



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

April 29, 2008

**CERTIFIED MAIL**

Mr. John Uliveto, Vice President  
Mineral Processing  
1855 County Highway 99  
Carey, Ohio 43316

Re: Notice of Violation (NOV) to Mineral Processing (0388000025) for failing to maintain compliance with synthetic minor emission limitations for P901

Dear Mr. Uliveto:

On March 3, 2008, the Northwest District Office (NWDO) received revised quarterly deviation reports for 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2007 regarding the pelletized mineral processing line, emissions unit P901. These reports were submitted in order to accurately reflect deviations to the annual OC emission limitation and finished feed throughput. Reports that had been submitted in accordance with Permit-to-Install (PTI) 03-13833, issued on February 2, 2006, previously stated that there were no deviations to either the rolling 12-month OC emission rate or the rolling 12-month finished product throughput restriction.

A review of the company's revised report states that, during the second quarter of 2007 and continuing through the end of 2007, Mineral Processing operated at a rate that caused them to exceed their rolling 12-month finished feed throughput restriction which resulted in the rolling 12-month OC emission limitation to be exceeded also. It should be noted that while the violation has occurred over the past ten months, annual emissions only exceeded the rolling 12-month emission rate by 4.09 tons OC at its highest point and did not cause the facility to surpass Title V thresholds. In any event, failure to meet the rolling 12-month OC emission limitation and rolling 12-month finished product throughput restriction outlined by PTI 03-13833, is a violation of Ohio Administrative Code (OAC) 3745-31-05(C) and Ohio Revised Code (ORC) 3704.05.

In speaking with Mike Blankestyn of RTM, Inc., it was stated that the company had actually anticipated a possible exceedance of the synthetic minor emission limitation in 2008. The company expeditiously submitted a modification to P901 (PTI 03-17400) that was received November 27, 2007, to increase the annual finished product throughput and allow for the use of no. 6 fuel oil in the dryer. Mr. Blankestyn stated that after the PTI modification had been submitted, the facility's records were reviewed. It was determined that a recordkeeping error had been made that resulted in the VOC and throughput violations and erroneous deviation reports.

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The recordkeeping issue has since been corrected internally. As for the PTI modification, it is currently being processed at NWDO and once it has been issued, Ohio EPA will consider the NOV to be resolved.

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

Should you have any questions or comments regarding this letter, please feel free to contact me at (419) 373-4112 or by e-mail at [jennifer.jolliff@epa.state.oh.us](mailto:jennifer.jolliff@epa.state.oh.us).

Sincerely,  
  
 Jennifer L. Jolliff  
 Division of Air Pollution Control

JLJ/ljr

pc: Don Waltermeyer, DAPC-NWDO  
 Tom Kalman, DAPC-CO  
 Lisa Holscher, US EPA  
 DAPC-NWDO Correspondence File

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1853 County Highway 95  
 UNIT 4, C.H.O. 43316  
 OHIO 43116

PS Form 3800, August 2006 See Reverse for Instructions

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<p>1. Article Addressed to:  <i>MR JOHN ULIVETO, Vice President</i>  <i>1853 County Highway 95</i>  <i>UNIT 4, C.H.O. 43316</i></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
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