



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

January 29, 2007

Certified Mail

Mr. Ron Dye
Director of Process and Facilities Engineering
Spinnaker Coating, LLC
130 Marybill Drive
Troy, Ohio 45373

NOTICE OF VIOLATION

Summary: Spinnaker Coating operates a Title V facility at 518 East Water Street, Troy, Ohio. Spinnaker Coating was required to submit a Title V renewal application by September 14, 2006. On October 16, 2006, the Regional Air Pollution Control Agency (RAPCA) received the Title V renewal permit application. Spinnaker Coating failed to submit a complete and timely Title V renewal application. Enforcement orders may be issued in the future to resolve this violation.

Dear Mr. Dye:

On March 13, 2002, Spinnaker Coating, located at 518 East Water Street, Troy, Ohio (Ohio EPA facility no. 0855140083), was issued a Final Title V Operating Permit. On October 20, 2005 and on August 1, 2006, the Ohio EPA issued letters to Spinnaker Coating notifying the facility that the Title V permit would expire on March 13, 2007 and that a renewal Title V permit application was due by September 14, 2006. Further, the letters informed Spinnaker Coating the facility should file the Title V renewal application one to two weeks prior to the deadline to allow for processing time. Pursuant to Ohio Administrative Code (OAC) rule and the Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) rule 3745-77-04(E), "Title V permit renewal applications shall be filed no earlier than eighteen months and no later than six months prior to the expiration of the Title V permit." The Title V renewal application is not complete per OAC and MCBHLAPCR rule 3745-77-03(D) until the Regional Air Pollution Control Agency (RAPCA) receives the signed electronic receipt generated by STARShip when the application is sent to Ohio EPA. Spinnaker Coating submitted a Title V renewal application

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to Ohio EPA via STARShip on September 14, 2006. RAPCA received the signed electronic receipt on October 16, 2006. Therefore, October 16, 2006 is the date the Title V renewal application was received. Late submittal of a Title V renewal application is a violation of OAC and MCBHLAPCR rule 3745-11-02(A) and Ohio Revised Code (ORC) 3704.05

The failure to submit a complete and timely application has resulted in the loss of the "application shield" provided by OAC and MCBHLAPCR rule 3745-77-06(A) for this facility. Therefore, operation of this facility after the expiration date of the Title V permit, without a valid Title V renewal permit or a federally enforceable state operating permit being issued by the Director, is a violation of OAC and MCBHLAPCR rule 3745-77-02(A) and ORC 3704.05. The submission of the Title V permit renewal application, even though it was prior to the current Title V permit expiration date, did not reinstate the "application shield" provided by OAC and MCBHLAPCR rule 3745-77-06(A) for this facility.

Acceptance of the Title V permit renewal application does not constitute waiver of Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, please contact Eileen Moran at (937) 225-4004 or me at (937) 496-7540.

Sincerely,



Jennifer Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

cc: John Paul, RAPCA
Jefferis Canan, RAPCA
Michael Matis, MCCHD
Lisa Holscher, USEPA
Tom Kalman, OEPA