establishes a regulatory scheme designed to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population.

A. National Emission Standards for Hazardous Air Pollutants

1. General Provisions

9. Under Section 112(b) of the CAA, 42 U.S.C. § 7412(b), Congress established a list of 187 hazardous air pollutants ("HAPs") believed to cause adverse health or environmental effects.

10. Under Section 112(c) of the CAA, 42 U.S.C. § 7412(c), Congress directed EPA to publish a list of all categories and subcategories of, *inter alia*, major sources of HAPs.

11. "Major source" is defined in Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1), as "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 [HAP] or 25 tons per year or more of any combination of" HAPs.

12. "Stationary source" is defined in Section 112(a)(3) of the CAA, 42 U.S.C. § 7412(a)(3) (incorporating the definition of "stationary source" found at 42 U.S.C. § 7411(a)(3), as "any building, structure, facility, or installation which emits or may emit any air pollutant").

13. Under Section 112(d)(1) of the CAA, 42 U.S.C. § 7412(d)(1), Congress directed EPA to promulgate regulations establishing emission standards for each category or subcategory

of, *inter alia*, major sources of HAPs listed under Section 112(c), 42 U.S.C. § 7412(c). Under Section 112(d)(2) of the CAA, 42 U.S.C. § 7412(d)(2), these emission standards must require the maximum degree of reduction in emissions of HAPs that the Administrator, taking into consideration the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines is achievable for the new or existing sources in the category or subcategory to which the emission standard applies.

14. Under Section 112(h) of the CAA, 42 U.S.C. § 7412(h), to the extent that it is not feasible to prescribe or enforce an emission standard for control of a HAP, Congress authorized EPA to promulgate design, equipment, work practice, or operational standards, which are to be treated as emission standards.

15. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants ("NESHAPs") for Source Categories or "MACT" standards ("maximum achievable control technology" standards).

2. National Emission Standards for Hazardous Air Pollutants Miscellaneous Organic Chemical Manufacturing, 40 C.F.R. Part 63, Subpart FFFF

16. Pursuant to Section 112(c) of the CAA, 42 U.S.C. § 7412(c), EPA promulgated the National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing (the "MON"), 40 C.F.R. Part 63, Subpart FFFF, on November 10, 2003, 68 Fed. Reg. 63,888.

17. The MON, at 40 C.F.R. § 63.2445(b), requires that the owner or operator of an existing affected source, as of November 10, 2003, must comply with the provisions of this subpart no later than May 10, 2008.

18. The MON, at 40 C.F.R. § 63.2440, applies to each miscellaneous organic chemical manufacturing affected source, which is the facility-wide collection of miscellaneous organic chemical manufacturing process units ("MCPUs") and heat exchange systems, wastewater, and waste management units that are associated with manufacturing materials described in 40 C.F.R. § 63.2435(b)(1).

19. The MON, at 40 C.F.R. § 63.2435(a), applies to owners or operators of MPCUs that are located at, or are part of, a major source of HAP emissions as defined in Section 112(a) of the CAA, 42 U.S.C. § 7412(a).

20. The MON, at 40 C.F.R. § 63.2435(b), states that an MCPU includes the equipment necessary to operate a miscellaneous organic chemical manufacturing process, as defined in 40 C.F.R. § 63.2550, that (a) produces an organic chemical classified using the 1987 version of Standard Industrial Classification ("SIC") code 282, 283, 284, 285, 286, 287, 289, or 386; an organic chemical classified using the 1997 version of North American Industry Classification System ("NAICS") code 325; quaternary ammonium compounds and ammonium sulfate produced with caprolactam; hydrazine; or organic solvents classified in any of the SIC or NAICS previously listed that are recovered using non-dedicated solvent recovery operations; (b) processes, uses, or generates any of the organic HAPs listed in Section 112(b) of the CAA or hydrogen halide and halogen HAPs, as defined in 40 C.F.R. § 63.2550; and (c) is not an affected source or part of an affected source under another subpart in Part 63, except for process vents from batch operations within a chemical manufacturing process unit, as identified in 40 C.F.R. § 63.100(j)(4). The MCPU also includes any assigned storage tanks and transfer racks; equipment in open systems that is used to convey or store water having the same concentration

and flow characteristics as wastewater; and components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems that are used to manufacture any material or family of materials described above. 40 C.F.R. § 63.2435(b).

21. The MON, at 40 C.F.R. § 63.2480(a), states that the owner or operator of an affected source must meet each requirement in Table 6 of this subpart that applies to its equipment leaks, except as specified in paragraphs (b) through (d) of this section.

22. The MON, at 40 C.F.R. § 63.2550(1), defines "equipment" as "each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in organic HAP service, and any control devices or systems used to comply with Table 6" of this subpart.

23. The MON, at 40 C.F.R. § 63.2550(i), defines "in organic HAP service" as a piece of equipment that "either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP[s] as determined according to the provisions of" 40 C.F.R. § 63.180(d).

24. Table 6 of the MON states that, for all equipment that is in organic HAP service, the owner or operator of an affected source must either comply with the requirements of Subpart UU or Subpart H of Part 63 and the requirements referenced therein, except as specified in 40 C.F.R. § 63.2480(b) and (d), or comply with the requirements of Subpart F of Part 65 and the requirements referenced therein, except as specified in 40 C.F.R. § 63.2480(c) and (d).

25. The MON, at 40 C.F.R. § 63.2470(a), states that the owner or operator of an affected source must meet each emission limit in Table 4 of this subpart that applies to its storage tanks.

26. The MON, at 40 C.F.R. § 63.2550(i), defines a "Group 1 storage tank," in part, as a storage tank with a capacity greater than or equal to 10,000 gallons storing material with a maximum true vapor pressure of total HAPs greater than or equal to 6.9 kilopascals at an existing source.

27. Table 4 to the MON, 40 C.F.R. Part 63, Subpart FFFF, states that, for each Group 1 storage tank for which the maximum true vapor pressure of total HAPs at the storage temperature is ≥ 76.6 kilopascals, the owner or operator of an affected source must reduce total HAP emissions by ≥ 95 percent by weight or to ≤ 20 parts per million by volume (ppmv) of total organic compounds or organic HAPs and ≤ 20 ppmv of hydrogen halide and halogen HAPs by venting emissions through a closed vent system to any combination of control devices.

3. National Emission Standards for Equipment Leaks – Control Level 2 Standards, 40 C.F.R. Part 63, Subpart UU

28. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Equipment Leaks – Control Level 2 Standards, 40 C.F.R. Part 63, Subpart UU, on June 29, 1999, 64 Fed. Reg. 34,899. Subpart UU, 40 C.F.R. § 63.1019(a), states that Subpart UU applies only to owners and operators of facilities subject to a referencing subpart.

29. Subpart UU, at 40 C.F.R. § 63.1022(a), requires equipment subject to Subpart UU to be identified.

30. Subpart UU, at 40 C.F.R. § 63.1020, defines "double block and bleed system" as "two block valves connected in series with a bleed valve or line that can vent the line between the two block valves."

31. Subpart UU, at 40 C.F.R. § 63.1033(b)(3), states that when a double block and bleed system is being used, "the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (b)(1) of this section at all other times."

32. Subpart UU, at 40 C.F.R. § 63.1020, defines "open-ended valve or line" as any valve, except relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping.

33. Subpart UU, at 40 C.F.R. § 63.1033(b)(1), with certain exceptions, requires each open-ended valve or line to be equipped with a cap, blind flange, plug, or second valve.

34. Subpart UU, at 40 C.F.R. § 63.1023(a), requires the owner or operator of a regulated source subject to Subpart UU to monitor regulated equipment as specified in paragraph (a)(1) of this section for instrument monitoring.

35. Subpart UU, at 40 C.F.R. § 63.1023(a)(1)(i), requires that valves in gas and vapor service and in light liquid service be monitored pursuant to 40 C.F.R. § 63.1025(b).

36. Subpart UU, at 40 C.F.R. § 63.1023(b), states that instrument monitoring, as required under Subpart UU, shall comply with the requirements specified in paragraphs (b)(1) through (b)(6) of this section.

37. Subpart UU, at 40 C.F.R. § 63.1023(b)(1), requires such instrument monitoring to comply with Method 21, except as otherwise provided in this section.

38. Subpart UU, at 40 C.F.R. § 63.1023(b)(5), requires monitoring to be performed when the equipment is in regulated material service or is in use with any other detectable material.

39. Subpart UU, at 40 C.F.R. § 63.1025(b)(1), requires that the valves be monitored to detect leaks by the method specified in 40 C.F.R. § 63.1023(b).

4. 40 C.F.R. Part 60, Appendix A-7, Method 21 – Determination of Volatile Organic Compounds Leaks

40. Method 21, at 40 C.F.R. Part 60, Appendix A-7, Section 8.3.1, requires the owner or operator of an affected source to sample slowly the interface of a component where leakage is indicated until the maximum meter reading is obtained.

5. Violation of the NESHAPs

41. After the effective date of any emission standard, limitation or regulation promulgated pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, no person may operate such source in violation of such standard, limitation, or regulation. 42 U.S.C. § 7412(i)(3).

B. Enforcement of the CAA

42. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to commence a civil action for injunctive relief and/or civil penalties against any person who has violated any requirement or prohibition of the CAA or regulations promulgated thereunder, or who has violated any applicable permit or implementation plan.

43. Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 40 C.F.R. § 19.4 establish maximum civil penalties for violations of the CAA, including violations of the MON. The maximum civil penalty per day for each violation of the CAA is $32,500 for violations occurring

from March 16, 2004 through January 12, 2009, $37,500 for violations occurring from January 13, 2009 through November 2, 2015, and $93,750 for violations occurring after November 2, 2015.

II. CLEAN AIR ACT CLAIMS

General Allegations

44. PPG is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

45. PPG is the "owner or operator," as defined in Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), of the Facility in Delaware, Ohio.

46. PPG uses the following HAPs listed in Section 112(b) of the CAA, 42 U.S.C. § 7412(b), at its resin manufacturing process at the Facility: acrylic acid, acrylonitrile, ethyl acrylate, methyl methacrylate, methyl isobutyl ketone, styrene, toluene, urethane, and xylene.

47. The Facility is a "stationary source" within the meaning of Sections 112(a)(3) and 302(z) of the CAA, 42 U.S.C. §§ 7412(a)(3) and 7602(z), and a "major source" of HAPs within the meaning of Section 112(a)(1) of the CAA, 42. U.S.C. § 7412(a)(1).

48. The Facility's resin manufacturing process is a "miscellaneous organic chemical manufacturing process unit" within the meaning of Subpart FFFF, 40 C.F.R. § 63.2435(b), and is subject to the MON.

49. EPA conducted an inspection of the Facility on or about August 1, 2011 through August 4, 2011 ("inspection").

FIRST CLAIM FOR RELIEF
(Failure to Comply with Equipment Identification Requirements)

50. Plaintiff realleges and incorporates by reference Paragraphs 1-49, as if fully set forth herein.

51. Subpart FFFF of the MON, 40 C.F.R § 63.2480(a), directs that each applicable requirement in Table 6 that applies to equipment leaks must be met.

52. Table 6, 40 C.F.R. Part 63, Subpart FFFF of the MON, requires that for equipment that is in organic HAP service, the owner or operator of an affected source must comply with the requirements of Subpart UU.

53. Subpart UU, 40 C.F.R. § 63.1022, requires that equipment subject to the subpart be identified.

54. The Defendant uses tags to identify equipment subject to the MON equipment leak standards.

55. During the inspection, EPA discovered components subject to the MON equipment leak standards that did not have tags.

56. During the inspection, EPA also discovered components that were tagged, but were not subject to the MON. Over-tagging of valves can skew the determination of the percent of leaking valves by inappropriately inflating the number of total valves monitored.

57. The improperly tagged components as well as components that were tagged but not subject to the MON referenced in Paragraphs 55 and 56, above, are summarized, below:

Component Description	Note
Valves 11374 – 11379 by the top of Reactor #3	Tagged but have not been active in approximately 10 years
Valves on the stripper	Tagged but in vacuum service
Valve 10803 at the bottom of the Reactor #1 thin tank	Tagged but part of the nitrogen line
Valves 10494 (plus one next to it), 10501 (plus one next to it), 10508, 10509, 10510, 10522, 10523, 10525, 10533, 10536, 10537, 10550, 10551, 10552, 10565, 10568, 10569, 10575, 10576, 10577, 10598, 10599, 10609, 10611, 10612, 10620, 10621, 10622, 10631, 10632, and 10633	Tagged but part of the nitrogen lines for the blend tanks
Valves 10521, 10530, 10549, 10562, 10563, 10573, 10590, 10617, and 10618	Tagged but part of closed-vent system
2 valves on the DP cell line near valve 11397 on top of Reactor #3	Not tagged – the DP cell line is used to check headspace pressure in the reactor
1 valve next to valve 11397 on top of Reactor #3	Not tagged
1 valve on the "111 TK Bypass" line by the top of Reactor #3	Not tagged
1 check valve on Thin Tank 15TT0126	Not tagged but apparently contained only water and acid
1 pump near valve 10906.1	Not tagged
2 valves on the pump 11906 line in the tank farm	Not tagged
1 valve at the bottom of Tank 14B0183	New valve, not tagged
1 valve on the XV-1060 line at the top of the Reactor #1 thin tank	Not tagged
8 valves on the portable filter unit by Reactor # 2	Not tagged
Each sampling valve at the bottom of every reactor and tank	Not tagged

58. As set forth in Paragraph 57, above, PPG failed to identify each piece of equipment subject to the MON in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and the implementing regulations at Subpart FFFF, 40 C.F.R. § 63.2480(a), 40 C.F.R. Part 63, Subpart FFFF, Table 6, and Subpart UU, 40 C.F.R. § 63.1022(a).

59. As set forth in Paragraph 57, above, the Defendant erroneously identified pieces of equipment as subject to the MON in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and the implementing regulations at Subpart FFFF, 40 C.F.R. § 63.2480(a), 40 C.F.R. Part 63, Subpart FFFF, Table 6, and Subpart UU, 40 C.F.R. § 63.1022(a).

60. As described in Paragraph 43, PPG is liable for civil penalties of up to $37,500 per day for each violation occurring from January 13, 2009 through November 2, 2015.

SECOND CLAIM FOR RELIEF
(Failure to Equip Open-Ended Lines with a Cap, Blind Flange, Plug or Second Valve)

61. Plaintiff realleges and incorporates by reference Paragraphs 1-49, as if fully set forth herein.

62. Subpart FFFF of the MON, 40 C.F.R § 63.2480(a), directs that each applicable requirement in Table 6 that applies to equipment leaks must be met.

63. Table 6, 40 C.F.R. Part 63, Subpart FFFF of the MON, requires that for equipment in organic HAP service, the owner or operator of an affected source comply with the requirement of Subpart UU.

64. Subpart UU, at 40 C.F.R. § 63.1020, defines "open-ended valve or line" as "any valve, except relief valves, having one side of the valve seat in contact with process fluid and one side open to atmosphere, either directly or through open piping."

65. Subpart UU, at 40 C.F.R. § 63.1033(b)(1), with certain exceptions, requires each open-ended valve or line to be equipped with a cap, blind flange, plug, or second valve.

66. Subpart UU, at 40 C.F.R. § 63.1020, defines "double block and bleed system" as "two block valves connected in series with a bleed valve or line that can vent the line between the two block valves."

67. Subpart UU, at 40 C.F.R. § 63.1033(b)(3), states that "[w]hen a double block and bleed system is being used, the bleed valve or line may remain open during operations that

require venting the line between the block valves but shall comply with paragraph (b)(1) of this section at all other times."

68. PPG uses a double block and bleed system at the transfer racks of the resin manufacturing process.

69. During the inspection, EPA identified open-ended lines at the transfer racks of the resin manufacturing process without a cap, blind flange, plug, or second valve. Operations at the time did not require venting the lines between the block valves.

70. PPG failed to equip each open-ended line with a cap, blind flange, plug, or second valve, in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and the implementing regulations at Subpart FFFF, 40 C.F.R. § 63.2480(a), 40 C.F.R. Part 63, Subpart FFFF, Table 6, and Subpart UU, 40 C.F.R. § 63.1033(b)(1) and (3).

71. As described in Paragraph 43, PPG is liable for civil penalties of up to $37,500 per day for each violation occurring from January 13, 2009 through November 2, 2015.

THIRD CLAIM FOR RELIEF
(Failure to Conduct Leak Detection and Repair of Valves)

72. Plaintiff realleges and incorporates by reference Paragraphs 1-49, as if fully set forth herein.

73. Subpart FFFF of the MON, 40 C.F.R § 63.2480(a), directs that each requirement in Table 6 that applies to equipment leaks must be met.

74. Table 6, 40 C.F.R. Part 63, Subpart FFFF of the MON, requires that for equipment in organic HAP service, the owner or operator must comply with the requirements of Subpart UU.

75. Subpart UU, at 40 C.F.R. § 63.1023(b)(5), requires monitoring to "be performed when the equipment is in regulated material service or is in use with any other detectable material."

76. During the inspection, EPA identified valves at the transfer racks of the resin manufacturing process for which PPG had failed to conduct required leak detection and repair monitoring.

77. PPG failed to conduct leak detection and repair monitoring of such valves in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and the implementing regulations at Subpart FFFF, 40 C.F.R. § 63.2480(a), 40 C.F.R. Part 63, Subpart FFFF, Table 6, and Subpart UU, 40 C.F.R. § 63.1023(b)(5).

78. As described in Paragraph 43, PPG is liable for civil penalties of up to $37,500 per day for each violation occurring from January 13, 2009 through November 2, 2015.

FOURTH CLAIM FOR RELIEF
(Failure to Monitor Valves in Accordance with Method 21)

79. Plaintiff realleges and incorporates by reference Paragraphs 1-49, as if fully set forth herein.

80. Subpart FFFF of the MON, 40 C.F.R § 63.2480(a), directs that the owner or operator of an affected source must comply with each applicable requirement in Table 6 that applies to equipment leaks.

81. Table 6, 40 C.F.R. Part 63, Subpart FFFF of the MON, requires that, for equipment in organic HAP service, the owner or operator must comply with the requirements of Subpart UU.

82. Subpart UU, at 40 C.F.R. § 63.1023(b), states that the owner or operator shall comply with the requirements specified in paragraphs (b)(1) through (b)(6) of this section when performing instrument monitoring, as required under Subpart UU.

83. Subpart UU, at 40 C.F.R. § 63.1023(b)(5), requires monitoring to "be performed when the equipment is in regulated material service or is in use with any other detectable material."

84. Subpart UU, at 40 C.F.R. § 63.1023(a), requires the owner or operator of a regulated source subject to Subpart UU to monitor regulated equipment as specified in paragraph (a)(1) of this section for instrument monitoring.

85. Subpart UU, at 40 C.F.R. § 63.1023(a)(1)(i), requires that valves in gas and vapor service and in light liquid service be monitored pursuant to 40 C.F.R. § 63.1025(b).

86. Subpart UU, at 40 C.F.R. § 63.1025(b)(1), requires that the valves be monitored to detect leaks by the method specified in 40 C.F.R. § 63.1023(b).

87. Subpart UU, at 40 C.F.R. § 63.1023(b)(1), requires monitoring to comply with Method 21, except as otherwise provided in this section.

88. PPG employs a third-party to conduct semi-annual MON monitoring of valves in the resin manufacturing process.

89. PPG reported the leak rates found during such monitoring in its MON semi-annual reports for 2008 through 2010.

90. During the inspection, EPA conducted leak detection and repair monitoring of 826 valves and calculated the leak rate for that sample of components, for the purpose of comparison with the leak rate reported by PPG. The leak rate calculation from the monitoring conducted by

EPA was higher than any leak rate reported by PPG during the period from 2008 through August 2011.

91. For the period from approximately 2008 until August 2011, PPG failed to perform Method 21 monitoring correctly for valves in the resin manufacturing process in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and the implementing regulations at Subpart FFFF, 40 C.F.R. § 63.2480(a), 40 C.F.R. Part 63, Subpart FFFF, Table 6, and Subpart UU, 40 C.F.R. § 63.1023(a)(1)(i), 40 C.F.R. § 63.1023(b)(1), 40 C.F.R. § 63.1025(b)(1), and Method 21, at 40 C.F.R. Part 60, Appendix A-7, Section 8.3.1.

92. As described in Paragraph 43, PPG is liable for civil penalties of up to $32,500 per day for each violation occurring from March 16, 2004 through January 12, 2009, and $37,500 per day for each violation occurring from January 13, 2009 through November 2, 2015.

FIFTH CLAIM FOR RELIEF
(Failure to Reduce Total HAP Emissions from Group 1 Storage Tanks)

93. Plaintiff realleges and incorporates by reference Paragraphs 1-49, as if fully set forth herein.

94. Subpart FFFF of the MON, 40 C.F.R § 63.2470(a), directs that the owner or operator of an affected source must meet each emission limit in Table 4 that applies to storage tanks at a facility.

95. The MON, at 40 C.F.R. § 63.2550, defines a “Group 1 storage tank,” in part, as a storage tank with a capacity greater than or equal to 10,000 gallons storing material with a maximum true vapor pressure of total HAPs greater than or equal to 6.9 kilopascals at an existing source.

96. Table 4 to the MON, 40 C.F.R. Part 63, Subpart FFFF, states that, for each Group 1 storage tank for which the maximum true vapor pressure of total HAPs at the storage temperature is ≥ 76.6 kilopascals, the owner or operator of an affected source must reduce total HAP emissions by ≥ 95 percent by weight or to ≤ 20 parts per million by volume (ppmv) of total organic compounds or organic HAPs and ≤ 20 ppmv of hydrogen halide and halogen HAPs by venting emissions through a closed vent system to any combination of control devices.

97. During the inspection, EPA conducted screening for hydrocarbon emissions from storage tanks at the Facility.

98. During the screening, EPA identified hydrocarbon leaks of HAPs at the Facility from Group 1 storage tanks 14B0180, 15RMT108, and 15RMT109.

99. PPG failed to reduce total HAP emissions from Group 1 storage tanks by ≥ 95 percent by weight or to < 20 ppmv, in violation of Section 112 of the CAA, 42 U.S.C. § 7412, and the implementing regulations at Subpart FFFF, 40 C.F.R § 63.2470(a), and 40 C.F.R. Part 63, Subpart FFFF, Table 4.

100. As described in Paragraph 43, PPG is liable for civil penalties of up to $37,500 per day for each violation occurring from January 13, 2009 through November 2, 2015.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the United States of America requests that this Court:

1. Order PPG Industries Ohio, Inc. to remedy the past violations at the Facility by, among other things, complying with Subparts FFFF and UU of Part 63 of Title 40 of the Code of Federal Regulations, and EPA Reference Method 21 at 40 C.F.R. Part 60, Appendix A-7;

2. Assess a civil penalty against PPG Industries Ohio, Inc. of up to $32,500 per day for each violation occurring from March 16, 2004 through January 12, 2009, and $37,500 per day for each violation occurring from January 13, 2009 through November 2, 2015;

3. Award Plaintiff its costs of this action; and

4. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

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s/Catherine Banerjee Rojko
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