



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

November 27, 2009

Re: Evonik Degussa Engineered Carbons
Facility ID: 0684010049

Mr. Trevor R. Hayes
EHS Manager
Evonik-Degussa Engineered Carbons
11135 State Route 7
Belpre, Ohio 45714

SUBJECT: March 4, 2009 Notice of Violation- Return to Compliance

Dear Mr. Hayes:

On March 4, 2008, this office issued a Notice of Violation (NOV) to Evonik regarding the failure to report malfunctions in October and November of 2008. As part of the NOV, we requested that you provide more information regarding the malfunction, since it appeared that the malfunction continued for longer than 72 hours and plans for improving reporting of malfunction events.

On March 12, 2009, Evonik submitted a revised 4th quarter 2008 deviation report detailing the time that the malfunctions occurred. The revised report indicated that the malfunction did not continue for more than 72 hours; therefore, no written malfunction report would have been required to be submitted. However, Evonik did fail to submit a verbal malfunction report to the Ohio EPA. Evonik's plan to improve the reporting of malfunctions included hiring a full time Environmental Health and Safety Manager. Evonik has now filled this position at the Belpre plant.

Acceptance by Ohio EPA of the above information does not constitute a waiver of 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 to pursue such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions, please feel free to contact me at 740-380-5299 or michael.carper@epa.state.oh.us.

Sincerely,

Michael Carper
Environmental Specialist 2
Division of Air Pollution Control

MC/mlm

cc: Lisa Holscher, USEPA Region 5
Tom Kalman, DAPC-CO
Tan Tran, DAPC-CO
Bruce Weinberg, DAPC-SEDO