



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Jay Plastics - Broshco Fabricated  
Products Div.  
Premise # 0370010128  
**Notice of Violation (NOV)**

February 29, 2012

**CERTIFIED MAIL**

Mr. Allen Wheeler, EH&S Director  
Jay Industries, Inc.  
150 East Longview Avenue  
Mansfield, Ohio 44903

Dear Mr. Wheeler:

This letter shall serve as summary of several discussions already had regarding two companies under the Jay Plastics corporate structure and Ohio EPA's Northwest District Office, Division of Air Pollution Control (DAPC). A summary of topics discussed and the ramifications of discoveries from those discussions are outlined below.

1. DAPC facility ID #0370010179 is registered to Kronis Coatings, Division of Jay Plastics (Kronis).
2. Ohio EPA facility ID #0370010128 is registered to Jay Plastics – Broshco Fabricated Products Division (Broshco).
3. In or near early September of 2011, attempts to process Ohio Permit to Install and Operate (PTIO) applications revealed some conflicting information regarding what units were on site and in operation at Kronis. These conflicts led to an inspection of Kronis on September 27, 2011. That inspection revealed to Ohio EPA the business relationship between Kronis and Broshco and how physically close the two operations were located. From that inspection it was initially thought that a fourth co-generator had been installed without first obtaining a permit-to-install (PTI). Accordingly, a notice of violation (NOV) was issued to Kronis on October 19, 2011. It was later determined that the fourth cogeneration unit was permitted, however, it was permitted as emissions unit P001 under the Broshco name (PTI 03-16376, issued October 6, 2005). After that realization the violation discovered on September 27, 2011, was rescinded, in a letter dated February 16, 2012.

4. The events described above posed the question of the DAPC as to if the two facilities should not be considered one operation under the control of Broshco. DAPC had to consider the guidance available in a document called "Engineering Guide #58 - Definition of 'Facility' for Ohio Title V Program". For your reference, a copy of engineering guide #58 has been enclosed and can also be found on our website at the following address:  
<http://epa.ohio.gov/dapc/engineer/eguides.aspx> . Per that document, to paraphrase, the following criteria were examined: proximity between the respective companies; the business relationship between Kronis and Broshco and if they are under "common control", and; the companies either have the same two digit code in their Standard Industrial Classification (SIC) or one company is shown to be a "support facility" to another. Companies must meet all three of these criteria to be considered one facility. On this basis, it has been determined that, for DAPC purposes, Kronis and Broshco are one company. They will be merged into one facility and will use the Broshco name and facility ID#.

With the above merger occurring, DAPC must now reevaluate the facility's overall regulatory applicability and compliance status. DAPC is requesting that Broshco submit facility-wide potential to emit (PTE) emissions calculations and actual emissions calculations for Broshco, separate PTE and actual emissions calculation for what was Kronis and separate PTE and actual emissions calculation for what will be a new "merged facility" (i.e. Broshco and Kronis combined). We are requiring that these calculations be submitted to this office no later than March 30, 2012.

5. PTIO #P0087526 was issued on July 28, 2011, to Broshco for K001 and N001. Deviations or exceedances of any operational restrictions and/or monitoring requirements in the renewal PTIO were required to be identified in the annual Permit Evaluation Report (PER), due February 15 of each year for the previous calendar year. An operational restriction in the renewal permit for K001 stated that the annual coating usage in K001 shall not exceed 10,000 gallons. As noted in the PER for K001, Broshco used 29,786 gallons of coating in K001 in calendar year 2011. Exceeding this coating usage restriction is a violation of the terms and conditions of PTIO #P0087526 and ORC 3704.05.
6. Prior to PTIO #P0087526 being effective, K001 was subject to the terms and conditions of PTI# 03-5656, issued on May 22, 1991. Additional term #1 of that permit stated that Broshco "shall not employ more than 10,000 gallons of powercron 640 PPG P640-504 or composition-equivalent coating in Source K001 in any 12 month rolling period".

Exceeding this coating usage restriction is a violation of the terms and conditions of PTI 03-5656 and ORC 3704.05. This violation, while equivalent to that stated above is most likely a longer standing violation. DAPC is requiring Broshco to determine, to the best of their ability, when the exceedance of the annual 10,000 gallon coating usage restriction began and report that information to this office no later than March 30, 2012.

7. PTI# 03-5656, additional term #2, required "Any changes in the composition of the coatings, usage rates or use of additional coatings not previously listed, require prior notification to and approval from the Ohio EPA, Northwest District Office." Broshco has stated that the coatings it uses now are much lower in VOC content, however, this notification and approval never occurred. Failure to notify DAPC of these changes and/or obtain approval prior to those changes is a violation of the terms and conditions of PTI# 03-5656 and ORC 3704.05. DAPC is requiring Broshco to determine, to the best of their ability, when the coating changes occurred and report that information to this office no later than March 30, 2012.
8. PTI# 03-5656, additional term #3, required Broshco to maintain various daily records regarding coating usage and clean-up material usage as well as hours of operation. Broshco was also required to submit semi-annual reports, due January 15 and July 15 of each year for the previous six month period which identified. DAPC only has record of having received these reports from 2007 to the present. No reports were received from 1991 through and including 2006. Failure to submit the required reports is a violation of the terms and conditions of PTI# 03-5656 and ORC 3704.05. DAPC feels that by determining the length of violation identified in Item #7 above that the violation in this term will be met.
9. As a side issue, during an inspection of Broshco, conducted on February 15, 2012, it was observed that two other companies, Long View Steel and Rohr Manufacturing, were also in close proximity to Broshco and appeared to have similar operations installed. A subsequent inspection of Long View Steel and Rohr Manufacturing, conducted on February 21, 2012, has since determined that neither Long View Steel nor Rohr Manufacturing is to be included under Broshco's facility operations in the view of DAPC.

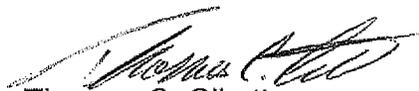
As stated above, the required information is needed to determine the federal and state rule applicability for what will be known as Broshco in the future. The company's written response to this letter is requested by March 30, 2012. It should be submitted to Ohio EPA, Northwest District Office and contain the information specified above as well as a compliance plan to remedy the observed situation and prevent this, or any similar such situation, from occurring in the future.

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Please note that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

If the company has any questions and/or comments concerning this letter, please contact me at the above address, by calling (419) 373-3137, or via e-mail at [thomas.cikotte@epa.state.oh.us](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/llr

Enclosure

pc: Thomas C. Cikotte, DAPC – NWDO  
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