



**Environmental
Protection Agency**

John E. Kasich, Governor

Mary Taylor, Lt. Governor

Kevin J. Pfeiffer, Director

February 8, 2012

RE: NOTICE OF VIOLATION (NOV) FOR
OPERATING IN VIOLATION OF THE OAC,
ORC AND CFR
DAPC FACILITY ID: 02 38 00 0060

CERTIFIED MAIL

Mr. Michael McVicker
RPI of Indiana, Inc.
8399 County Road 245
PO Box 38
Holmesville, OH 44633

Dear Mr. McVicker:

The purpose of this letter is to notify you that RPI of Indiana, Inc. has operated K001 in violation of the Ohio Revised Code (ORC), Ohio Administrative Code (OAC), and the Code of Federal Regulations (CFR).

Background:

On January 12, 2011, I conducted an inspection of RPI of Indiana to determine compliance with all applicable rules and permit terms and conditions. During the inspection it was discovered that RPI was operating the spray booth without a proper permit. The permit on file at DAPC was for a mobile home coating operation. The spray booth currently at the facility was installed in 1988, in a different building, and coats metal containers. Upon reviewing the facility files it was discovered that the mobile home operation was shut down in November 1989. RPI had submitted an application for the new spray booth, but a permit to install was never issued. In the inspection follow up letter, dated 01/14/2011, I requested a complete permit application to include MSDS and calculations. Northeast District Office received a Permit-to-Install and Operate (PTIO) application on 04/26/2011. During the application review violations of State and Federal laws were discovered for K001 and are described below.

K001 –Metal Container Spray Booth:

Based on the submitted MSDS and coating usage, RPI was exceeding the Title V major source threshold for HAP, the allowable HAP coating content, in pounds/gallon, and the allowable VOC coating content, in pounds/gallon.

OAC rule 3745-21-09(U) applies to all sources installed after 3/27/1981. Paragraph (U)(1)(d), effective 12/31/1982, limits the VOC content of coatings to 3.5 pounds/gallon. MSDS submitted by the facility indicate RPI was utilizing both primer and enamel in excess of these limitations from 1988 until the coating reformulations in 12/01/2011, thereby violating the requirements of OAC rule 3745-21-09.

OAC rule 3745-77-02: Sources with the potential to emit greater than 10 tons/year of any single Hazardous Air Pollutant (HAP) are considered a major source and are required to obtain a Title V permit. The application deadline for Holmes County was February 27, 1996. RPI failed to apply for a Title V permit, thereby violating the requirements of OAC rule 3745-77-02 and ORC 3704.036(C).

MR. MICHAEL MCVICKER
FEBRUARY 8, 2012
PAGE 2

40 CFR 63, Subpart M MMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products (1/2/2004): 63.3890 limits existing, general use sources to 2.6 pounds HAP/gallon of coating solids. The deadline for compliance with this subpart expired on 1/2/2007. RPI failed to submit the appropriate notifications, reports, compliance demonstrations, maintain required records, and employ coatings with a HAP content below the allowable threshold, thereby violating the requirements of 40 CFR 63, Subpart M MMM.

Since the 2011 inspection and subsequent permit applications, RPI has switched to non-HAP and VOC-compliant coatings. A PTIO (P0109238) was issued for the spray booth on 1/20/2012. Should RPI purchase any coating with HAP content that exceeds the definition of a non-HAP coating (40 CFR 63.3981), they must submit a permit application prior to usage.

This matter will be referred to Ohio EPA's Central Office for possible enforcement action.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this issue at a later date.

Should you have any questions regarding this matter, please feel free call me at (330) 963-1222.

Sincerely,



Zorica Dejanovic
Environmental Specialist
Division of Air Pollution Control

ZD:bo

ec: Ed Fasko, Ohio EPA, DAPC, NEDO

pc: Bill MacDowell, U.S. EPA, Region 5
Tom Kalman, Ohio EPA, DAPC, CO
Tim Fischer, Ohio EPA, DAPC, NEDO