

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

September 12, 2008

Tim Zimmerman
President
Innotech Products
311 Northland Blvd.
Cincinnati, OH 45246

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RE: NOTICE OF VIOLATION OF OHIO ADMINISTRATIVE CODE (OAC) § 3745-15-07 (AIR POLLUTION NUISANCES PROHIBITED)

Dear Mr. Zimmerman:

Hamilton County Department of Environmental Services (HCDOES) received citizens' complaints about fallout and property damage to vehicles and other property from the mixed commercial / residential area adjacent to Innotech Products. HCDOES has obtained samples from damaged property and conducted inspections to determine the source of the particulate fallout.

Inspections of the Innotech production facility were conducted on April 11 and June 10, 2008. A sample of the heater pad was obtained during the April 11 visit. A sample of fine particulate, from the blending operation, was taken from the vent fan housing during the June 10 visit.

Both known and unknown samples were analyzed using scanning electron microscopy, by the Hamilton County Crime Laboratory. As a result of complaint investigations, facility inspections and sample analysis, HCDOES has determined the source of particulate fallout and property damage to be Innotech Products, specifically the room vent in the blending area.

OAC rule 3745-15-07 prohibits the release or emission or escape into the open air from any source or sources whatsoever, of smoke ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any substances or combinations of substances, in such a manner or in such amounts as endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property. The accumulation of particulate emissions resulting in property damage noted in this complaint investigation constitute a violation of OAC rule 3745-15-07 and ORC 3704.05(C).

At this time HCDOES is requesting that Innotech Products develop and submit a plan to maintain compliance with the nuisance rule. The plan should include proposed actions and their projected dates of completion. That plan should be received by HCDOES by no later than 15 days following receipt of this correspondence.

Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made at a later date. Failure to comply with the requirements of this letter may result in additional enforcement action including possible referral of this case to the Office of the Attorney General.

The violations identified above also constitute a violation of City of Springdale Health Department rules. City of Springdale Health Department air pollution rules are enforced by the Hamilton County Environmental Services.

If you have any questions or wish to discuss this matter, please feel free to contact me at 513-946-7738.

Sincerely,

A handwritten signature in black ink that reads "Kerri Castlen". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Kerri Castlen
Permit & Enforcement Area Supervisor