



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

August 24, 2011

CERTIFIED MAIL

Ms. Carol Oates  
Oates Veterinary Clinic  
715 East Columbus Street  
Kenton, Ohio 43326

Re: Notice of Violation (NOV/non-HPV) - Complaint investigation conducted on August 11, 2011, at Oates Veterinary Clinic with response due by September 23, 2011.

Dear Ms. Oates:

This letter shall serve as a follow-up to the complaint investigation of the above-referenced facility conducted on August 11, 2011, by the writer of this letter. On August 10, 2011, the Ohio Environmental Protection Agency's (Ohio EPA) Northwest District Office (NWDO), Division of Air Pollution Control (DAPC) received a complaint regarding the use of an animal incinerator at a farm located away from the clinic. Oates Veterinary Clinic admits to operating the incinerator for its Veterinary Clinic at a property located on 23409 County Road 144, Kenton, Ohio 43326.

Based on our discussion and my observations during the inspection, my findings are as follows:

1. During the complaint investigation we discussed the installation date of the unit and it was stated that the incinerator has been operating for an estimated ten years. Installation of an emission unit without first obtaining a Permit To Install or Permit To Operate prior to installation is a violation of OAC rules 3745-31-02(A), and ORC 3704.05.
2. In order to correct the violation cited, Oates Veterinary Clinic is required to submit a completed Permit-To-Install and Operate (PTIO) application and emissions activity category (EAC) form for the incinerator unit. A copy of the PTIO application, EAC form and instructions are included with this letter. Please include emissions calculations and a process flow diagram to aid the processing of the application. The information requested should be submitted no later than **September 23, 2011**.
3. Facilities that operate one or more emissions units subject to OAC rule 3745-31 are required to pay air emissions fees based on actual emissions.

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The fee is required by OAC rule 3745-78 and ORC Section 3745.11(D) and is billed retroactively every two years. The facility is also found in violation of not having complied with this requirement.

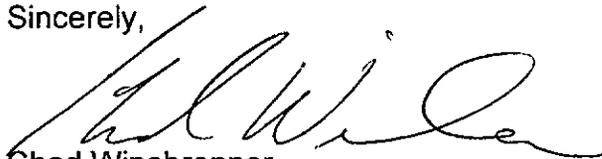
The Non-Title V program requires facilities to pay the fee based on facility-wide estimated actual annual emissions of criteria pollutants. The Non-Title V fee program is designed to encompass all permitted facilities in Ohio that do not fall under the requirements of the Title V permitting program. Since the facility has not submitted any applications for operating the emissions unit, it would not have been registered as a Non-Title V facility.

The incinerator used for Oates Veterinary Clinic, having been operated for an estimated ten years is subject to these fee emission reports. Therefore, DAPC will be sending invoices for the 2006 and 2007 year cycle as well as the 2008 and 2009 year cycle in order to address this current billing issue. The invoices will reflect emissions from 0-10 tons/yr for the incinerator since this is the lowest fee-based category.

Please note that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

If the company has any questions and/or comments concerning this letter, please contact me at the above address, by calling 419.373.3121, or electronically at [Chad.Winebrenner@epa.state.oh.us](mailto:Chad.Winebrenner@epa.state.oh.us).

Sincerely,



Chad Winebrenner  
Division of Air Pollution Control

/llr

Enclosure

pc: ~~DAPC:NWDO.File:Hardin County~~ )  
Certified Mail Receipt Number 7009 1410 0001 1840 3267  
ec: Chad Winebrenner, NWDO- DAPC  
Julie McCarthy, NWDO-DAPC  
Jennifer Jolliff, NWDO-DAPC  
Elisa Thomas, CO-DAPC