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REGIONAL AIR POLLUTION CONTROL AGENCY

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December 19, 2008

Certified Mail

Mr. David Hussong, President
Dayton Industrial Drum
1880 Radio Road
Dayton, OH 45431

NOTICE OF VIOLATION - Non-HPV

Summary: On April 24, 2008, particulate emission testing was conducted by Dayton Industrial Drum (DID) on air emissions unit N001, a drum burn-out incinerator. The test report, received on June 2, 2008, states that the average particulate emission rate was 0.22 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged. This emissions rate failed to meet the requirement (0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged) and is in violation of the Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) rule 3745-17-09(B), Ohio Revised Code (ORC) 3704.04 and the Permit To Operate (PTO) issued November 1, 2007. Enforcement orders may be issued in the future to resolve this violation.

Dear Mr. Hussong:

This letter is in regards to the April 24, 2008, particulate emissions test conducted by Dayton Industrial Drum (DID) on air emissions unit N001, a drum burn-out incinerator. This performance test was conducted in order to satisfy the testing requirements for particulate emissions contained in the Permit to Operate (PTO) issued to DID on November 1, 2007. Emissions unit N001 is an "air contaminant source" as defined by Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) rule 3745-31-01(I).

Pursuant to OAC and MCCGHDAPCR rule 3745-17-09(B) and the PTO issued November 1, 2007, DID shall not allow particulate emissions in the exhaust gases of N001 in excess of 0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged (lb/100 lbs of refuse and salvageable material charged).

On June 2, 2008, RAPCA received the results of the April 24, 2008, emissions test conducted on N001. RAPCA review of the test report data indicates that an average of 117 drums and an average of 4316 pounds of refuse and salvageable material were processed through N001 each hour of the test. The test report states that the average particulate emission rate was 0.16 lb/100 lbs of refuse and salvageable material charged. This emissions rate fails to meet the requirement and is in violation of OAC and MCCGHDAPCR rule 3745-17-09(B) and the PTO.

The consultant hired to perform testing for DID was ERAtech. ERAtech stated in a letter to RAPCA dated May 23, 2008, that additional internal testing was conducted on May 21, 2008, under normal conditions and without interruption. The testing conducted on May 21, 2008, was not witnessed by RAPCA. The summary of the emissions testing conducted on May 21, 2008, listed a particulate emissions rate of 0.04 lb/100 lbs of refuse and salvageable material charged, however supporting documentation (though requested) has not been provided.

On August 6, 2008, RAPCA was on site to witness the retest DID performed on emissions unit N001. On September 9, 2008, RAPCA received the results of the August 6, 2008 emissions test. RAPCA review of the test report data indicates that an average of 97 drums and an average of 3213 pounds of refuse and salvageable material were processed through N001 each hour of the test. The test report states that the average particulate emission rate was 0.02 lb/100 lbs of refuse and salvageable material charged, indicating compliance with the particulate emissions limit of 0.10 lb/100 lbs of refuse and salvageable material charged.

This letter serves as official notification that emission unit N001 failed to demonstrate compliance with the particulate emissions limit of 0.10 lb/100 lbs of refuse and salvageable material charged during the April 24, 2008 test demonstration and is in violation of the OAC and MCCGHDAPCR rule 3745-17-09(B) and the PTO. RAPCA requests that DID submit a detailed compliance plan and schedule that will provide a plan whereby DID can ensure the maintenance of compliance with the N001 emissions limit on an ongoing basis. DID did not report any malfunctions during testing or that any modifications had been made to their burn off incinerator following the failed test. It is RAPCA's understanding that the major difference allowing DID to pass the performance retest was due to the lower throughput in N001. RAPCA believes that DID will need to take a throughput restriction to ensure ongoing compliance. DID should consider a compliance plan that includes a limit on the throughput of N001 to less than 100 drums per hour, and less than 3213 pounds of refuse and salvageable material per hour, as these are the conditions under which DID was able to demonstrate compliance on August 6, 2008.

The compliance plan and schedule shall be submitted expeditiously, but in no event later than thirty days after receipt of this letter. Acceptance of the compliance plan and schedule 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 Jason Simon, Jeff Canan, or me at (937) 225-4435.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

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



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 Dayton, OH 45431

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PS Form 3800, August 2006 See Reverse for Instructions

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 Mr. David Hussong, President
 Dayton Industrial Drum
 1880 Radio Road
 Dayton, OH 45431

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