



State of Ohio Environmental Protection Agency

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Central District Office

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Columbus, OH 43216-1049

CERTIFIED MAIL # 91 7108 2133 3932 4449 2841

December 6, 2010

Jim Douglas
Heartland Refinery Group LLC
4021 East Fifth Avenue
Columbus, OH 43219

Re: NOTICE OF VIOLATION – Failure to properly operate control equipment
Facility ID: 0125043205
Heartland Refinery Group LLC
Location: 4021 East Fifth Avenue
Columbus, OH 43219

Dear Mr. Douglas:

Ohio Environmental Protection Agency (Ohio EPA), Division of Air Pollution Control (DAPC), Central District Office (CDO) personnel observed emissions testing at your facility on September 14, 2010. The purpose of this testing was to demonstrate compliance with the emissions limitations and control efficiencies in Heartland Refinery Group's (HRG's) PTIO (P0105498).

Listed below are "Findings" based upon Ohio EPA inspector observations, specific process information, complaints filed with Ohio EPA, and observed operation of various emissions units installed at the facility. The "Finding(s)" below are followed by "Violation(s)" (where applicable) and "Requested Action(s)" considered necessary to resolve any stated violations.

1. **Finding:** Failure to meet required control efficiency for sulfur dioxide.

PTIO 0105498 Section 1.b)(2)e states "The permittee shall vent the emissions from emissions unit B001 to a dry acid gas scrubber with a minimum control efficiency of 95.0% for SO₂." Additionally, Section 3.b)(2)a.i states "The permittee shall vent all process emissions first to the P005 hot oil heater firebox followed by a sodium bicarbonate-injected dry scrubber with a minimum of 95% control efficiency for SO₂ and 90% control efficiency for HCl at all times that this emissions unit is operating."

The report from this test indicated a control efficiency for sulfur dioxide of 64.3%.

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

Violations:

Failure to meet the required control efficiency in accordance with the terms and conditions of PTIO 0105498 are considered violations of the terms and conditions of PTIO 0105498 Section 1.b)(2)e and Section 3.b)(2)a.i. Violations of the terms and conditions of the effective PTIO are also considered violations of Ohio Revised Code (ORC) 3704.05(C), which states:

"No person who is the holder of a permit...shall violate any of its terms or conditions."

2. **Finding:** Failure to meet required feed rate for dry sorbent injection.

PTIO 0105498 Section 1.b)(2)h states "The permittee shall maintain a dry sorbent injection rate of sodium bicarbonate into the dry scrubber at not less than the rate required to meet the SO₂ and HCl control efficiency established in b)(2)e." Additionally, PTIO 0105498 Section 3.d)(3) requires that "... the minimum dry sorbent injection motor speed shall be maintained at or above the motor speed, as measured in amps, required to achieve a dry sorbent injection rate of 145 pounds per hour or higher."

The report from this test indicated that the scrubber's dry sorbent feed rate was 110 lb/hr.

Violations:

Failure to meet the requirements of the terms and conditions of PTIO 0105498 Section 1.b)(2)h and Section 3.d)(3) are considered violations of the terms and conditions of the effective PTIO. Violations of the terms and conditions of the effective PTIO are also considered violations of Ohio Revised Code (ORC) 3704.05(C).

Requested action to address violations:

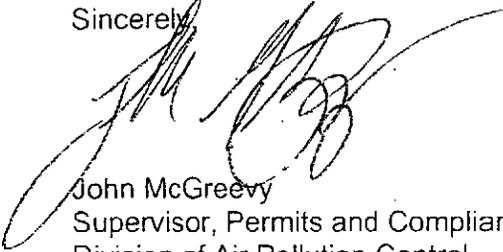
Ohio EPA requests that the facility immediately begin to operate the facility in accordance with the effective PTIO. In addition, Ohio EPA requests that the facility submit to this office, within 30 days of receipt of this letter, a plan and schedule for demonstrating compliance with control device removal efficiency and operational requirements as specified in HRG's effective PTIO. Please submit this plan to the attention of Mr. Bryon Marusek.

Acceptance by the Ohio EPA of a compliance plan and schedule does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

Jim Douglas
Heartland Refinery Group, LLC
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If you have any questions, please contact Bryon Marusek at 614-728-3803 or E-mail brvon.marusek@epa.ohio.gov.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

- c: Adam Ward, Environmental Manager, Ohio EPA/DAPC/CDO
- ec: John Paulian Ohio EPA/DAPC/CO
Bryon Marusek, Ohio EPA/DAPC/CDO