



Environmental
Protection Agency

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

March 6, 2012

Franklin County
Mars Petcare US, Inc.
Facility ID: 0125040539
Notice of Violation

Ms. Erika Saad
Mars Petcare US, Inc.
P.O. Box 683006
Franklin, TN 37068

Re: **Notice of Violation**
2012 Compliance Inspection

Dear Ms. Saad:

On February 10, 2012, Ohio EPA Central District Office (CDO) met with you for the purpose of conducting a Full Compliance Evaluation (FCE) of Mars Petcare US, Inc. (Mars), in Columbus, Ohio. The purpose of the inspection was to evaluate compliance with the terms and conditions of the facility's air permits along with state and federal rules and regulations.

Compliance was assessed based upon an examination of each emissions unit at the facility, an examination of monitoring and recordkeeping files maintained at the facility and a review of compliance reports and fee emissions reports maintained at CDO. Below is a summary of the inspection findings, violations (if any), and action items that need to be addressed.

1. **Finding**

During the review of records maintained at the facility and compliance reports submitted to Ohio EPA, CDO staff observed that monitoring, recordkeeping, and reporting were not being conducted in accordance with the requirements of PTI 01-7467. Mars was not conducting and maintaining records of daily inspections of their paved and unpaved roadways and parking areas (emissions unit F001). Mars also failed to submit quarterly deviation reports for emissions unit F001. Sections A.2, C and D of PTI 01-7467 state:

- "A. Permit to Install General Terms and Conditions*
2. Reporting Requirements Related to Monitoring and Recordkeeping Requirements

The permittee shall submit required reports in the following manner:

- a. Reports of any required monitoring and/or recordkeeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.*

b. *Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)*

“C. Monitoring and/or Recordkeeping Requirements

1. *Except as otherwise provided in this section, the permittee shall perform inspections of the roadways and parking areas in accordance with the following frequencies:*

<u><i>paved roadways and parking areas</i></u>	<u><i>minimum inspection frequency</i></u>
<i>all</i>	<i>daily</i>

<u><i>paved roadways and parking areas</i></u>	<u><i>minimum inspection frequency</i></u>
<i>all</i>	<i>daily</i>

2. *The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.*

3. *The permittee may, upon receipt of written approval from the appropriate Ohio EPA District Office or local air agency, modify the above-mentioned inspection frequencies if operating experience indicates that less frequent inspections would be sufficient to ensure compliance with the above-mentioned applicable requirements.*
4. *The permittee shall maintain records of the following information:*
 - a. *the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;*
 - b. *the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;*
 - c. *the dates the control measures were implemented; and*
 - d. *on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.*

The information required in 4.d. shall be kept separately for (i) the paved roadways and parking areas and (ii) the unpaved roadways and parking areas, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

D. Reporting Requirements

1. *The permittee shall submit deviation reports that identify any of the following occurrences:*
 - a. *each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and*
 - b. *each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.*

2. *The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.*

Violation

Failure to conduct daily inspections, maintain records and submit quarterly deviation reports for emissions unit F001 is considered a violation of the terms and conditions of PTI 01-7467. Violations of the terms and conditions of an issued PTI are also considered violations of Ohio Revised Code (ORC) 3704.05(C), which states:

"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."

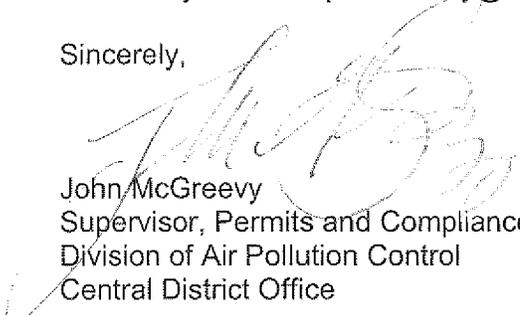
Requested Action

CDO requests that Mars immediately begin conducting inspections, maintaining records, and submitting reports in accordance with the terms and conditions of PTI 01-7467. Additionally, CDO requests that Mars submit a copy of one week of daily inspections records for F001 within 30 days of receipt of this letter.

Please note that Ohio EPA has the authority to seek civil penalties as provided in the ORC Section 3704.06. Submittal of the above requested information, including records and reports, does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC Section 3704.06. The determination to pursue such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions, please do not hesitate to contact Pam McCoy by phone at (614) 728-3810 or by e-mail at pam.mccoy@epa.ohio.gov.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Adam Ward, Manager, DAPC/CDO
John Paulian, Supervisor, DAPC/CO
e: John McGreevy, Supervisor, DAPC/CDO