

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

Oct. 2, 2013

CERTIFIED MAIL

NOTICE OF VIOLATION

Mr. William Lahner
Plant Manager
Crown Cork & Seal
5201 Enterprise Boulevard
Toledo, Ohio 43612

Re: Notice of Violation (HPV General Criterion 7)

Dear Mr. Lahner:

Enclosed is a "Notice of Violation" for Crown Cork and Seal Inc., LLC, (Ohio EPA premise number 0448010466) which is in non-compliance with the Title V permit terms and conditions. Please review this document carefully as some action is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936-3955.

Sincerely,

Pamela Barnhart
Environmental Engineer

cc: Timothy D. Murphy, Commissioner, TDES
Karen Granata, TDES
Bill Jennings, Senior Attorney
John Paulian, Ohio EPA
Brian Dickens, U.S. EPA

Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

NOTICE OF VIOLATION

The City of Toledo Division of Environmental Services (TES) hereby serves notice that:

Crown Cork & Seal Inc., LLC
5201 Enterprise Boulevard
Toledo, Ohio 43612

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violations

1. Fourth Quarter 2012
2. All quarters of 2011, 2012 and the first two of 2013
3. September 10, 2013

<u>Regulations Violated</u>	<u>Description of Violations</u>
<p>1. ORC 3704.05(C) - 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. TV Permit P0088137, Emission Units K001, K004, K005, term e)(h) -K001; e)(1)g -K004 and K005</p> <p>"The permittee shall submit the results of the annual catalyst activity test(s) required by term c)(3) in the last quarterly report for each year, along with a summary of the results of the annual inspection of the internal integrity of the catalytic incinerator required by c)(3)."</p>	<p>The fourth quarterly report of 2012 failed to include the results from the annual catalyst activity tests.</p>
<p>2. ORC 3704.05(C) - 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. 40 CFR 63.5150(a)(3)(i) and TV Permit P0088137, Emission Units K004 and K005, term d)(7) pertaining to the MACT.</p> <p>"Install, calibrate, maintain, and operate temperature monitoring equipment according to manufacturer's</p>	<p>The facility indicated the calibrating of the temperature recorder was performed once a year, instead of the quarterly requirement.</p>

<p>specifications. The calibration of the chart recorder, data logger, or temperature indicator must be verified every 3 months; or the chart recorder, data logger, or temperature indicator must be replaced. You must replace the equipment either if you choose not to perform the calibration, or if the equipment cannot be calibrated properly. Each temperature monitoring device must be equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in degrees Celsius, or ± 1 °Celsius, whichever is greater.”</p>	
<p>3. ORC 3704.05(C) - 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. 40 CFR 63.5150(a)(4) and TV Permit P0088137, Emission Units K004 and K005, term d)(7) pertaining to the MACT.</p> <p>“Capture system monitoring. If you are complying with the requirements of the standards in 40 CFR 63.5120 through the use of a capture system and control device, you must develop a capture system monitoring plan containing the information specified in paragraphs (a)(4)(i) and (ii) of 40 CFR 63.5150(a)(4). You must monitor the capture system in accordance with paragraph (a)(4)(iii) of this section. You must make the monitoring plan available for inspection by the permitting authority upon request.”</p>	<p>A “capture system monitoring plan” was not available for review during the inspection. A Startup, Shutdown and Maintenance Plan was submitted at a later date but did not meet the requirements for a capture system monitoring plan.</p>

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. It is possible that a penalty will be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 14 days of receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. detailed descriptions and dates of actions taken thus far to abate the violations;
 - b. detailed descriptions and expeditious time schedule of actions taken or yet to be taken to remedy the violations and excess emissions, including options reviewed but not implemented; and
 - c. descriptions of actions taken or to be taken to prevent recurrence of the violations.

Recommended Actions

1. Submit a revised fourth quarterly report that includes the results of the annual inspection of the internal integrity of the catalytic incinerator required by term c)(3) of the TV permit for emissions units K001, K004 and K005 through Air Services eBusiness Center. If emission unit K001 was not operating for that year, state that in the report.
2. As soon as possible, calibrate the chart recorder, data logger, or temperature indicator as required in 40 CFR 63.5150(a)(3)(i). Send TES the information in a written report when completed or include in the response to the NOV.
3. Submit the facility's "capture system and monitoring plan" with the NOV response.

Your written response and any questions regarding this Notice of Violation should be directed to Pam Barnhart at the City of Toledo, Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call (419) 936-3955.