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6/7/13

FILE NO. :

CERTIFIED MAIL # 91 7108 2133 3932 1838 0273

June 5, 2013

Spencer Malcolm
Mondi Akrosil, LLC
3165 Wilson Road
Lancaster, OH 43130

Re: **NOTICE OF VIOLATION**
Facility ID: 0123010216
Facility: Mondi Akrosil, LLC
Location: 3165 Wilson Road
Lancaster, OH 43130
Fairfield County

Dear Mr. Malcolm:

On April 30, 2013, Ohio Environmental Protection Agency (Ohio EPA), Central District Office (CDO) received a Title V Annual Compliance Certification Report via Air Services from Mondi Akrosil, LLC, located in Lancaster, Ohio. The purpose of this report is to evaluate compliance with the terms and conditions of the facility's Title V Air Permit.

Below is a summary of the findings, violations, and action items that need to be addressed:

1. **Finding**

During review of the Title V Annual Compliance Certification Report received April 30, 2013, the report was submitted according to the requirement of the Title V Permit P0082463, issued 12/28/2001, and the Ohio Administrative Code (OAC) rule 3745-77-07(C)(5), however, the report is incomplete.

Mondi Akrosil, LLC failed to submit a complete compliance certification for the reporting year 2012 in violation of OAC rule 3745-77-07(B)(5), the terms and conditions of your Title V Permit, and Ohio Revised Code (ORC) Section 3704.05(C).

It is important that your company immediately prepare a revised compliance certification and submit this, as soon as possible, but not later than 30 days from receipt of this letter. Failure to submit the revised Title V Compliance Certification by the deadline will result in an enforcement action request being sent to the central office of Ohio EPA.

Section A.12.d. of the Title V Permit P0082463 states:

Compliance certifications concerning the terms and conditions contained in this permit that are federally enforceable emission limitations, standards, or work practices, shall be submitted to the appropriate Ohio EPA District Office or local air agency in the following manner and with the following content:

- i. Compliance certifications shall be submitted annually on a calendar year basis. The annual certification shall be submitted on or before April 30th of each year during the permit term.*
- ii. Compliance certifications shall include the following:*
 - (a) An identification of each term or condition of this permit that is the basis of the certification.*
 - (b) The permittee's current compliance status.*
 - (c) Whether compliance was continuous or intermittent.*
 - (d) The method(s) used for determining the compliance status of the source currently and over the required reporting period.*
 - (e) Such other facts as the Director of the Ohio EPA may require in the permit to determine the compliance status of the source.*
- iii. Compliance certifications shall contain such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act.*

OAC rule 3745-77-07(C)(5)(c) states:

"A requirement that the compliance certification include the following:

- (i) The identification of each term or condition of the permit that is the basis of the certification;*
- (ii) The permittee's compliance status over the period covered by the certification;*
- (iii) Whether compliance was continuous or intermittent;*
- (iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period as required by paragraph(A)(3) of this rule; and*
- (v) Such other facts as the director may require in the permit to determine the compliance status of the source;"*

ORC Section 3704.05(C) 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."

Violation

Failure to submit Title V Compliance Certifications is a violation of the terms and conditions of Title V Permit P0082463, OAC rule 3745-77-07(C)(5)(c) and ORC Section 3704.05(C).

Requested Action

Ohio EPA requests Mondí Akrosil, LLC submit a complete Title V Compliance Certification for 2012. The compliance certification must be submitted via the eBusiness Center: Air Services. A hard copy of the revised compliance certification must also be sent to U.S. EPA. When working in Air Services there is a button available to print a hard copy. The document produced does not have signature certification language on it. A supplemental document containing the certification signature language is available on the DAPC Title V Web page (www.epa.ohio.gov/dapc). The documents should be sent to: Administrator U. S. EPA c/o Director, Air and Radiation Division, U.S. EPA Region 5, 77 W. Jackson Blvd., R-19J, Chicago, IL 60604.

2. Finding

Mondi Akrosil, LLC has not submitted a Title V Compliance Certification for 2011 according to the requirements of the Title V Permit P0082463, issued 12/28/2001, the OAC rule 3745-77-07(C)(5) and ORC section 3704.05(C). A Title V compliance certification for the reporting year 2011 was due by April 30, 2012.

Violation

Failure to submit the report by April 30, 2012, is a violation of OAC rule 3745-77-07(B)(5), the terms and conditions of your Title V Permit, and ORC section 3704.05(C).

Requested Action

Ohio EPA requests Mondí Akrosil, LLC submit a complete Title V Compliance Certification for 2011. The compliance certification must be submitted via the eBusiness Center: Air Services. A hard copy of the revised compliance certification must also be sent to U.S. EPA. When working in Air Services there is a button available to print a hard copy. The document produced does not have signature certification language on it. A supplemental document containing the certification signature language is available on the DAPC Title V Web page (www.epa.ohio.gov/dapc). The documents should be sent to: Administrator U. S. EPA c/o Director, Air and Radiation Division, U.S. EPA Region 5, 77 W. Jackson Blvd., R-19J, Chicago, IL 60604.

3. Finding

A review of Mondi Akrosil, LLC compliance reports indicated reporting was not being conducted in accordance with the requirements of Title V Permit P0082463, for all of 2012 and 2013.

Part A.1.c.iii of P0082463 states:

“Quarterly written reports of

- (i) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, excluding deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06, that have been detected by the testing, monitoring and recordkeeping requirements specified in this permit,*
- (ii) the probable cause of such deviations, and*
- (iii) any corrective actions or preventive measures taken, shall be promptly made to the appropriate Ohio EPA District Office or local air agency.*

These quarterly written reports shall satisfy the requirements of OAC rule 3745-77-07(A)(3)(c)(i) and (ii) pertaining to the submission of monitoring reports every six months and OAC rule 3745-77-07(A)(3)(c)(iii) pertaining to the prompt reporting of all deviations except malfunctions, which shall be reported in accordance with OAC rule 3745-15-06. The written 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.”

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 is a violation of the terms and conditions of Title V Permit P0082463, OAC rule 3745-77-07(A)(3)(c)(iv) and the ORC 3704.05(C).

Requested Action

Ohio EPA requests Mondi Akrosil, LLC submit quarterly reports for January, April, July, and October 2012 and January and April 2013. These quarterly reports must be submitted via the eBusiness Center: Air Services.

Spencer Malcolm
Mondi Akrosil, LLC
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Please submit to this office, within 30 days of receipt of this letter, a plan and schedule for achieving compliance. Submit this plan to the attention of Sara Geary.

This letter or information pursuant to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will determine later whether to pursue such penalties in this case.

If you need assistance with Air Services, contact Elisa Thomas at (614) 644-3621.

If you have any questions concerning these requirements, please contact Sara Geary at 614-995-0668 or e-mail sara.geary@epa.ohio.gov.

Sincerely,



Bryon Marusek
Environmental Supervisor
Division of Air Pollution Control
Central District Office

c: Bruce Weinberg, Ohio EPA, DAPC
John Paulian, Ohio EPA, DAPC
Brian Dickens, Region 5 U.S. EPA

e: Sara Geary, Ohio EPA, CDO