



State of Ohio Environmental Protection Agency

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**CERTIFIED MAIL # 91 7108 2133 3932 4449 4128**

July 14, 2010

Mrs. Maura LaGreca  
Momentive Performance Materials Quartz, Inc.  
611 O'Neill Drive  
Hebron, OH 43025

**Re: NOTICE OF VIOLATION  
Facility ID: 0145000213  
Momentive Performance Materials Quartz, Inc.  
Location: 611 O'Neill Drive  
Hebron, OH 43025  
Licking County**

Dear Mrs. LaGreca:

On April 29, 2010 Momentive Performance Materials Quartz, Inc. (Momentive) submitted to the Ohio Environmental Protection Agency (EPA) Central District Office (CDO) its 2010 first quarter Title V Chapter 3745-77 Permit Quarterly Deviation Report. Subsequently, on June 8, 2010 Ohio EPA, CDO and Central Office (CO), Division of Air Pollution Control (DAPC) met with personnel from Momentive Performance Materials Quartz, Inc. The purpose of the meeting was to discuss issues associated with the selective catalytic reduction system (SCR) responsible for controlling NOx emissions from emissions units B001 – B006, B023 – B033, P011, P012, P014, P015, P021, P032, P035, and P036.

1. **Finding:** NOx emission exceeding emission limitations

Ohio EPA, CDO has completed a review of the quarterly deviation report. The report revealed that due to a malfunction of the SCR, first reported to CDO March 5, 2010, emission units B001 – B006, B023 – B033, P011, P012, P014, P015, P021, P032, P035, and P036 exceeded the combined rolling, 12-month NOx limitation established in PTI 01-08818. Specifically, PTI 01-08818 contains a combined rolling, 12-month NOx emission limitation of 210.7 tons. As of the end of March 2010, Momentive's reported 12-month rolling summation of NOx emissions was 215.8 tons.

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

### Violations

Failure to demonstrate compliance with the permitted NOx emission limitation is a violation of the terms and conditions of PTI 01-08818 Part II.A.1.1. which established a NOx emissions limitation of 210.7 tons per rolling, 12-month period.

Violation of the terms and conditions of PTI 01-08818 is also considered a violation 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."*

### Requested Action

CDO requests that Momentive develop a compliance plan and schedule within 30 days of the receipt of this letter. The compliance plan and schedule should include specific dates by which Momentive will evaluate current processes, determine the cause of emission exceedances, identify appropriate solutions and implement a solution to bring emissions within permitted levels.

In addition, in accordance with Ohio Administrative Code (OAC) 3745-15-06(D), the Director will be requesting a preventive maintenance and malfunction abatement plan. OAC 3745-15-06(D) states the following:

*"If, in the judgment of the director, excessive or unduly prolonged malfunctions of any emission source, air pollution control equipment or related facility have occurred, the director may require the owner or operator of said source, equipment or related facility to prepare, submit and implement a preventive maintenance and malfunction abatement plan which is acceptable to the director. Such plan shall be designed to prevent, detect and correct malfunctions or equipment failures which could result in emissions exceeding any applicable law."*

Acceptance by 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 Ohio EPA at a later date.

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If you have any questions, please contact Adam Novak of my staff at (614) 728-3805 or adam.novak@epa.ohio.gov.

Sincerely,



Kelly Toth  
Supervisor, Permits and Compliance  
Division of Air Pollution Control  
Central District Office

c: Eric Harden, US EPA  
John Paulian, DAPC/CO  
Jim Orlemann, DAPC/CO  
Mike Hopkis, DAPC/CO  
Bob Hodanbosi, DAPC/CO  
Adam Ward, DAPC/CDO  
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KT/AN/ct 0145000213-NOV General(revised)

