



AKRON REGIONAL
AIR QUALITY MANAGEMENT DISTRICT

Agent of the Ohio Environmental Protection Agency • Division of the Akron Health Department
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480
FAX: (330) 375-2402

L. M. Malcolm, P.E.
Administrator

February 10, 2010

CERTIFIED MAIL

Mr. Gene Charles
Air Enterprises LLC
735 Glaser Parkway
Akron, OH 44306

Dear Mr. Charles:

RE: Notice of Violation

I am returning the Permit to Install and Operate (PTIO) application for the Final Unit Assembly Process because the PTIO application cannot be processed as received.

It appears that Air Enterprises LLC may be operating the Final Unit Assembly Process in violation of Ohio Administrative Code (OAC) rule 3745-21-09(U). OAC rule 3745-21-09(U)(1)(d) requires the volatile organic compound (VOC) content of coatings employed in a miscellaneous metal part or product coating line to not exceed 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents, for any coating that is dried at temperatures not exceeding two hundred degrees Fahrenheit. From the PTIO application, Air Enterprises LLC is employing a coating with a VOC content of 6.08 pounds of VOC per gallon of coating, excluding water and exempt solvents. This constitutes a violation of OAC rule 3745-21-09(U)(1)(d).

Additionally, operation of the Final Unit Assembly Unit without first obtaining authority to operate through the issuance of a PTIO from the director constitutes a violation of OAC rule 3745-31-02(A)(1)(c).

Under Title V, major sources are those with a potential to emit of 100 tons per year or more of any one criteria pollutant (particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM₁₀); nitrogen oxides; sulfur dioxide; carbon monoxide; volatile organic compounds; and lead), 10 tons per year or more of any one hazardous air pollutant (HAP), or 25 tons per year or more of any two or more hazardous air pollutants (HAPs)). From the PTIO application, it appears that your facility has the potential to emit for an individual HAP (xylene) over the ten tons per year major source threshold. Air Enterprises LLC may be operating in violation of OAC rule 3745-77-02.

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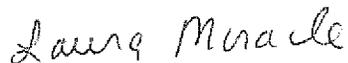
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No later than fourteen (14 days) from the receipt of this letter, please submit a complete compliance plan and time schedule to this agency to bring the Final Unit Assembly Process into compliance with OAC rule 3745-21-09(U) and OAC rule 3745-31-02(A)(1)(c). 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. In addition, please submit records identifying each coating employed in the Final Unit Assembly Process, the amount employed, and the VOC content for each day that this process operated in calendar year 2009. For the facility, please submit the actual annual emissions for any individual HAP and combined HAPs from 1993 to 2009 and a potential to emit (PTE) analysis. The PTE analysis must include emissions from permitted and exempt sources. 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.

Sincerely,



Laura Miracie
Air Quality Engineer II

enclosure

c: Ms. Lisa Holscher - US EPA
Mr. Tom Kalman - Ohio EPA, DAPC