

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Canton Drop Forge, Inc.	:	<u>Director's Final Findings</u>
4575 Southway Street S.W.	:	<u>and Orders</u>
Canton, Ohio 44706-0902	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Canton Drop Forge, Inc. ("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 the facility identified in Finding 1 shall in any way alter Respondent's 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 regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a manufacturer of forged metal products with a facility located at 4575 Southway Street S.W., Canton, Stark County, Ohio. Respondent operates a 86 million Btu per hour coal-fired boiler (Facility Number 15-76-00-0073, emissions unit B001) at this facility. Air contaminant emissions from this emissions unit are controlled by a combination of a settling chamber, a cyclone, a spray chamber, a demister, and a venturi scrubber with lime injection. Emissions unit B001 is an "air contaminant source," as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (W).

2. OAC Rule 3745-15-07(A) states, in part, that the emission into the open air from any source, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors,

or any other substances in such manner or in such amounts as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property, is a public nuisance, and that it is unlawful for any person to cause such a public nuisance.

3. OAC Rule 3745-17-07(A)(1)(a) states that, except as provided in paragraphs (A)(1)(b), (A)(2), or (A)(3) of such rule, visible particulate emissions from any stack shall not exceed 20% opacity, as a six-minute average.

4. OAC Rule 3745-17-07(A)(1)(b) states that visible particulate emissions from any stack may exceed 20% opacity, as a six-minute average, for not more than six consecutive minutes in any 60 minutes, but shall not exceed 60% opacity, as a six-minute average, at any time.

5. ORC § 3704.05(A) states that no person shall allow the emission of an air contaminant in violation of any rule adopted by the Director of Ohio EPA unless the person is the holder of a variance permitting the emission of the contaminant in excess of that permitted by the rule or the person is the holder of an operating permit that includes a compliance schedule.

6. ORC § 3704.05(G) states that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704.

7. The Canton City Health Department, Air Pollution Control Division ("Canton APCD"), is Ohio EPA's contractual representative in Stark County.

8. On six separate days from August 16, 2000 through August 21, 2001, inspectors from Canton APCD, using USEPA Method 9 (40 CFR, Part 60, Appendix A) opacity readings, observed visible particulate emissions in excess of 20% opacity, as a six-minute average, from the stack serving Respondent's coal-fired boiler, emissions unit B001. Specifically, inspectors from Canton APCD observed visible particulate emissions in excess of 20% during a total of 28 six-minute-average periods; eight of these six-minute-average periods were allowable by OAC Rule 3745-17-07(A)(1)(b), as no visible particulate emissions in excess of 60% opacity, as a six-minute average, were observed. The remaining 20 observations of visible particulate emissions in excess of 20% opacity, as a six-minute average, were violations of OAC Rule 3745-17-07(A)(1)(a) and ORC §§ 3704.05(A) and (G). Table I (attached) summarizes Canton APCD's observations over this period of time. Excess visible particulate emissions from emissions unit B001 were also observed by a Canton APCD inspector on October 19, 2000, indicating that the boiler was experiencing operational problems.

9. After observing visible particulate emissions in excess of 20% opacity, as a six-minute average, from the stack of emissions unit B001 on August 16, 2000, Canton APCD contacted Respondent by telephone to request an explanation for the observed violation. Respondent explained the incident was a result of "fire cleaning" the boiler. The "fire cleaning" process was described as the cleaning of ash and clinkers from each of the boiler's three combustion chambers while the unit is in operation. During this process, excess air is allowed into the combustion chamber and fine particulate material is stirred

up when the grate surface is raked to clear ash and clinkers. Respondent stated that this increases the particulate matter load that the scrubber system must capture. This explanation was also provided by Respondent after Canton APCD again observed visible particulate emissions in excess of 20% opacity, as a six-minute average, from the stack of emissions unit B001 on October 12, 2000. When contacted by telephone, Respondent did not provide Canton APCD a specific reason for the excess opacity observed on October 19, 2000. Respondent did indicate that the boiler was out of service for repairs after the excess opacity was observed. No exemption from the visible particulate emission limitations in OAC Rule 3745-17-07(A)(1) is provided pursuant to OAC Rule 3745-17-07(A)(3) for cleaning of ash and clinkers for units equipped with wet scrubbing emission control systems.

10. On August 27, 2001, Canton APCD sent a Notice of Violation ("NOV") to Respondent, citing it for violations of OAC Rules 3745-17-07(A)(1)(a) (visible particulate emissions in excess of 20% opacity, as a six-minute average); 3745-35-03(A) (operating an air contaminant source out of compliance with applicable laws and regulations and without a variance to operate); and 3745-15-06(B) (failing to report a malfunction of air pollution control equipment). Canton APCD requested that Respondent perform the following actions to bring emissions unit B001 into compliance with all applicable regulations as expeditiously as possible:

- a. Respondent's management and personnel to immediately review all applicable OAC regulations and Permit to Operate terms and conditions;
- b. within two weeks, submit operation and maintenance records for the scrubber for the time period between August 16, 2000 and June 30, 2001;
- c. submit an Intent to Test ("ITT") notification as soon as possible and perform a stack test on emissions unit B001 by September 30, 2001;
- d. submit a written report covering the cited malfunctions by September 30, 2001;
- e. submit an acceptable Preventative Maintenance and Malfunction Abatement Plan ("PMMAP"), as required by OAC Rule 3745-15-06, by September 30, 2001;
- f. submit an acceptable compliance plan, with a schedule of implementation, by September 30, 2001; and
- g. immediately begin maintaining daily records of fire cleaning operations and visible particulate emissions readings.

11. On September 11, 2001, Canton APCD met with Respondent to discuss the August 27, 2001 NOV. On September 18, 2001, Canton APCD received a letter from the

Respondent in reply to the NOV, in which Respondent summarized the September 11, 2001 meeting and submitted part of the information requested in the NOV. Specifically, Respondent submitted operations and maintenance records for the scrubber only for one day per week of the time period requested. With the exception of June 13, 2001, the information submitted did not include the dates when Canton APCD observed opacity violations from the stack of emissions unit B001. Respondent also disputed Canton APCD's contention that OAC Rule 3745-15-06 had been violated. Respondent stated that its review of the operation and maintenance records for the scrubber did not show abnormal operation and therefore did not support the conclusion that a breakdown or malfunction of the boiler or its control device had occurred during the opacity incidents observed by Canton APCD. Respondent, therefore, did not believe that malfunction reports, or a PMMAP, as required by OAC Rule 3745-15-06, were required to be submitted.

12. On October 9, 2001, Respondent submitted an ITT for a stack test of emissions unit B001 to be conducted the week of October 15, 2001. Respondent had previously stated that the test had to be delayed as on or about September 5, 2001, a lightning strike had damaged a scrubber system motor, requiring repair/replacement of damaged scrubber parts before re-starting emissions unit B001. On October 19, 2001, Respondent notified Canton APCD that the stack test was again postponed because emissions unit B001 was out of service due to repairs being conducted on the boiler's steam blowdown system. Canton APCD did not receive any further details from the Respondent regarding the repairs made to the boiler or scrubber system.

13. The stack test of emissions unit B001 was conducted on November 30, 2001. Testing included one run during which "fire cleaning" operations were conducted. Per Canton APCD's review of the test report submitted on December 24, 2001, the Respondent demonstrated that the emission unit was in compliance with all current permit terms and conditions during maximum capacity operations and during the "fire cleaning" operation. USEPA Method 9 (40 CFR, Part 60, Appendix A) opacity readings were taken by Canton APCD during all three stack test runs. No opacity (i.e., 0%) was observed on the two test runs made under normal, maximum capacity operating conditions (without "fire cleaning"). During the second run (when "fire cleaning" operations were conducted), opacity readings ranged from 0% (84.5% of all of the readings during the test run) to 25% (0.8% of the total). There were no six-minute average opacity exceedances of the 20% opacity limit during the test.

14. On February 15, 2002, Respondent submitted a compliance plan to Canton APCD. The plan contained some preventative maintenance elements, but was deemed unacceptable by Canton APCD. Respondent was informed of the deficiencies in a letter from Canton APCD dated May 10, 2002. Respondent replied to Canton APCD in a letter on May 21, 2002, requesting an agreement with Canton APCD regarding the PMMAP and Title V permit related operational control issues be reached prior to finalizing a compliance plan.

15. On three separate days from July 1, 2002 through October 14, 2002, inspectors from Canton APCD, using USEPA Method 9 (40 CFR, Part 60, Appendix A) opacity readings, observed visible particulate emissions in excess of 20% opacity, as a six-

minute average, from the stack serving Respondent's emissions unit B001. Specifically, inspectors from Canton APCD observed visible particulate emissions in excess of 20% during a total of nine six-minute-average periods; three of these six-minute-average periods were allowable by OAC Rule 3745-17-07(A)(1)(b), as no visible particulate emissions in excess of 60% opacity, as a six-minute average, were observed. The remaining six observations of visible particulate emissions in excess of 20% opacity, as a six-minute average, were violations of OAC Rule 3745-17-07(A)(1)(a) and ORC §§ 3704.05(A) and (G). One of these violations was also a violation of OAC Rule 3745-17-07(A)(1)(b) and ORC §§ 3704.05(A) and (G), as it exceeded 60% opacity, as a six-minute average. Table I (attached) summarizes Canton APCD's observations over this period of time. Excess visible particulate emissions from emissions unit B001 were also observed by a Canton APCD inspector on June 19, 2002, indicating that the boiler was experiencing operational problems.

16. On June 26, 2002, Canton APCD investigated a complaint from a citizen concerning black deposits found on the citizen's car and patio furniture located on 15th Street SW, a neighborhood near Respondent's facility. The resident stated that the material was not present on the evening of June 25, 2002. Canton APCD investigation indicates that the material appears to be ash, as the deposits were black, light weight, and easily smeared or crushed with finger pressure. Photographs of the deposits were taken and samples were collected. Meteorological records from a local ambient air monitoring site located at Malone College indicated that the prevailing wind direction was out of the south to southwest from 7:00 p.m. on June 25, 2002, to 9:10 a.m. on June 26, 2002. The stack serving Respondent's coal-fired boiler (emissions unit B001) is located southwest in relation to where the deposits were observed. Canton APCD observed similar deposits on deck furniture and decks of nearby homes. Follow-up interviews with the residents indicated that these deposits had been observed by the residents previously. Between June 26, 2002, and August 1, 2002, Canton APCD observed more similar deposits at residences on 15th Street SW; more photographs documenting the deposits were taken and samples of the material were collected. Canton APCD also collected samples of the scrubber waste ash and fly ash from Respondent's coal-fired boiler (emissions unit B001). Microscopic comparison of the deposits and the fly ash samples indicated that the material distributed in the neighborhood closely resembled the fly ash from emissions unit B001. As no other similar source of this type of ash material is located in reasonable proximity to the affected area, Canton APCD concluded that the complaints were the result of ash being deposited as a result of Respondent's operation of emissions unit B001.

17. On March 3, 2003, Canton APCD sent a NOV to Respondent, citing it for violations of OAC Rules 3745-17-07(A)(1)(a) and (b) for visible particulate emissions in excess of 20% opacity, as a six-minute average, and in excess of 60% opacity, as a six-minute average. In addition, Canton APCD cited Respondent for violating OAC Rule 3745-15-07(A) for causing a public nuisance by operating emissions unit B001 in such a manner as to cause the deposition of ash from the coal-fired boiler on the nearby neighborhood, as described in Finding 16. Canton APCD requested that Respondent perform the following actions to bring emissions unit B001 into compliance with all applicable regulations as expeditiously as possible:

- a. immediately begin conducting visible particulate emissions readings

using a visible emissions reader certified to use USEPA Method 9, and maintain records of all such readings;

- b. submit operation and maintenance records for emissions unit B001 boiler and associated scrubber for the time period between June 1, 2002, and October 30, 2002, by March 14, 2003;
- c. submit an acceptable compliance plan, with a schedule of implementation, by March 30, 2003; and
- d. submit an acceptable PMMAP by March 30, 2003.

18. On March 14, 2003, Canton APCD received boiler and scrubber operation records from Respondent for the period June 1, 2002, through October 1, 2002. In a letter dated May 1, 2003, and received by Canton APCD on May 5, 2003, Respondent submitted a compliance plan and schedule to correct the violations associated with the operation of emissions unit B001. Specifically, this plan identified the "fire cleaning" operation as the primary cause of excess opacity from the boiler and specified the steps to be taken and the time frame required to bring the unit into compliance with the applicable OAC rules. Canton APCD reviewed the data submitted by Respondent on March 14, 2003, and found that the "fire cleaning" operations did correlate to the excessive opacities described in Finding 15. Respondent also submitted a "Preventative Maintenance Plan" for emissions unit B001 to maintain compliance with the applicable OAC rules.

19. After reviewing the facts of the case and further discussion with Canton APCD, Ohio EPA has determined that the Respondent violated OAC Rules 3745-17-07(A)(1)(a) and (b), and ORC § 3704.05(A) and (G), as a result of emitting visible particulate emissions in excess of 20% opacity and 60% opacity, respectively, as a six-minute average, on the occasions identified in Table I. In addition, Ohio EPA has determined that Respondent has violated OAC Rule 3745-15-07(A) and ORC § 3704.05(G) by causing a public nuisance by operating emissions unit B001 in such a manner as to cause the deposition of ash from the coal-fired boiler on the nearby neighborhood, as described in Finding 16.

20. Respondent does not admit to any of the allegations, facts, statements, or legal conclusions set forth in these Findings.

21. 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-four thousand dollars (\$44,000) in settlement of Ohio EPA's claim 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 the total amount. The official check shall be submitted to Brenda Case, Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and emissions unit B001.

A copy of the check shall be sent to James A. Orlemann, Assistant Chief, Enforcement Section, or his successor, at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

2. Respondent shall bring emissions unit B001 into compliance with OAC Rules 3745-17-07(A)(1)(a) and (b), and 3745-15-07(A) as expeditiously as practicable, but not later than the dates in the following schedule, which incorporates the compliance plan Respondent submitted to Canton APCD on May 5, 2003:

	<u>Milestone</u>	<u>Completion date</u>
a.	Install additional process monitoring gauges.	Complete*
b.	Review information obtained from the installation of the gauges and incorporate into Respondent's <u>Standard Operating Procedure for Boiler #1 Cleaning Fires</u> ("SOP").	Complete*
c.	Conduct training sessions for Boiler #1 operators regarding the revised procedures in regard to the revised procedures in the SOP and implement the revised SOP.	Complete*
d.	Submit a notification of compliance demonstration (with schedule) to Canton APCD within:	30 days after the effective date of these Orders.
e.	Achieve and demonstrate final compliance (pursuant to Order 3) within:	60 days after the

effective date of
these Orders.

- f. Submit compliance demonstration report to Canton APCD within: 90 days after the effective date of these Orders.

*Per Respondent's legal representative during settlement negotiations on December 10, 2003, Respondent has completed these compliance plan milestones.

3. The compliance demonstration shall be scheduled so that representatives from Canton APCD may be available to observe the demonstration. At a minimum, the compliance demonstration plan shall contain all of the following elements:

- a. All observations of visible particulate emissions from the stack serving emissions unit B001 (i.e., Boiler #1), shall be conducted by Respondent (or its representative) using USEPA Method 9 (40 CFR, Part 60, Appendix A). Respondent's (or its representative's) observer shall be certified to read opacity using USEPA Method 9. Opacity readings shall be recorded on standard visible emission observation forms. A reproducible example of the form will be supplied to Respondent by Canton APCD.
- b. Visible particulate emissions observations shall be conducted during "fire cleaning" operations for a minimum of a one-hour period. This observation period shall begin at least ten minutes prior to the start of "fire cleaning" operations (i.e., prior to shutting off the boiler's stoker) and ending at least ten minutes after completion of "fire cleaning" operations (i.e., after full underfire air is returned to the boiler).
- c. A minimum of five separate one-hour observation periods, as described above, shall be recorded.
- d. In addition to completion of the visible emission observation forms described above, Respondent shall record the following data during each one-hour observation period.
 - i. the time of the start and completion of "fire cleaning" operations;
 - ii. the name(s) of the boiler operator(s) conducting the "fire cleaning" operations;

- iii. all data obtained from the additional process monitoring gauges installed pursuant to Order 2 above;
- iv. the pressure drop across the scrubber, in inches of water;
- v. the scrubber fresh water nozzle flow rate, in gallons per minute;
- vi. the scrubber water supply pressure, in psig; and
- vii. the steam flow output from the boiler.

The compliance demonstration report specified in Order 2 shall, at a minimum, include copies of all of the above records, including the completed visible emission observation forms for each one-hour observation period.

4. Beginning on the effective date of these Orders, and continuing thereafter, Respondent shall comply with the Powerhouse Preventative Maintenance Plan for Boiler #1, as submitted to Canton APCD by Respondent on May 5, 2003. This Order shall terminate upon final issuance of Respondent's Title V operating permit. This plan may be modified with the agreement, in writing, of Canton APCD.

VI. TERMINATION

Except as otherwise provided in Order 4, 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 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 the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative of Respondent as that term is defined in the above-referenced rule.

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 Respondent's operation of the emissions unit specified in these Orders.

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 the Respondent.

IX. MODIFICATIONS

These Orders may be modified by mutual 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 by these Orders, unless otherwise specified in writing, shall be addressed to:

Canton City Health Department
Air Pollution Control Division
420 Market Avenue North
Canton, Ohio 44702-1544
Attention: Pat Petrella, Air Pollution Control Engineer

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Thomas Kalman

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 cause 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 agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for the 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 Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Christopher Jones
Director

Date

IT IS SO AGREED:

Canton Drop Forge, Inc.

By

Date

Printed or Typed Name

Title

**CANTON DROP FORGE BOILER NO. 1 (EMISSIONS UNIT B001)
 OPACITY OBSERVATIONS (OVER 20%)¹**

Date	US EPA Method 9 (40 CFR, Part 60, Appendix A) opacity readings (six-minute averages) ²												
	Averaging time periods for opacity readings												
August 16, 2000	25.8%	25.4%	35.4%										
	1442-1448 hours	1448-1454 hours	1454-1500 hours										
October 12, 2000	43.8%												
	1512-1518 hours												
April 10, 2001	43.3%	38.1%	21.5%	22.3%	22.5%								
	1442-1448 hours	1448-1454 hours	1454-1500 hours	1503-1509 hours	1523-1529 hours								
May 3, 2001	30.2%	24.2%	26.3%	27.8%	56.3%	21.7%	24.8%	22.3%	30.0%	31.7%	20.6%	28.8%	
	0959-1005 hours	1005-1011 hours	1011-1017 hours	1017-1023 hours	1023-1029 hours	1146-1152 hours	1244-1250 hours	1305-1311 hours	1419-1425 hours	1425-1431 hours	1431-1438 hours	1450-1456 hours	
May 3, 2001 (Continued)	21.0%												
	1553-1559 hours												
June 13, 2001	34.2%	21.5%	35.8%	30.8%									
	1016-1022 hours	1040-1046 hours	1056-1102 hours	1104-1110 hours									
August 21, 2001	41.3%	41.9%											
	1510-1516 hours	1522-1528 hours											
Date	US EPA Method 9 (40 CFR, Part 60, Appendix A) opacity readings (six-minute averages)												
	Averaging time periods for opacity readings												

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July 1, 2002	42.1%	36.5%	42.3%	47.5%	20.8%	
	0942- 0948 hours	0948- 0954 hours	0954- 1000 hours	1000- 1006 hours	1006- 1012 hours	
July 23, 2002	58.8%	58.1%	65.2%			
	1418- 1424 hours	1424- 1428 hours	1430- 1436 hours			
October 14, 2002	42.7%					
	1025- 1040 hours					

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1. All VE readings were taken by Canton APCD without the influence of steam or taken when no steam plume was present at all.
 2. Shaded readings are allowable per OAC Rule 3745-17-07(A)(1)(b) [i.e., greater than 20% opacity but less than 60% opacity, as a six-minute average, for not more than six consecutive minutes in any 60-minute period].