

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

In the matter of VOC RACT requirements for the ) FID# 460027480  
coating of miscellaneous plastic and metal parts for )  
Kieffer & Co. Inc. located at 3322 Washington Avenue, )  
Sheboygan, Sheboygan County, Wisconsin 53081 )

Administrative Order: AM-20-02

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ADMINISTRATIVE ORDER

FINDINGS OF FACT

Section I. Facility Information

1. Kieffer & Co. Inc. (Kieffer) operates a facility that manufactures exterior signs at 3322 Washington Avenue, Sheboygan, Sheboygan County, Wisconsin 53081.
2. Kieffer has two enclosed spray booths (P30, P31) that are used to coat metal parts. No plastic parts are coated. High volume, low pressure (HVLP) spray equipment is used in the spray booths. Kieffer does not field apply any coatings.
3. The current coatings used in the spray booths are mixed on-site and their volatile organic compound (VOC) contents do not exceed 3.5 pounds per gallon, excluding water, as applied.
4. The paint guns are cleaned with a small amount of acetone, a solvent exempt from the definition of "volatile organic compound" under s. NR 400.02(162), Wis. Adm. Code.
5. The spray booths are equipped with paint arrestor filters for removal of particulate matter (PM) resulting from paint overspray.
6. VOC emissions from the spray booths are not controlled by add-on control equipment.
7. Kieffer is exempt from the requirement to have an operation permit per s. NR 407.03(1m), Wis. Adm. Code, and thus does not currently have an air pollution control permit.

Section II. Redesignation of the Shoreline Sheboygan County 2008 Ozone Nonattainment Area

1. Ambient air quality monitoring data collected during 2019 shows that the Shoreline Sheboygan County nonattainment area is meeting the 2008 ozone National Ambient Air Quality Standards (NAAQS).
2. Based on this data, the department is seeking to redesignate the Shoreline Sheboygan County nonattainment area to attainment for the 2008 ozone NAAQS.

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3. Prior to redesignation, the Clean Air Act requires the department to demonstrate that all sources in the affected area are subject to the most up-to-date guidelines for reasonably available control technology (RACT) as they apply to VOC emissions.
4. Department rules pertaining to miscellaneous metal and plastic parts coatings in ss. NR 422.15 and NR 422.083, respectively, do not reflect the EPA's latest (2008) Control Techniques Guidelines (CTGs) for Miscellaneous Metal and Plastic Parts Coatings, which presumptively define VOC RACT for these source categories. EPA's 2008 CTG for Miscellaneous Metal and Plastic Parts Coatings is found in attachment A to this order.
5. EPA's 2008 CTG applies to Kieffer because signs produced by the facility are considered fabricated metal products and thus meet the definition of miscellaneous metal products included in the CTG. In addition, records and reports submitted by the facility indicate that annual VOC emissions from coating operations have exceeded 3.0 tons per year since 2012.
6. The department is in the process of rulemaking that will reflect EPA's 2008 CTG in ch. NR 422, Wis. Adm. Code; however, the department is pursuing redesignation prior to the anticipated effective date of this rule.
7. This order, AM-20-02, is being issued to enforce the applicable requirements of EPA's 2008 CTG in the absence of an enforceable administrative rule.
8. The current coatings used by Kieffer were determined by the department to be prefabricated architectural component coatings, which are defined in the CTG as coatings applied to metal parts and products which are to be used as an architectural structure.
9. Based on the information provided by Kieffer, the air dried prefabricated architectural one-component coatings currently used by the facility meet the updated VOC limits from EPA's 2008 CTG for Miscellaneous Metal and Plastic Parts Coatings.

### CONCLUSIONS OF LAW

1. Section 285.11(6), Wis. Stats., requires the department to prepare and develop a State Implementation Plan (SIP), which shall conform to the federal Clean Air Act for the purposes of controlling atmospheric ozone.
2. Section 182(b)(2) of the Clean Air Act (42 USC § 7511a(b)(2)) requires states to submit revisions to their SIPs to implement RACT requirements for source categories in ozone nonattainment areas classified as moderate or above, where the EPA has issued CTGs.
3. The department has the authority under s. 285.13(2), Wis. Stats. to issue orders to effectuate the purposes of chapter 285.
4. This order, AM-20-02, is necessary to effectuate the purposes of chapter 285, specifically by requiring this facility, FID# 460027480, to comply with applicable VOC RACT requirements.
5. This order, AM-20-02, satisfies the department's obligation to implement applicable VOC RACT requirements for this facility, FID# 460027480.

ADMINISTRATIVE ORDER

The parties to this Administrative Order hereby agree to the following provisions:

Section I. Limitations and Work Practice Requirements

1. Based on its current coating usage, Kieffer shall use low-VOC coatings for metal parts coating that meet the following VOC-content limits:
  - a. Air dried (prefabricated architectural one-component): 3.5 pounds per gallon of coating, excluding water and exempt compounds listed in s. NR 400.02(162)(a), Wis. Adm. Code, as applied.
2. If Kieffer wishes to use alternative types of coating in the future, they shall meet the VOC-content limits in the CTG for Miscellaneous Metal and Plastic Parts Coatings found in attachment A. If more than one VOC content limit applies to a specific coating, the most stringent VOC content limit shall be applied. The department shall verify, in writing, that any alternative coatings meet the limits in the CTG.
3. Kieffer shall use one or a combination of the following application methods for the metal parts coating operations:
  - a. Electrostatic application.
  - b. High volume low-pressure spray equipment.
  - c. Flow coating.
  - d. Roll coating.
  - e. Dip coating, including electrodeposition.
  - f. Airless spray.
  - g. Air-assisted airless spray.
  - h. Other coating application methods that are capable of achieving a transfer efficiency equivalent or better than achieved by high volume low-pressure spraying and are approved by the department in writing.
4. Kieffer shall do all of the following for coating-related activities:
  - a. Store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers.
  - b. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing those materials.
  - c. Minimize spills of VOC-containing coatings, thinners, and coating-related waste materials.
  - d. Convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.
5. Kieffer shall do all of the following for cleaning materials:
  - a. Store all VOC-containing cleaning materials and used shop towels in closed containers.

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- b. Ensure that storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing those materials.
- c. Convey VOC-containing cleaning materials from one location to another in closed containers or pipes.
- d. Minimize spills of VOC-containing cleaning materials.
- e. Minimize emissions of VOCs during cleaning of coating application, storage, mixing, and conveying equipment by ensuring that cleaning is performed without atomizing any VOC-containing cleaning material and that the used material is captured and contained.

### Section II. Compliance Demonstration

1. To demonstrate compliance with the VOC-content limits in Section I, Kieffer shall keep the records required in Section III.
2. To demonstrate compliance with the application method requirements in Section I, Kieffer shall keep the records required in Section III.
3. To demonstrate compliance with the work practice requirements in Section I, Kieffer shall develop and follow standard operating procedures that include but are not limited to operator instructions and training.

### Section III. Reference Test Methods, Recordkeeping, and Monitoring Requirements

1. Kieffer shall collect and record the following information for each coating line or operation:
  - a. A unique name or identification number for each coating, solvent, thinner or other VOC-containing material used on each coating line, as purchased.
  - b. Coating manufacturer's formulation data (such as safety data sheets SDS) documenting the VOC content, water content and s. NR 400.02(162)(a), Wis. Adm. Code exempt compound content of the inks, coatings, solvents or other VOC containing materials used, as purchased.
  - c. A unique name or identification number for each coating, as applied.
  - d. The VOC content of each coating, as applied, in units of pounds of VOC per gallon, excluding water and exempt compounds listed in s. NR 400.02(162)(a), Wis. Adm. Code. [s. NR 439.04(1)(d), Wis. Adm. Code]
2. Kieffer shall retain documentation indicating the application method(s) and the transfer efficiency of the equipment used. If Kieffer receives written approval from the department to use an application method other than those listed in Section I.3., Kieffer shall retain a copy of the department's written approval to use an alternate application method. [s. NR 439.04(1)(d), Wis. Adm. Code]
3. Kieffer shall retain and make available upon request, a copy of the standard operating procedures required by Section II. [s. NR 439.03(3), Wis. Adm. Code.]
4. Kieffer shall retain copies of the above records for a period of five years or for such other period as may be specified by the department. [s. NR 439.04(2), Wis. Adm. Code.]

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5. Reference Test Method for VOC Emissions: Whenever compliance emission testing is required, EPA Method 18, 25, 25A, or 25B shall be used to demonstrate compliance [s. NR 439.06(3)(a), Wis. Adm. Code].
6. Reference Test Method for VOC Content: Whenever VOC content testing is required, EPA Method 24 or 24A or an alternative method approved by the department shall be used to determine the organic solvent content, the volume of solids, the weight of solids, the water content, and the density of the coatings, inks, solvents, thinners, and other VOC-containing materials used. In case of an inconsistency between the Method 24 results and the formulation data, the Method 24 results will govern [s. NR 439.06(3)(b), Wis. Adm. Code].

### Section IV. Termination

1. This Order may be terminated in full upon written agreement of Kieffer and the department at such time as EPA's 2008 CTGs for Miscellaneous Metal and Plastic Parts Coatings have been promulgated as rules by the department and approved into Wisconsin's SIP by EPA.

### WAIVER AND STIPULATION

Kieffer consents to, and agrees not to contest, the department's jurisdiction to issue this Administrative Order and to enforce its terms. To that end Kieffer stipulates to the issuance of this Administrative Order and hereby waives further notice or hearing before the Department regarding the foregoing Findings of Fact, Conclusions of Law, and Administrative Order under ss. 227.42 or 285.81, Wis. Stats., or any other provision of law. Kieffer likewise waives its rights, if any, to challenge this Administrative Order in circuit court under ss. 227.52 and 227.53, Wis. Stats., or any other provision of law. Kieffer further stipulates and agrees that this Administrative Order is effective and enforceable after being signed by both parties and that it may be enforced in accordance with ss. 299.95 and 299.97, Wis. Stats. Kieffer understands that the department intends to submit this Administrative Order to EPA for purposes of satisfying Wisconsin SIP requirements, and Kieffer stipulates and agrees that this Administrative Order is federally enforceable by EPA upon EPA approval and incorporation of this Administrative Order into the Wisconsin SIP. The undersigned further certifies that he or she is authorized to execute such Administrative Order, Waiver, and Stipulation on behalf of Kieffer.

Nothing in this Administrative Order, however, shall be construed as an admission on the part of Kieffer for any purpose other than for an action taken by the department or EPA for failure to comply with the terms of this Order. This stipulation and waiver does not affect the right of Kieffer to assert any equitable or legal defense or to challenge the interpretation or application of this Administrative Order in any challenge or alleging of violation brought by a party other than the department or EPA.

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STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By: Gail E. Good  
Gail Good  
Director, Air Management

February 4, 2020  
Date

KIEFFER & CO. INC.

By: Jeff Fuhrmann  
Jeff Fuhrmann  
Vice President of Manufacturing, Kieffer & Co. Inc.

2/4/2020  
Date

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ATTACHMENT A to Administrative Order: AM-20-02

“Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings”.  
EPA Document EPA-453/R-08-003 September 2008