



State of Ohio Environmental Protection Agency

Southeast District Office

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July 29, 2009

Certified Mail #7006 3450 0001 9055 8256

Phil Raber
Kimble Mixer Co.
1951 Reiser Ave., SE
New Philadelphia, OH 44663

Re: Tuscarawas County
Kimble Mixer Co.; Facility ID # 0679020185
Initial Permit-to-Operate (PTO) application for emissions units P001, P002 and R001-R003, initial PTIO application for emissions unit R004 received July 25, 2009 (A0037943) and Warning Letter

Dear Mr. Raber:

This letter is to inform you that this office has performed a preliminary review of the above-referenced permit-to-install and operate (PTIO) applications, and that I have been assigned to process your application. The purpose of the preliminary review is to identify basic deficiencies early in the permit process, and allow you to make corrections. Our review found that the application cannot be processed at this time due to deficiencies.

In order for Ohio EPA to continue processing the initial PTO application received on July 25, 2009, the Kimble Mixer Co. must provide emissions calculations (see the footnote in Section II., Item 3 of the PTIO application) for all emissions units at the facility as a correction to application A0037943. Also, please attach the Material Safety Data Sheets (MSDS) for the coatings and cleanup materials used in the coating operations to the corrected application.

In addition to the initial PTO application for the emissions units installed pursuant to permit-to-install (PTI) #06-08240 issued on April 10, 2007, the application received on July 25, 2009, included a request for an initial installation and operation permit for a fourth paint booth (which I have identified as emissions unit R004) installed on April 1, 2008. This portion of the application was incomplete as well because it did not contain emissions calculations or the air toxics modeling required in Section II., Item 7 of the PTIO application. Also, the application for R004 was identified as a renewal application, when it is actually an application for a new installation. Kimble Mixer Co. must address these deficiencies in the correction to PTIO application A0037943 requested above. Because Ohio EPA cannot issue an initial installation and operation permit and a first issue PTO (which will now be a PTIO) as one permit, be advised that two PTIOs will need to be issued in response to your application when it is deemed complete and technically adequate.

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Please be advised that installation of an air contaminant source without first obtaining a PTI constitutes a violation of Ohio Administrative Code (OAC) rule 3745-31-02(A)(1)(b). In addition, you may have violated OAC rule 3745-31-02(A)(1)(c) and/or 3745-77-02(A) by operating an air contaminant source without obtaining a state or Title V PTO. Please provide a list of all days since April 1, 2008, when emissions unit R004 was in operation. This list must be submitted as an attachment to the corrected application.

A review of the emissions table in the application for R004 revealed that the uncontrolled potential-to-emit (PTE) for VOC from this emissions unit is 76.7 tons per year. Since R004 is not currently included in the synthetic minor restriction of 89.8 tons as a rolling, 12-month summation for R001-R003, the total annual facility-wide PTE for VOC is now 166.5 tons, which is in excess of the 100 tons per year threshold at which the facility would be subject to Title V requirements. Emissions of hazardous air pollutants (HAPs), which are also restricted for emissions units R001-R003 to below Title V and Maximum Achievable Control Technology (MACT) thresholds, are not restricted for R004, so the company may be subject to Title V requirements and 40 CFR Part 63 Subpart M because the PTE now exceeds 10 tons per year for individual HAPs and 25 tons per year for total HAPs.

While issuance of a federally enforceable PTIO for R004 will address the PTI violation and the potential PTO violation, acceptance of this information by Ohio EPA 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.

Please submit the corrected application requested above within fourteen (14) days of receipt of this letter or the application will be returned to you as incomplete. Although the above-mentioned deficiencies were discovered upon the preliminary review of the application, please be advised that you may be contacted for additional information or for clarification during the technical review.

Should you have any questions concerning this letter or the application, please do not hesitate to contact me at (740) 380-5245 or via email at kim.reinbold@epa.state.oh.us.

Sincerely,



Kimbra L. Reinbold
Division of Air Pollution Control
Southeast District Office

KLR/mlm