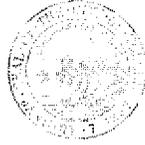


# CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

November 15, 2011

## CERTIFIED MAIL

Mr. John Dimino, Plant Manager  
HA International, LLC  
4243 South Avenue  
Toledo, Ohio 43615

Re: Notice of Violation

Dear Mr. Dimino:

Enclosed, please find a "Notice of Violation" for HA International, LLC (Ohio EPA Facility ID 0448011215) located at 4243 South Avenue. Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lehman-Schmidt".

Mary Lehman-Schmidt, P.E.

Enclosure  
MJLS/mjls

cc: Jeff Krause, Director of EHS, HA International, LLC.  
Timothy D. Murphy, Commissioner, Toledo Environmental Services (TDOES)  
Karen Granata, P.E., Chief of Air Resources, TDOES  
Joyce Anagnos, Senior Attorney, Law Department  
John Paulian, OEPA  
William MacDowell, USEPA Region V

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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](mailto:tim.murphy@toledo.oh.gov)

**NOTICE OF VIOLATION**

November 15, 2011

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

HA International, LLC  
4243 South Avenue  
Toledo, Ohio 43615

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

Dates of Violation(s)

October 28, 2011 - ongoing

<u>Regulation(s) violated</u>	<u>Description of Source(s) and Violations(s)</u>
ORC 3704.05 Prohibited Acts. (C) 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.	Quarterly deviation reports indicated compliance with the facility air permits. During the inspection of HA International on 10/28/2011, we determined non-compliance with those terms. Records indicated non-compliance with permit term C.3.g. and C.3.h.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may 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 2 weeks of receipt of this letter, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
  - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
  - c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

### Recommended Actions

Within 4 weeks of receipt of this letter:

1. Submit a written request to modify the existing permit terms and conditions to revise the emission factor used to determine compliance with the facility-wide VOC emissions limit to substantiate compliance with the facility-wide limit.
2. Provide adequate documentation to demonstrate compliance with the facility-wide VOC 40 tons, per rolling, 12 month during the interval of non-compliance using the new emissions factor in your calculations.
3. The facility shall re-submit quarterly reports for all reporting periods where the facility-wide 40 tons, per rolling, 12-months VOC limit was exceeded indicating non-compliance with the permit terms and conditions.

Your written response and any questions regarding this Notice of Violation should be directed to Mary Lehman-Schmidt at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.