



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korieski, Director

June 14, 2007

RE: NOTICE OF VIOLATION
REFCOTEC, INC. (02 85 01 0376)

CERTIFIED MAIL

Mr. Tim Sheehan, VP
Refcotec, Inc.
542 Collins Blvd.
Orrville, Ohio 44557

Dear Mr. Sheehan:

The purpose of this letter is to serve as to a follow-up to our June 4, 2007, telephone conversation and discussion during the Ohio EPA facility visit on June 1, 2007, to your Refcotec, Inc. facility. This letter also serves to document the discussion that occurred in our office on June 13, 2007, between Bill DeWood, yourself, and Ohio EPA representatives Tracy Gu, Ed Fasko and Bob Princic.

On April 6, 2007, our office received a Permit-to-Install (PTI) application (PTI No. 02-22568) from Refcotec. The application was a request for a PTI modification to add a new maximum 9,000-pounds per hour mixer to your mixer room. On April 18, 2007, a letter from our office was sent to your attention, in which the PTI application was determined to be preliminarily incomplete. Additional information was requested by Ohio EPA in order to continue drafting the PTI. On April 30 and May 18, 2007, additional information was submitted by Refcotec to our office. Following our review of that information, a preliminary completeness letter was sent to you on May 22, 2007, that indicated the application had been determined to be complete and the technical review phase was commencing.

Based on the Agency's technical review of the PTI application, along with the additional information submitted and information obtained during the June 1, 2007, facility visit, Ohio EPA has determined that Refcotec is in violation of the following State of Ohio air pollution control regulations and requirements, and may be in violation of the federal Title V permitting requirements listed below:

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1. **Failure to comply with PTI (No. 02-9876) requirements for all five mixers in violation of OAC Rule 3745-31.**

From the information submitted through the PTI application and confirmed at our June 13, 2007, meeting, your facility currently has two (2) 850-pound per hour mixers (Mixer #1 and Mixer #4), one (1) 6,250-pound per hour mixer (Mixer #2), one (1) 7,500-pound per hour mixer (Mixer #3), one (1) 750-pound per hour paste mixer (Mixer #5), and one (1) 800-pound per hour powder blender (Mixer #6). Except for Mixer #6, all five mixers were installed in 1995.

PTI No. 02-9876 was issued on March 27, 1996, for emission unit P001 in your mix room, which included Mixer #1, Mixer #2, Mixer #3, Mixer #4, and Mixer #5. The permit limited emissions unit P001 to less than 8.0 pounds per hour and 40.0 pounds per day of volatile organic compound (VOC) emissions, not to exceed a total of 7.3 tons per year of allowable emissions.

Based upon information submitted by Refcotec in 2006, the facility generated a total of 19.90 tons that year of VOC emissions from the mix room, in violation of your PTI VOC emission limitations.

Please analyze your current operation, determine the correct action that can be taken, and submit the compliance time schedule (see attached) to this office as soon as possible, but **no later than 30 days following the receipt of this letter.**

2. **Operating a major source without a Title V permit in violation of OAC Rule 3745-77.**

In accordance with OAC rule 3745-77-02, the owner or operator of a Title V source shall not operate such source after the date that a timely and complete Title V permit application is required to be submitted, except in compliance with a permit issued.

A facility will be a major source and subject to Title V requirements if the maximum potential to emit (PTE) of any of following apply:

- a. Any criteria pollutant greater than or equal to 100 tons per year;
- b. Any single hazardous air pollutant (HAP) emissions, as identified in section 112 of the Clean Air Act of 1990, in the aggregate, greater than or equal to 10 tons per year; or
- c. The combination of all HAPs emissions from the facility is greater than or equal to 25 tons per year.

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As indicated in your April 26, 2007, letter, the current maximum PTE for VOC emissions from your facility (five existing mixers) is in exceedence of 100 tons per year. Therefore, it appears that your facility is a major source and is subject to Title V permitting requirements. As we discussed at our June 13 meeting, it is important that you submit a the following:

- a. a revised facility-wide PTE for the emissions of VOCs, each HAP, and total HAPs; and
- b. actual annual facility-wide solvent usage and emissions of VOCs and HAP(s), dating from 1993 through 2006.

Please submit the information listed above to our office **as soon as possible, but no later than 90 days**, in order for Ohio EPA to make a determination as to Refcotec's Title V status and whether it is subject to 112 (g) (the case-by-case) MACT requirements.

We discussed a number of possible permitting scenarios at our June 13 meeting. A determination as to which permitting strategy is appropriate for your facility will be more apparent once we have reviewed and approved your revised PTE calculations.

In the event that it is determined by Ohio EPA that Refcotec is subject to Title V requirements, you or your consultant can submit a Title V permit application through our STARShip program. You may find more detailed information regarding the Title V permit and STARShip programs on our website at: http://www.epa.state.oh.us/dapc/title_v/titlev.html

3. **Operating a Major Title V Source Without Paying Title V Fees in Violation of OAC Rule 3745-78.**

In accordance with OAC rule 3745-78-02, by June 15, 1994 and April 15 of each year thereafter, owners or operators of Title V facilities must submit a fee emission report that quantifies the actual emission data for particulate matter (PM), sulfur dioxide (SO₂), organic compounds (OC), nitrogen oxides (NO_x), and lead.

In the event that it is determined by Ohio EPA that Refcotec is subject to Title V requirements, we will request that Refcotec submit all fee emission reports from the second half year of 1993 to 2006 through our STARShip program within 60 days of that determination. You may also find more detail information regarding Title V fee

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emission report in our website at:
<http://www.epa.state.oh.us/dapc/starship/starinfo.html>. We are aware that Refcotec may have difficulty in locating records prior to 1999, based on our discussion on June 13, 2007. We can discuss this issue with you again, once your facility representatives have had time to compile and review your records. At this time, we are also requesting a copy of the 1995 stack test results commissioned by Refcotec mentioned during our June 13, 2007, meeting.

The submission of the information requested above does not constitute a waiver of Ohio EPA's authority to seek civil penalties provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made by Ohio EPA at a later date. This notice does not excuse any violations of federal, state or local law or regulations regarding air pollution control, nor does it preclude any enforcement actions by U.S. EPA. Failure to respond within the specified time frame can result in further enforcement action.

Should you have any questions regarding this matter, please feel free to contact me at (330) 963-1174.

Sincerely,



C. (Tracy) Gu
Environmental Specialist
Division of Air Pollution Control

TG:bo

enclosure(s)

cc: Tom Kalman, DAPC, CO
Dennis Bush, DAPC, NEDO
Bob Princic, DAPC, NEDO
Lisa Holscher, U. S. EPA Region V