



State of Ohio Environmental Protection Agency

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September 16, 2009

Mr. Jim Rakitsky
Quality Carriers
211 Welsh Pool Road
Suite 100
Exton, PA 19341

**Re: Notice of Violation: Full Compliance Evaluation Conducted September 2, 2009
Failure to Maintain Records and Submit Quarterly Reports
Quality Carriers
Facility ID # 0121010237**

Dear Mr. Rakitsky:

Ohio Environmental Protection Agency (Ohio EPA), Central District Office (CDO), Division of Air Pollution Control (DAPC), appreciates Quality Carriers' courtesy and cooperation extended during the September 2, 2009, inspection of your facility located at 1200 South Houk Road in Delaware, Ohio. The purpose of the inspection was to evaluate compliance with issued permits along with applicable state and federal rules and regulations. Present during the inspection were Steven Anderson of Quality Carriers and Kelly Saavedra of Ohio EPA, DAPC.

The inspection consisted of the following:

1. an examination of each emissions unit at the facility;
2. discussions with facility personnel;
3. an examination of monitoring and record keeping files maintained at the facility;
and
4. a review of reporting and fee emissions files maintained at Ohio EPA.

The facility is currently permitted under permit-to-install (PTI) 01-08134 that was issued on July 6, 2000 for emission unit (EU) F001 as well as federally enforceable synthetic minor PTI 01-08308 that was issued on July 3, 2001 for EUs P001, P002, and P003. During the inspection, all emission units were observed to be in operation.

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

Listed below are "Findings" based upon a review of emissions units at the facility, a review of specific records maintained on site, specific process information, and reports and other documents submitted to Ohio EPA. The "Finding(s)" are followed by "Violation(s)" and "Requested Action(s)" necessary to address stated findings and violations.

F001- Paved and Unpaved Roadways and Parking Areas

Finding 1: Monitoring and recordkeeping of control measure implementation

A review of on-site records revealed that daily inspections of the entrance road and truck parking lot were not being performed and the associated monitoring and recordkeeping activities were not being recorded or maintained in accordance with the requirements of PTI 01-08134. Quality Carriers has not maintained records of the dates on which control measures were implemented. Section C.4 of the permit states the following:

"The permittee shall maintain records of the following information:

- a) the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;*
- b) the date of each inspection where it was determined by the permittee that it was necessary to implement the control measure;*
- c) the dates the control measures were implemented; and,*
- d) on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures."*

Violation:

With respect to emission unit F001, failure to conduct inspections and maintain records of the date, time, implementation, and reasoning for control implementation constitute violations of the terms and conditions of PTI 01-08134 and Ohio Revised Code (ORC) 3704.05(C), which states:

"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."

Requested Action:

CDO requests that Quality Carriers immediately begin to comply with the inspection, monitoring and record keeping requirements in PTI 01-08134.

Finding 2: Reporting Requirements of Quarterly Deviations

A review of on-site and Ohio EPA in-house records established that reporting requirements were not met in accordance with the requirements of PTI 01-08134. Specifically, Quality Carriers has not submitted any quarterly reports for the emissions units since the permit was issued July 6, 2000. Please note, section D. of the permit states the following:

"The permittee shall submit quarterly deviation reports that identify any of the following occurrences:

- a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation and,*
- b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.*

The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

Note that Part I - General Terms and Conditions, section 2 "Reporting Requirements Related to Monitoring and Recordkeeping Requirements" states in part,

"If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters."

Violation:

Failure to submit quarterly deviation reports as required by PTI 01-08134 is a violation of the terms and conditions of PTI 01-08134 and ORC 3704.05(C).

Requested Action:

CDO requests that Quality Carriers immediately begin to comply with the reporting requirements in PTI 01-08134.

P001 – Wash Bay Number One

P002 – Wash Bay Number Two

P003 – Wastewater Treatment Process

Finding 3: Monthly Recordkeeping Requirements of Cleaning Operations

A review of on-site records revealed that monthly monitoring and record keeping activities were not being performed or maintained in accordance with the requirements of PTI 01-08308. Specifically, Quality Carriers staff was unable to provide any records needed to demonstrate compliance with the synthetic minor limitations in PTI 01-08308. Section C.1. of the permit for each of the sources P001, P002, and P003, states the following:

“The permittee shall collect and record the following information each month for the tanks cleaned at the facility:

- a. the company identification of the last transported product in each tank to be cleaned;*
- b. the constituents of each product;*
- c. the volume of each tank cleaned;*
- d. the number of tanks cleaned;*
- e. the volumetric capacity of tanks that received a presolve wash;*
- f. the VOC emissions from the presolve cleaning;*
- g. the VOC emissions from the P001, P002, and P003 combined (lb/month); and*
- h. the VOC emissions from P001, P002, and P003 added to the previous 11 months.*

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Violation:

With respect to emission units P001, P002, and P003, failure to maintain records constitutes violations of the terms and conditions of PTI 01-08308 and ORC 3704.05(C).

Requested Action:

CDO requests that Quality Carriers immediately begin to comply with the recordkeeping requirements and maintain monthly records as required in PTI 01-08308.

CDO also requests that Quality Carriers prepare and submit copies of monthly records for emission units P001, P002, and P003 for the period of August 2004 through August 2009; specifically the information specified in section C.1 for each of the emissions sources listed in the permit. This information should be submitted within 30 days of receipt of this letter.

Please note that compliance with the synthetic minor limitation contained in section A.2 of PTI 01-08308 cannot be determined until such time that Quality Carriers is able to demonstrate compliance with the record keeping requirements in PTI 01-08308.

Finding 4: Reporting Requirements of Quarterly Deviations for P001, P002, and P003

A review of on-site and Ohio EPA in-house records revealed that Quality Carriers has not submitted any quarterly deviation reports for P001, P002, and P003 since PTI 01-08308 was issued. Section D. of the permit requires the following:

"The permittee shall submit deviation (excursion) reports which identify all exceedances of the rolling, 12 month emission limitation for VOC and, for the first 12 calendar months of operation following the issuance of this permit, all exceedances of the maximum allowable cumulative emission levels. These reports are due by the date described in Part 1 - General Terms and Conditions of this permit under section (A)(1)."

Violation:

Failure to submit quarterly deviation reports is a violation of the terms and conditions of PTI 01-08308 and ORC 3704.05(C).

Requested Action:

CDO requests that Quality Carriers immediately begin to comply with the reporting requirements in PTI 01-08308.

Additionally, CDO requests that Quality Carriers compile and submit the required quarterly deviation reports for period of August 2004 through August 2009 to the Ohio EPA CDO within 45 days of receipt of this letter. These reports should be based upon the records mentioned in the above requested action under Finding 3.

Finding 5: 2007 and 2008 Fee Emissions Reports

A review of Ohio EPA in-house records revealed that Quality Carriers submitted both the 2007 and 2008 Fee Emissions Reports (FERs) late. The 2007 FER was originally due on April 15, 2008, and the 2008 FER was due on April 15, 2009. Both FERs were received on August 18, 2009. In addition, the FERs used an AP-42 emission factor that is not site-specific and is for acetone, an exempt VOC. Because PTI 01-08308 requires site-specific records to be kept, as well as a monthly calculation of VOC emissions which are based on the actual usage amounts, Quality Carriers should use this information to calculate annual VOC emissions and to prepare the FERs.

Requested Action:

CDO requests that Quality Carriers amend and resubmit the 2007 and 2008 FERs using the site-specific information compiled and submitted as the requested records mentioned above under Finding 3. The amended FERs should be submitted within 30 days of receipt of this letter.

In summary, the following actions need to be taken by Quality Carriers in order to achieve compliance.

Summary of Actions for Remedy

1. Quality Carriers should immediately comply with the inspection, monitoring and record keeping, and reporting requirements as required by PTI 01-08134 for F001.
2. Quality Carriers should submit all monthly records as required to be maintained by PTI 01-08308 for EUs P001, P002, and P003 for the period of August 2004 through August 2009 to Ohio EPA CDO within 30 days of receiving this letter.
3. Quality Carriers should submit quarterly deviation reports for P001, P002, and P003 as required to be submitted by PTI 01-08308 for the period of August 2004 through August 2009 to Ohio EPA CDO within 30 days of receiving this letter.

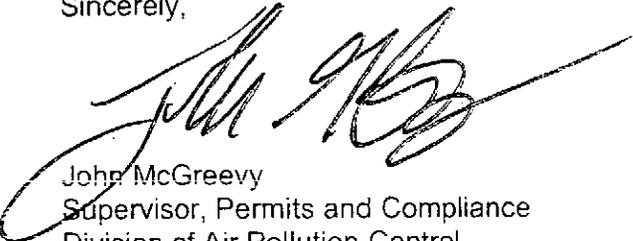
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4. Quality Carriers should amend and resubmit the 2007 and 2008 FERs using the site-specific information compiled and submitted as the requested records mentioned above under Finding 3. The amended FERs should be submitted within 30 days of receipt of this letter.

Please note that Ohio EPA has the authority to seek civil penalties as provided in the Ohio Revised Code (ORC) Section 3704.06. Submittal of the above requested information, including records and reports, does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC section 3704.06. The determination to pursue such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions, please contact Kelly Saavedra of my staff at (614) 728-3811.

Sincerely,



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

c: Kelly Saavedra, DAPC/CDO
John Paulian, DAPC/CO
Adam Ward, District Air Unit Manager, DAPC/CDO
e: John McGreevy, DAPC/CDO
Olen Ackman, DAPC/CDO