



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 728-3778 FAX: (614) 728-3898
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL # 91 7108 2133 3932 4450 5657

March 7, 2008

Mr. Randall Hall
Columbus Auto Shredding, Inc.
2181 Alum Creek Drive
Columbus, OH 43207

**Re: Notice of Violation
Air Pollution Inspection for Motor Vehicle Scrap Shredder
Facility ID 0125042453**

Dear Mr.Hall:

The Central District Office (CDO), Division of Air Pollution Control (DAPC), appreciates the courtesy and cooperation extended by you during the February 27, 2008 inspection of the Columbus Auto Shredding Inc (CASI) facility at 2181 Alum Creek Drive. The purpose of the inspection was to assure compliance with the current permits and applicable state and federal rules and regulations. Below is a summary of the inspection findings and any action items that CASI may need to address:

Current Permits

Ohio EPA DAPC issued air Permits-To-Install (PTI) 01-08298 to CASI on May 15, 2001, for paved roadways identified as emissions unit F001.

Ohio EPA DAPC issued air Permits-To-Install (PTI) 01-08364 to CASI on July 3, 2001, for material handling - scrap metal load out (65 tons/hr) identified as emissions unit F002.

Findings

CASI is required to submit a complete Permit to Operate (PTO) application within thirty (30) days after commencing operation of the air emissions unit covered by the PTI, under the General Terms Part I, Section A.13 of both PTIs. CDO DAPC has not yet received a completed PTO application for either the paved roadways (F001) or the material handling - scrap metal loadout (F002).

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

Violations

CASI failed to submit a PTO application for both operating air emissions unit in violation of OAC rules 3745-31-05(A)(3) and 3745-35-02(A) which state:

"This facility is permitted to operate each source described by this Permit to Install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within thirty (30) days after commencing operation of the emissions unit(s) covered by this permit." and

"No person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit-to-operate from the director"

CASI violated the Ohio Revised Code (ORC) 3704.05(c) for violating the terms and conditions of a PTI. Be advised, ORC rule 3704.05(c) states:

"No person who is a 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."

Findings

CASI is required to submit quarterly deviation reports to the Ohio EPA, CDO by January 30, April 30, July 31, and October 31 of each year that would cover the preceding quarter, under the General Terms Part I, Section A.13 and Special Terms and Conditions Part II, Section D.2 of both PTIs.

Violations

CDO DAPC has yet to receive deviation reports for either operating air emissions unit F001 and F002 in violation of OAC rule 3745-31-05(A)(3) in PTI 01-08298 and 01-08364 which state:

"The permittee shall submit 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."

CASI also violated the Ohio Revised Code (ORC) 3704.05(c) for violating the terms and conditions of a PTI. Be advised, ORC rule 3704.05(c) states:

"No person who is a 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."

Findings

CASI initiated a voluntary mercury switch removal program and is listed as participating in Ohio's Auto Switch program in a database (December 2007) maintained by the Office of Compliance Assistance and Pollution Prevention (OCAPP).

Because CASI may provide shredded motor vehicle scrap to a foundry that may be categorized as an Area source under the Iron or Steel Foundry rules subject to 40 CFR Part 63 Subpart ZZZZZ, it should participate in a program for removal of mercury switches that has been approved by the Administrator based on the following 3 criteria:

1. *The program includes outreach that informs the dismantlers of the need for removal of mercury switches and provides training and guidance for removing mercury switches;*
2. *The program has a goal to remove at least 80 percent of mercury switches from motor vehicle scrap the scrap provider processes. Although a program approved under paragraph (b)(2) of this section may require only the removal of convenience light switch mechanisms, the Administrator will credit all documented and verifiable mercury-containing components removed from motor vehicle scrap (such as sensors in anti-locking brake systems, security systems, active ride control, and other applications) when evaluating progress towards the 80 percent goal; and*

3. *The program sponsor agrees to submit progress reports to the Administrator no less frequently than once every year that provide the number of mercury switches removed or the weight of mercury recovered from the switches, the estimated number of vehicles processed, an estimate of the percent of mercury switches recovered, and certification that the recovered mercury switches were recycled at facilities with permits as required under the rules implementing subtitle C of RCRA (40 CFR parts 261 through 265 and 268). The progress reports must be based on a database that includes data for each program participant; however, data may be aggregated at the State level for progress reports that will be publicly available. The Administrator may change the approval status of a program or portion of a program (e.g., at the State level) following 90-days notice based on the progress reports or on other information.*

A compliance date in Section 63.10881 for the MACT allows an existing affected Area source to comply with the applicable provisions for the pollution prevention management practices for mercury by not later than January 4, 2010.

Action for Remedy

Please submit the following compliance plan and schedule with milestone dates on which each will be achieved within thirty (30) days of receipt of this letter:

<u>Milestone</u>	<u>Completion Date</u>
1. Submittal date for deviation reports for each day in 2006 and 2007 during which a daily inspection was not performed either for the plant roadway (F001) or for material handling (F002):	_____
2. Submittal date for PTO application for the plant roadways (F001) or for material handling (F002):	_____
3. Submittal date for program for removal of mercury switches that incorporates the 3 criteria, as outlined above, that would meet the approval of the Administrator:	_____

Mr. Randall Hall
Columbus Auto Shredding, Inc.
Page -5-

Please submit all of the requested information within thirty (30) days of receipt of this letter. If you have any questions concerning the issues addressed in this letter, you may contact John Kirwin at (614) 995-0673.

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 compliance plans, schedules, and reports does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC section 3704.06. The determination to pursue or decline such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions concerning the issues addressed in this letter, you may contact John Kirwin of my staff at (614) 995-0673.

Sincerely,



Kelly Toth
Environmental Supervisor
Division of Air Pollution Control
Central District Office

Enclosures: FCE Forms

c: John Kirwin, Ohio EPA, DAPC/CDO

KT/JK/cl 080227CAS