



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 22, 2009

Mr. Ahsen Yelkin
Everclear of Ohio LTD
P.O. Box 4058, 3700 Oakwood Ave.
Austintown, OH 44515

RE: FOLLOW-UP INSPECTION TO NOTICE OF VIOLATION DATED 10/1/08 FOR
CREATING A PUBLIC NUISANCE
EVERCLEAR OF OHIO LTD
DAPC FACILITY ID # 02 50 00 0965

Dear Mr. Yelkin:

This letter is being sent as a follow-up to the site visit performed by myself and Tara Cioffi of the Mahoning-Trumbull Air Pollution Control Agency (MTAPCA) on November 16, 2009. The site visit was performed in order to verify that the steps outlined in your October 27, 2008, response letter to our Notice of Violation (NOV) dated October 1, 2008, were completed. In your response letter, four specific steps were outlined to attempt to control the odors coming from your operation. At the time of our visit, two of the steps were completed, one was going to be completed soon, and one was on hold. Since the date of your response letter, no additional odor complaints have been received by our Agency.

As stated in your response letter, several steps were taken immediately by your company to abate the odors, including installing two new scrubber pumps and injecting an odor control additive into the wastewater. Also, your company has been monitoring and controlling the temperature of the steam supply into the steam boilers to reduce costs and help minimize odors. A steam control valve is to be installed on the boilers in the near future to ensure constant diligence. Please inform me when this installation is complete. The fourth step, the installation of new cooling towers, was put on hold.

Since the odor complaints have since stopped, the actions taken by your company may have resolved the cause of the odor at this time. This satisfies the requests in the NOV and now the facility is in compliance with the nuisance requirements. If in the future additional complaints are received or the odors become noticeable by our staff, then further investigation will be necessary.

MR. AHSEN YELKIN
DECEMBER 22, 2009
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Finally, as part of the site visit, the new equipment located in the building next to the current operation was observed. Based on the calculations submitted on December 2, 2008, the emissions from the blending operation are considered *de minimis* per Ohio Administrative Code (OAC) rule 3745-15-05, and the storage tanks are considered exempt from permitting under OAC rule 3745-31-03(A)(1)(I)(iv) as long as submerged fill is used. As discussed, the scrubber for controlling particulate emissions from the diatomaceous earth addition may require an air permit. Please submit calculations for this operation **within 30 days** of receipt of this letter, so that a permitting determination can be made.

Please note that this letter indicating current compliance does not constitute a waiver of Ohio EPA's authority to seek civil penalties for this or any other violations as provided in ORC 3704.06 or for the U.S. EPA to seek civil penalties pursuant to federal law.

If you have any questions regarding this letter, please contact me at (330) 963-1261.

Sincerely,



Jana L. Gannon
Environmental Specialist
Division of Air Pollution Control

JLG:bo

ec: Tara Cioffi, MTAPCA