



Environmental  
Protection Agency

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

FILE COPY

CERTIFIED MAIL # 91 7108 2133 3932 1838 3182

June 8, 2012

Union County  
The Scotts Company  
Facility ID: 0180010008  
Notice of Violation

Phillip Buerk  
The Scotts Company  
14111 Scottsblain Road  
Marysville, OH 43041

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

Dear Mr. Buerk:

On May 2, 2012 and May 10, 2012, Ohio EPA Central District Office (CDO) conducted a Full Compliance Evaluation (FCE) of The Scotts Company, in Marysville, 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**

As of the date of this Notice of Violation, a compliance test meeting the requirements of the terms and conditions of PTI 01-12047 was not conducted.

On October 2, 2008, Ohio EPA issued PTI 01-12047 for emissions unit P138. Section C.1.f)(3) of PTI 01-12047 contains the testing requirements to demonstrate compliance with the hourly ammonia (NH<sub>3</sub>) emission limitation and states:

*"To determine compliance with the hourly NH<sub>3</sub> emissions limit limitation, the permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:*

*a. The emission testing shall be conducted within approximately 2.5 years of the issuance of this permit.*

Central District Office  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, OH 43216-1049

614 | 728 3778  
614 | 728 3898 (fax)  
www.epa.ohio.gov

- b. *The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rate.*
- c. *The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s): 40 CFR Part 60, Appendix A, Methods 1-4 and Modified Method 5. Alternative U.S. EPA-approved test methods may be used with prior approval from the Ohio EPA.*
- d. *The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the Ohio EPA, Central District Office."*

### **Violation**

Ammonia emissions testing was not conducted on emissions unit P138 within the timeframe specified by PTI 01-12047. A violation of the terms and conditions of an issued permit is also considered a violation 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**

Ohio EPA requests an Ohio Intent to Test form be submitted through Air Services within 60 days of receipt of this letter, and an emissions test be performed within 120 days of receipt of this letter to satisfy the terms and conditions of PTI 01-12047.

### **Additional Observation**

During the review of records, CDO staff observed that particulate and PM10 emissions testing is needed to demonstrate compliance with the emissions limitations established for emissions unit P042. On October 30-31, 2007, the Scotts Company conducted an emissions test on the baghouse serving emissions units P040, P041 and P042. Since P042 was not operating at the time of testing, the Scotts Company committed to testing P042 during the first year of the new permit. This testing requirement will be incorporated into the Scotts Company's renewal permit.

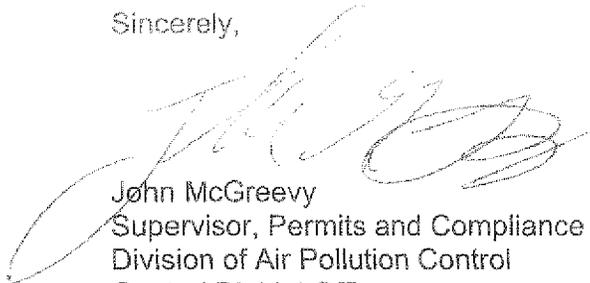
Please note that Ohio EPA has the authority to seek civil penalties as provided in the ORC Section 3704.06. Submittal of the above requested information, including records and reports, does not constitute a waiver of Ohio EPA's

Phillip Buerk  
The Scotts Company  
Page -3-

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](mailto:pam.mccoy@epa.ohio.gov).

Sincerely,



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

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

