



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 16, 2009

Certified Mail #7006 3450 0001 9055 8096

Chris Ruegsegger, Plant Manager
Janesville Acoustics
401 Enterprise Drive
Newcomerstown, OH 44857

Re: Tuscarawas County
Janesville Acoustics; Facility ID # 0679000297
Warning Letter

Dear Mr. Ruegsegger:

The purpose of this letter is to notify you of violations of Ohio's air pollution regulations discovered for the Janesville Acoustics' facility located at 401 Enterprise Drive in Newcomerstown, Ohio. While in the area on July 14, 2009, I confirmed that this facility is still in operation and continues to emit air pollutants through at least one stack.

The following violations of Ohio's air pollution regulations and the permits for the Newcomerstown facility were discovered during a recent review of the facility's files:

(1) ***Permit-to-Operate***

OAC rule 3745-31-02(A)(1)(c)

A permit-to-operate (PTO) for Oven #1 (emissions unit P001) was issued effective December 17, 2001, but this permit expired on December 17, 2006. To date, the company has failed to submit an application to renew this permit. Therefore, the company is in violation of Ohio Administrative Code (OAC) rule 3745-31-02(A)(1)(c) for operating an air contaminant source without a valid operating permit. Note that Part I.9. of the PTO issued on June 16, 1998, identifies the permittee's responsibility to apply for renewal of the PTO prior to the expiration date of the permit.

Janesville Acoustics must submit a complete permit-to-install and operate (PTIO) application for this emissions unit. Copies of the application forms and instructions are enclosed, and you may also obtain electronic copies at <http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>.

(2) **Non-Title V Fees**

OAC Chapter 3745-78 and Part I.A.15 of PTI #06-06132

Permit-to-install (PTI) #06-06132 for Oven #1 was issued on May 10, 2000. Part I.A.15 of this PTI requires that the permittee pay air emission fees to the Director of Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78.

In April and December of 2008, Non-Title V Air Emissions Reports were sent to Roy Heeralall at the Newcomerstown facility for non-Title V fees owed by the company for calendar years 2006 and 2007. A copy of the December 2008 past due notice is enclosed. This report was never submitted to Ohio EPA, so the company has not been billed for the non-Title V fees owed for these years. Janesville Acoustics must complete and submit the enclosed report to my attention at Ohio EPA's Southeast District Office.

(3) **Semi-Annual Visible Emission Deviation Reporting**

Part II.D.1 of PTI #06-06132 and the December 10, 2001 PTO

The permittee shall submit semi-annual written reports which (a) identify all days during which any visible emissions were observed from the stack serving the emissions unit and (b) describe any corrective actions taken to eliminate the visible emissions. These reports shall be submitted to the Director (the Ohio EPA Southeast District Office) by January 31 and July 31 of each year and shall cover the previous 6-month period.

The last semi-annual VOC report for this facility was received on January 31, 2008. Janesville Acoustics must begin submitting the required semi-annual deviation reports beginning with the report due on July 31, 2009. The company must also provide the reports that were due July 31, 2008, and January 31, 2009. In addition, please acknowledge your company's commitment to submit these reports by January 31st and July 31st of each year in the future.

Within thirty (30) days of your receipt of this letter, please provide the information requested above. Janesville Acoustics must provide Ohio EPA this information to ensure compliance with state air pollution regulations. 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.

Also enclosed is information for Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP). Ralph Witte is the OCAPP contact for Ohio EPA's Southeast District Office and his business card is enclosed. Please contact Mr. Witte if you would like assistance in completing the application forms to renew your company's operating permits.

Chris Ruegsegger, Plant Manager
Janesville Acoustics
July 15, 2009
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Should you have any questions or need assistance responding to this request, please feel free to contact me at (740) 380-5245 or via email at kim.reinbold@epa.state.oh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimbra L. Reinbold", with a long horizontal flourish extending to the right.

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

KLR/mlm

Enclosures

cc: Ralph Witte, OCAPP, SEDO