

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

March 1, 2010

CERTIFIED MAIL

Mr. Thomas Jesionowski
Vice President
Pexco Packaging Corporation
795 Berdan Avenue
Toledo, Ohio 43610

Re: Notice of Violation

Dear Mr. Jesionowski:

Enclosed, please find a "Notice of Violation" for Pexco Packaging Corporation (Ohio EPA Facility ID 0448011635 Emissions Units K001, K003, and P001). Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3938.

Sincerely,

Matthew A. Stanfield
Staff Professional Engineer

Enclosure

cc: Tim Murphy
Karen Granata
Joyce Anagnos
John Paulian, OEPA
Lisa Holscher, USEPA Region V

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

March 1, 2010

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

Pexco Packaging Corporation
795 Berdan Avenue
Toledo, Ohio 43610

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

Dates of Violation(s)

1st quarter 2009 through 4th quarter 2009

Regulation(s) violated

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.

Description of Source(s) and Violations(s)

Permit to Install and Operate (PTIO) P0104056 requires that emissions units K001, K003 and P001 be captured and vented to a catalytic incinerator. On February 12, 2010, Toledo Division of Environmental Services (TES) received a Permit Evaluation Report from Pexco Packaging that contained updated deviation reports for calendar year 2009. The report indicates excessive downtime of the capture system and the catalytic incinerator while the emissions units were operating.

1st Quarter

The fan for the collection system was not operating from January 5 to January 23.

2nd Quarter

K001 operated 439 hours
K003 operated 375 hours
P001 operated 120 hours
Capture and control system operated 384 hours

3rd Quarter

K001 operated 461 hours
K003 operated 309 hours
P001 operated 75 hours
Capture and control system operated 312 hours

4th Quarter

K001 operated 448 hours
K003 operated 345 hours
P001 operated 100 hours
Capture and control system operated 171 hours

Regulation(s) violated
OAC rule 3745-15-06(B)

Description of Source(s) and Violations(s)

The owner or operator is required to immediately notify TES in the event of a malfunction. The immediate notification shall contain the information specified in OAC rule 3745-15-06(B)(1)(a) through (d). The owner or operator is required to notify TES when the malfunction has been corrected and the equipment is again in operation. Notification of the correction of the condition causing the failure or breakdown may be given verbally if the duration of the malfunction is seventy-two hours or less. If the malfunction continues for more than seventy-two hours, the permittee shall provide a written statement containing the information specified in OAC rule 3745-15-06(B)(1)(a) through (d) to TES within two weeks of the date the malfunction occurred, and shall notify TES in writing when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. Within two months following a malfunction which exceeded seventy-two hours in duration, the owner or operator shall prepare and submit a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future failures or breakdowns of such equipment.

On June 22, 2009 the high temperature control at the catalytic incinerator failed causing the incinerator to be out of service until July 31, and emissions units were operated uncontrolled for a period greater than 72 hours.

TES did not receive immediate notification of the malfunction or written notification of the above required information, and TES did not receive a written a report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future failures or breakdowns of such equipment.

On October 5, 2009 the blower for the emissions capture system went out of service until November 20, and emissions units were operated uncontrolled for a period greater than 72 hours. TES did not receive immediate notification of the malfunction or written notification of the above required information, and TES did not receive a written a report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future failures or breakdowns of such equipment.

Regulation(s) violated
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.

Description of Source(s) and Violations(s)
Permit to Install and Operate (PTIO) P0104056 restricts the VOC content of ink used at emissions units K001 and K003 to 4.0 pounds of VOC per gallon, as a monthly volume-weighted average for K001 and K003 combined. TES received a Permit Evaluation Report on February 12, 2010 that indicated the following exceedances of the monthly, volume-weighted average VOC content of ink.

January 2009,	4.1 lb VOC/gal
March 2009,	4.1 lb VOC/gal
April 2009,	4.2 lb VOC/gal
June 2009,	4.1 lb VOC/gal
July 2009,	4.1 lb VOC/gal
August 2009,	4.5 lb VOC/gal
October 2009,	4.8 lb VOC/gal
November 2009,	4.5 lb VOC/gal
December 2009,	4.2 lb VOC/gal

OAC rule 3745-21-09(B)(3)(l)(ii) and (iii) and (m)

For K001, K003 and P001, records are required to be maintained of:

all 3-hour blocks of time, when the emissions unit was in operation, during which the average temperature of the exhaust gases immediately before the catalyst bed was more than 50 degrees Fahrenheit below the average temperature measured during the most recent emissions test that demonstrated the emissions unit(s) was/were in compliance; and

all 3-hour blocks of time, when the emissions unit was in operation, during which the average temperature difference across the catalyst bed was less than 80 percent of the average temperature difference measured during the most recent emissions test that demonstrated the emissions unit(s) was/were in compliance.

There has been excessive downtime of the chart recorder for the catalytic incinerator temperatures. This monitoring downtime has also not been accounted for in the quarterly deviation reports, since the monitoring operating time in the quarterly reports is indicated to be the same as that of the capture/control equipment operating time.

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 Notice of Violation, 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. the information required to be reported under OAC rule 3745-15-06(B)(1)(a) through (d) for the capture and/or control system malfunctions that occurred in second, third and fourth quarter of 2009.
 - d. the amount of VOC emitted, in pounds or tons, during the capture system malfunction occurring during first quarter 2009.
 - e. for the capture and/or control equipment malfunctions lasting more than 72-hours in 2009 (January blower motor, June-July high temperature control, October-November blower motor), a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future failures or breakdowns of such equipment .
 - f. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s). Your written response and any questions regarding this Notice of Violation should be directed to Matt Stanfield at the Division of Environmental Services, 348 South 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.

