



AKRON REGIONAL
AIR QUALITY MANAGEMENT DISTRICT

Department of Public Health, 1000 East 17th Street, Akron, Ohio 44316
Division of the Akron Health Department
2000 East 17th Street, Akron, Ohio 44316

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L. M. Malcolm, P.E.
Administrator

September 30, 2011

CERTIFIED MAIL
High Priority Violator
General Criterion 7

William Ramus
Emerald Performance Materials, LLC
240 West Emerling Avenue
Akron, OH 44301-1600

Dear William Ramus:

Re: NOTICE OF VIOLATION

This is in follow-up to my full compliance evaluation conducted from Monday, September 12, 2011 to Wednesday, September 14, 2011 at your Akron, Ohio facility (1677010029) and is intended to summarize findings regarding the general compliance status of your facility with applicable air pollution control requirements. I would like to thank you for your cooperation during my visit to your facility.

I must advise you that Emerald Performance Materials is operating emissions units B008, P003, P006, P007, P016, and P020 in violation of the Title V permit. Additionally, Emerald Performance Materials is operating emissions units P003, P006, and P016 in violation of 40 CFR Part 63, Subpart FFFF, the National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing, emissions units P007 and P020 in violation of 40 CFR Part 63, Subpart UU, the National Emission Standards for Hazardous Air Pollutant Emissions for Group I Polymers and Resins, and emissions unit P006 in violation of Permit to Install (PTI) 16-01525.

Section 63.2480 and Table 6 of 40 CFR Part 63, Subpart FFFF and the Title V permit require the owner or operate to comply with 40 CFR Part 63, Subpart UU for equipment leaks. 40 CFR Part 63, Subpart UU requires the owner or operate to maintain the following records: the date of first attempt to repair the leak, the date of successful repair of the leak, and the maximum instrument reading measured by Method 21 of 40 CFR Part 60, Subpart A at the time the leak was successfully repaired or determined to be nonrepairable. These records are not being maintained for valves and connectors in gas and vapor service and in light liquid service for emissions units P003 and P016. This constitutes a violation of sections 63.1023(e)(2), 63.1024(f) and 63.1038(b)(7) of 40 CFR Part 63, Subpart UU.

When a leak has been detected, 40 CFR Part 63, Subpart UU requires a weatherproof and readily visible identification shall be attached to the leaking equipment. From the inspection, it was determined that identification is not being placed on the leaking equipment for emissions units P003 and P016. This constitutes a violation of section 63.1023(e)(1) of 40 CFR Part 63, Subpart UU.

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When a leak has been detected for a valve, 40 CFR Part 63, Subpart UU requires the valve to be monitored within the first three months after the leak has been repaired. This monitoring is in addition to the monitoring required to satisfy the definition of repaired and first attempt at repair. For emissions units P003 and P016, valve 475 was not properly monitored after it was repaired. This constitutes a violation of section 63.1025(d)(2) of 40 CFR Part 63, Subpart UU.

40 CFR Part 63, Subpart UU requires the owner or operator to monitor each valve once every two quarters at process units with less than 1 percent leaking valves. Based on 1 valve leaking out of 103 valves monitored from the initial monitoring of the valves, the percent leaking valves should have been calculated to be 0.97%. This would require the owner or operator to monitor the valves once per every two quarters. The valves for emissions units P003 and P016 were not monitored at the required frequency. This constitutes a violation of section 63.1025(b)(3)(iii) of 40 CFR Part 63, Subpart UU.

40 CFR Part 63, Subpart UU requires the owner or operator to calculate the percent leaking valves for each monitoring period to determine the monitoring frequency. The facility has monitored the valves on four occasions but has not calculated the percent leaking valves correctly and has not performed the calculation for determining the monitoring frequency for emissions units P003 and P016. This constitutes a violation of sections 63.1025(c)(1)(ii) and (c)(2) of 40 CFR Part 63, Subpart UU.

40 CFR Part 63, Subpart UU requires the owner or operator to report the number of leaking valves and the percent leaker in the periodic reports. The number of leaking valves and the percent leakers were not reported correctly in your February 26, 2009 periodic report. This report and any subsequent reports will need revised to reflect the correct number of leaking valves and the correct percent leakers as determined from the leak monitoring.

40 CFR Part 63, Subpart UU requires the owner or operator to visually inspect each agitator seal each calendar week for indications of liquids dripping from the agitator seal. The owner or operator is also required to document that the inspection was conducted and the date of the inspection. On the weeks that the monthly monitoring of the agitator seals was performed as required by section 63.1028(c)(1) of 40 CFR Part 63, Subpart UU, the weekly visual inspections were not being documented for emissions units P003 and P016. This constitutes a violation of sections 63.1028(c)(3) and 63.1038(c)(4)(i) of 40 CFR Part 63, Subpart UU.

For 40 CFR Part 63, Subpart UU, the total number of valves and connectors that have been reported in the periodic reports does not match the total number of valves and connectors in the record keeping forms. Please verify the number of valves and connectors and make any necessary changes to the periodic reports or record keeping forms.

For emission unit P006, section 63.2460(c) of 40 CFR Part 63, Subpart FFFF and the Title V permit require the owner or operator to comply with 40 CFR Part 63, Subpart SS. 40 CFR Part 63, Subpart SS requires the owner or operator to have a record that identifies all parts of the closed vent system, that are designated as unsafe or difficult to inspect, an explanation of why the equipment is unsafe or difficult to inspect, and the plan for inspecting the equipment. The parts of the closed vent system that are unsafe or difficult to inspect were not identified. There was no explanation of why the equipment is unsafe or difficult to inspect and there was no written plan for inspecting the equipment. This constitutes a violation of section 63.998(d)(1)(i) of 40 CFR Part 63, Subpart SS.

For continuous monitoring systems, 40 CFR Part 63, Subpart U requires records documenting the completion of calibration checks, and records documenting the maintenance of continuous monitoring systems that are specified in the manufacturer's instructions or that are specified in other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately. There were no records of the calibration checks or of the maintenance of the continuous monitoring systems for emissions units P007 and P020. This constitutes a violation of section 63.506(d)(8) of 40 CFR Part 63, Subpart U.

Section 63.502 of 40 CFR Part 63, Subpart U requires the owner or operator to comply with the requirements of 40 CFR Part 63, Subpart H for equipment leak provisions. 40 CFR Part 63, Subpart H requires the owner or operator to record a list of identification numbers for pressure relief devices subject to provisions of section 63.165(a) of 40 CFR Part 63, Subpart U and a list of identification numbers for pressure relief devices equipped with rupture disks, under the provisions of section 63.165(d) of 40 CFR Part 63, Subpart H. From the facility inspection, it was determined that this record was not maintained for emissions unit P007 and P020. This constitutes a violation of section 63.181(b)(3) of 40 CFR Part 63, Subpart H.

40 CFR Part 63, Subpart U states that the daily average value shall be calculated as the average of all parameter values recorded during the operating day, except as specified in section 63.506(d)(7) of 40 CFR Part 63, Subpart U. Section 63.506(d)(7) of 40 CFR Part 63, Subpart U states that monitoring data recorded during the following periods shall not be included in any average computed under 40 CFR Part 63, Subpart U: during periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments or periods of non-operation of the affected source, resulting in cessation of the emissions to which the monitoring applies. For emissions unit P007, the following dates the emissions unit may not have operated for the entire 24 hours: January 10, 2010, January 24, 2011, and January 28, 2011. For emissions unit P020, the following dates the emissions units may not have operated for the entire 24 hours: March 5, 2010, March 19, 2010, April 1, 2010, April 16, 2010, June 5, 2010, December 30, 2010, May 27, 2011, and May 31, 2011. On the above-mentioned dates, the daily average firebox temperature was below the minimum allowable daily average firebox temperature. If the emissions unit operated for the entire 24 hours, the above-mentioned dates would be considered deviations of the minimum allowable daily average firebox temperature and would constitute a violation of the Title V permit and potentially a violation of 40 CFR Part 63, Subpart U. If the emissions units did not operate for the entire 24 hours, please determine the daily average firebox temperature based on the average of all parameter values recorded during the operation of the emissions unit. If any of the above-mentioned dates are determined to be deviations of the minimum allowable daily average firebox temperature, then the corresponding Title V quarterly deviation reports, semiannual periodic MACT reports, and/or the Annual Title V Compliance Certifications will need to be modified.

The Title V permit requires the permittee to use ASTM method D5865, Standard Test Method for Gross Calorific Value of Coal and Coke to determine the heat content of the composite coal sample for emissions unit B008. From the records, you are using ASTM method D1989, Standard Test Method for Gross Calorific Value of Coal and Coke by Microprocessor Controlled Isothermal Calorimeters. Method D1989 was withdrawn and replaced with method D5865 in 2000. To use an alternative method from what is specified in the Title V permit, you must get written approval from our agency. This constitutes a violation of term and condition C.3.d)(1) of the Title V permit

The Title V permit requires the permittee to perform daily checks, when emissions unit P003 is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit and for any visible emissions of fugitive dust from the egress points serving this emissions unit. The permittee is not performing the required monitoring and record keeping for the visible particulate emissions from the stack and for any visible emissions of fugitive dust from the egress points. This constitutes a violation of terms and conditions C.5.d)(4) and C.5.d)(5) of the Title V permit. The Standard Terms and Conditions of the Title V permit require you to report deviations of the monitoring and record keeping requirements in the Title V semiannual deviation reports and in the Annual Title V Compliance Certification. These deviations have not been reported in any of the Title V semiannual deviation reports or any of the Annual Title V Compliance Certifications. This constitutes a violation of terms and conditions A.2.c)(3) and A.13.d) of the Title V permit.

The Title V permit requires the permittee to collect and record the amount of volatile organic compound (VOC) emitted from the flare for each month for emissions unit P006. The permittee did not collect and record the amount of VOC emitted from the flare for January, February, and March of 2010 and January, February, March, April, May, June, and July of 2011. This constitutes a violation of term and condition C.7.d)(6)b. of the Title V permit and PTI 16-01525. These monitoring and record keeping deviations were not reported in the Title V semiannual deviation reports and the Annual Title V Compliance Certification for 2010. This constitutes a violation of terms and conditions A.2.c)(3) and A.13.d) of the Title V permit.

The Title V permit states that the acceptable range for the pressure drop across the baghouse for emissions unit P006 is 3.5 to 6.0 inches of water. There were eleven days from February 5, 2010 to September 13, 2011 that the pressure drop was outside of the acceptable range. This constitutes a violation of term and condition C.7.d)(1) of the Title V permit. These monitoring and record keeping deviations were not reported in the Title V quarterly deviation reports and the Annual Title V Compliance Certification for 2010. This constitutes a violation of terms and conditions C.7.e)(1), A.2.c)(2), and A.13.d) of the Title V permit.

The Title V permit requires the permittee to submit semiannual written reports that identify all days during which any visible particulate emissions were observed from the stack serving emissions unit P006. From the record keeping, there were visible particulate emissions observed from the stack from September 3, 2010 through September 16, 2010 and from September 18, 2010 through September 23, 2010 that were not reported in the semiannual deviation report. This constitutes a violation of terms and conditions C.7.e)(2). These reporting deviations were not reported in the Title V semiannual deviation report and the Annual Title V Compliance Certification for 2010. This constitutes a violation of terms and conditions A.2.c)(3) and A.13.d) of the Title V permit.

PTI 16-1200 requires a record of the maximum true vapor pressure of the volatile organic liquid during the respective storage period for emissions unit T070 and T071. This record is not being maintained. This constitutes a violation of PTI 16-1200.

The Permit by Rule (PBR) exemption for emergency generators and emergency water pumps requires the permittee to record the type of fuel used and the sulfur content (in percent by weight) of any distillate oil used. There were no records of the sulfur content of the distillate oil that is being used in emissions units B010, B011, B012, and B013. This constitutes a violation of Ohio Administrative Code (OAC) rule 3745-31-03(A)(4)(b)(ii). If an emissions unit does not meet the requirements of the PBR exemption, these emissions units may be required to apply for and obtain a PTI depending on their installation dates.

William Ramus
September 30, 2011
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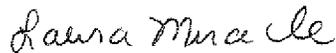
From the walk through of the facility, there appears that there might be some storage tanks that are not listed on the Title V permit. Prior to the next Title V application that is submit, please verify that all storage tanks are included in the Title V application.

No later than fourteen (14 days) from the receipt of this letter, please submit a complete compliance plan and time schedule to this agency to bring emissions units B008, P003, P006, P007, P016, and P020 back into compliance with the Title V permit, emissions units P003, P006, and P016 back into compliance with 40 CFR Part 63, Subpart FFFF, emissions units P007 and P020 back into compliance with 40 CFR Part 63, Subpart U, and emissions unit P006 back into compliance with PTI 16-01525. The plan and schedule must contain specific steps that either are or will be taken to bring this facility into compliance along with their corresponding deadlines or milestone dates. Additionally, I am requesting that you revise any of above-mentioned reports as necessary. If you need additional time, please notify this agency in writing.

The submission of the compliance plan and time schedule does not constitute a waiver of the authority of either the Ohio EPA or US EPA to seek penalties in this matter. The decision to pursue, or decline to pursue, additional enforcement action in this case will be made at a later date.

If you have any questions, please contact me at (330)375-2480 extension 4239 or e-mail lmiracle@schd.org.

Sincerely,



Laura Miracle
Akron Regional Air Quality Management District

c: Ms. Molly DeSalle - US EPA
Mr. Tom Kalman - Ohio EPA, DAPC

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1. Article Addressed to:

William Ramus
 Emerald Performance Materials, LLC
 240 West Emerling Avenue
 Akron, OH 44301-1600

2. Article Number
 (Transfer from service label)

7007 0220 0004 1204 1244

PS Form 3811, February 2004

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