



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 3, 2007

CERTIFIED MAIL

02 50 11 0920

Mr. Paul Goodemote
Exal Corporation
One Performance Place
Youngstown, Ohio 44502

Subject: Notice of Violation (NOV) for Installing An Air Contaminant Source Prior to Obtaining Final Permit-to-Install (PTI)

Dear Mr. Goodemote:

The purpose of this letter is to notify you that Exal Corporation (Exal) has begun installation of emissions unit K014, a can coating line, prior to obtaining a final PTI. This is a violation of Ohio Administrative Code (OAC) rule 3745-31-02(A)(1): "...no person shall cause, permit, or allow the installation of a new source of air pollutants...without first obtaining a permit to install from the director" and Ohio Revised Code (ORC) section 3704.05(G).

The PTI application for K014 was received by our office on June 1, 2007, and on July 12, 2007, the draft PTI # 02-22662 was issued. This requires a 30-day public comment period since it is a synthetic minor source to avoid Title V. The comment period will expire on or around August 13, 2007, at which time the PTI can continue to be processed. A new source can't be installed prior to the final issuance of the PTI or receiving a Director's construction exemption.

On July 19, 2007, our office received a copy of the letter sent to the Director from Exal requesting a PTI construction exemption per ORC section 3704.03(W). After a phone conversation with Ed Fasko of our office, in a letter dated July 20, 2007, he reiterated the definition of installation as interpreted by the Ohio EPA, and sent you a copy of OAC rule 3745-31-33, *Site preparation activities prior to obtaining a final permit-to-install*, as a reference.

On August 2, 2007, I visited Exal and inspected the installation status of the new line, K014. Per my observations, a majority of the line was in place, and at least some of the electrical cables were already attached to the unit. Since the new unit is a synthetic minor source, only the site preparation activities described in OAC rule 3745-31-33(E) are

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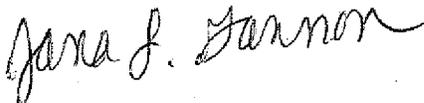
acceptable, not the activities described in OAC rule 3745-31-33(F). In either case, attaching electrical cables to the new unit is not permissible under Ohio EPA's regulations. Therefore, the Director's construction exemption letter cannot be issued, and Exal cannot continue installation activities until the final PTI is issued.

In the future, please submit timely PTI applications, allowing a minimum of at least three months of processing time by our office.

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 matter at a later date.

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

Sincerely,



Jana L. Gannon
Environmental Specialist
Division of Air Pollution Control

JLG:bo

ec: Dennis Bush, Ohio EPA, NEDO, DAPC
Bob Prinic, Ohio EPA, NEDO, DAPC
Ed Fasko, Ohio EPA, NEDO, DAPC

cc: Lisa Holscher, U.S. EPA, Region 5
Tom Kalman, Ohio EPA, Central Office, DAPC
Dave Morehart, Ohio EPA, Central Office, DAPC