



## REGIONAL AIR POLLUTION CONTROL AGENCY

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

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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:** On January 9, 2006, the Regional Air Pollution Control Agency (RAPCA), received a Permit to Install (PTI) application for the modification of K002, Coater #19. During the technical review, RAPCA determined that Spinnaker Coating Plant 2 may be subject to the Title V regulations and the Paper and Other Web Coating Maximum Achievable Control Technology (MACT) Standard (40 CFR Part 63, Subpart JJJJ). On October 17, 2006, RAPCA issued a Warning Letter for failure to obtain a Title V permit and failure to submit the initial notification form for the Paper and Other Web Coating MACT Standard. On October 26, 2006, RAPCA received a written response to the Warning Letter confirming that Spinnaker Coating Plant 2 is subject to the Title V permitting requirements and to the Paper and Other Web Coating MACT Standard. Enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Dye:

On October 17, 2006, the Regional Air Pollution Control Agency (RAPCA), issued a Warning Letter for Spinnaker Coating Plant 2 (Ohio EPA facility no. 0855140350), located 130 Marybill Drive, Troy, Ohio, for failure to obtain a Title V permit, a violation of Ohio Administrative Code (OAC) rule 3745-77-02, Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) rule 3745-77-02, and Ohio Revised Code (ORC) 3704.05. The Warning Letter requested that Spinnaker Coating Plant 2 submit a facility wide potential to emit (PTE) analysis, a Title V permit application for the facility, an initial notification form for the Paper and Other Web Coating Maximum Achievable Control Technology (MACT) Standard (40 CFR part 63,

Subpart JJJJ), a plan for achieving compliance with the Paper and Other Web Coating MACT Standard, and a determination of when the facility became subject to the Title V permitting requirements. On October 26, 2006, RAPCA received a written response to the Warning Letter submitted by Dine Comply, Inc., on behalf of Spinnaker.

#### **Failure to Obtain a Title V Operating Permit**

Pursuant to OAC rule and MCBHLAPCR rule 3745-77-01(W), a major source is 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, in the aggregate, ten tons per year (TPY) or more of any hazardous air pollutant (HAP), twenty-five TPY or more of any combination of HAPs and/or directly emits or has the potential to emit, one hundred TPY or more of any air pollutant. Pursuant to OAC rule and MCBHLAPCR rule 3745-77-02, all major sources are subject to the Title V permitting requirements. The written response received by RAPCA on October 26, 2006 states that Spinnaker Coating Plant 2 exceeded the major source threshold, based on PTE for a single HAP, vinyl acetate, with the issuance of PTI 08-04643 on December 2, 2004. The application for PTI 08-04643 failed to address HAP emissions. Failure to obtain a Title V operating permit is a violation of OAC rule 3745-77-02, MCBHLAPCR rule 3745-77-02, and ORC 3704.05. On October 26, 2006, Spinnaker Coating Plant 2 electronically submitted a Title V operating permit application to Ohio EPA.

#### **MACT JJJJ Compliance**

The Paper and Other Web Coating MACT Standard was promulgated on December 4, 2002 and requires compliance with the rule by December 5, 2005. As a major source of HAP, Spinnaker is subject to this rule. Pursuant to the rule, Spinnaker Coating Plant 2 was required to submit an initial notification and the intended control methods to achieve compliance with the rule by December 5, 2005. The written response received by RAPCA on October 26, 2006, states that Spinnaker Coating Plant 2 is complying with the Paper and Other Web Coating MACT Standard by employing coatings that individually meet the emissions standards. This Title V application serves as the initial notification form for the Paper and Other Web Coating MACT Standard. Late submittal of an initial notification is a violation of 40 CFR Part 63, Subpart JJJJ.

The written response and schedule received by RAPCA on October 26, 2006, is an acceptable response to the violations listed above. Acceptance of this response by RAPCA does not constitute a waiver of the 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.

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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