



State of Ohio Environmental Protection Agency

Northeast District Office

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

October 1, 2008

CERTIFIED MAIL

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

RE: NOTICE OF VIOLATION 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 odor investigation performed by the Mahoning-Trumbull Air Pollution Control Agency (MTAPCA) in August and September 2008. This investigation was performed in response to odor complaints from the surrounding area. The investigation determined that the odors are coming from your operation, which is a violation of Ohio Administrative Code (OAC) 3745-15-07 and Ohio Revised Code (ORC) 3704.05(G).

**Odor Complaints**

Following is a summary of the odor complaints which were received and investigated by MTAPCA in August and September 2008:

- An odor complaint received by MTAPCA on **August 20, 2008**, around 10 a.m. stated that odors had been strong all day on August 19, 2008, and also at the time of the call. The complaint was confirmed by a MTAPCA investigator on August 20, 2008, at approximately 11:20 a.m. The strong oil/burnt odor was confirmed to be emanating from Everclear's operations, not the sewer discharge.
- A strong oily/sulfur odor complaint received by MTAPCA on **August 25, 2008**, around 3 p.m. was confirmed to be coming from Everclear's operations by a MTAPCA investigator at 4:45 p.m.
- A strong odor complaint received by MTAPCA on **August 26, 2008**, around 8:45 a.m. was confirmed to be coming from Everclear's operations by a MTAPCA investigator at 9 a.m. The oily/sulfur odor was emanating from both the plant and the sewer discharge.
- A strong odor complaint received by MTAPCA on **September 4, 2008**, around 9:20 a.m. was confirmed to be coming from Everclear's operations by a MTAPCA investigator at 11:20 a.m. The odor was emanating from both the plant and the sewer discharge.

- Two odor complaints were received by MTAPCA on September 16, 2008, around 10 a.m. One complainant stated that the odors were noticed around midnight on **September 15, 2008**, and the other complainant stated that the odors were noticed around 3 a.m. on **September 16, 2008**. Odors were confirmed to be coming from Everclear's operation by a MTAPCA investigator around 10 a.m. on September 16, 2008. Also, the local fire departments received multiple calls regarding Everclear's odor on September 15, 2008. The Austintown Fire Department received one call around 11 p.m., and over 20 calls around midnight. The Youngstown Fire Department received 10 calls around 11:20 p.m.
- Two odor complaints were received by MTAPCA on **September 18, 2008**. One complainant called regarding an odor around 12:15 p.m. and stated that the odors had been strong all month. The other complainant stated that there was a strong chemical odor around 9:50 a.m. Austintown Fire Department also received 2 calls on September 18, 2008, at 9:15 a.m. and 6:08 p.m. On **September 19, 2008**, the Austintown Fire Department received a call at 7 a.m., and spoke with at least three residents who had been noticing odors. MTAPCA investigators confirmed that the odor was coming from Everclear's operations on September 19, 2008, at 2:15 p.m., and also by driving by the plant around 4 p.m. and noticing a burning oil odor.
- Five odor complaints were received by MTAPCA on **September 22, 2008**. One complaint was received at 8:13 a.m. regarding a gas odor; one complaint was received around 8:35 a.m. regarding a chemical odor; one complaint was received around 9 a.m. regarding a natural gas odor; one complaint was received around 5:45 p.m. regarding an odor; and one complaint was received around 5:51 p.m. regarding a gas smell. The Austintown Fire Department also received two calls around 9 a.m. in the morning. A MTAPCA investigator confirmed that the odors were coming from Everclear's operation around 9 a.m.

#### **Violation**

As stated in OAC rule 3745-15-07(A), Air pollution nuisances prohibited:

*"...the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substance or combination of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."*

The number of complaints received over the past two months and the confirmation of the source by MTAPCA indicate that Everclear is creating a public nuisance by emitting odors which endanger the welfare of the public. In order to return to compliance with the above-cited air pollution regulations, please submit a compliance plan to eliminate these odors, complete with time line and milestones, within **14 days of receipt of this letter**.

### **Compliance Plan**

As part of your response, please provide information on the loads received and/or processed on the dates noted in bold in the odor complaints section above, including name, gallons and specifications. Also include any other operating conditions that could have impacted the odor frequency, duration, concentration and intensity.

Additional information regarding the current air pollution control devices should also be included. The permits-to-operate (PTOs) issued July 1, 2003, for the demulsification tanks (P001) and waste oil dehydration still (P002) require the sources to be controlled by scrubbers and carbon adsorption drums. The permit-to-install (PTI) issued July 23, 1997, for the storage tanks (T001 – T006) requires that the tanks be vented to a carbon adsorption drum. As part of the compliance plan, information on past maintenance and a future maintenance schedule should be included for the scrubbers and carbon adsorption drums.

For the scrubbers, please indicate the frequency of maintenance performed on each system including calibration and cleaning of the pH probe, cleaning of the scrubber packing, and changing of the water. Also include how this frequency is determined. Any additional maintenance activities should be included also.

For the carbon adsorption drums, records are to be kept on the frequency of replacement of the carbon adsorption drums, and they are required to be replaced every four months for P001 and annually for P002, or as recommended by the manufacturer. In 2007, Everclear provided copies of the carbon change-out records for these sources since 2003. The log showed that the carbon was typically changed in March, July and November of each year for the tanks and P001, and once or twice a year for P002. Please confirm this information by providing documentation of the change-outs for 2007 and 2008, such as carbon purchasing records and off-site shipment records. Also, please provide a procedure for determining future occurrences of breakthrough prior to the change-out deadline. Any additional maintenance activities should be included also.

Everclear has also recently installed a fugitive emissions capture hood that is connected to the scrubber for P002. The hood is intended to be used for placing over the tanker truck vent opening during unloading or loading of odorous material. During two separate visits by myself and one by a MTAPCA inspector, the hood and associated ducting was stored along the inside of the building and did not appear to be used very frequently. Please provide details on the process for determining when the hood is to be used, and who is responsible for ensuring its use.

Finally, please provide any additional steps that Everclear is taking to eliminate the odors, which may include, but is not limited to, any or all of the following: performing an odor survey of the sources within the plant, by internal or external personnel, to determine the cause of the odors; neutralizing the air emissions; refusing to treat odorous material; and installing additional control devices. As mentioned earlier, a timeline for completion of these steps should also be provided.

MR. AHSEN YELKIN  
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The submission of the above information does not constitute a waiver of Ohio EPA's authority to seek civil penalties, as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue 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 and local laws or regulations regarding air pollution control. Failure to respond within the specified time frame can result in further enforcement action.

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

cc: Bob Princic, Ohio EPA, DAPC, NEDO  
Tom Kalman, Ohio EPA, DAPC, CO  
Lisa Holscher, U.S. EPA, Region 5  
Misty Koletich, MTAPCA  
Thaddeus Suchy, City of Youngstown WWTP

ec: Ed Fasko, Ohio EPA, DAPC, NEDO