



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

June 22, 2010

CERTIFIED MAIL
High Priority Violator
General Criterion 8

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

Dear William Ramus:

Re: NOTICE OF VIOLATION

In accordance with Ohio Administrative Code (OAC) rule 3745-110, Emerald Performance Materials conducted emission testing on May 20, 2010 to determine the nitrogen oxide (NO_x) emissions from the 115 million Btu coal-fired boiler emissions unit B008. The NO_x emissions were determined to be 0.69 pound of NO_x per million Btu.

I must advise you that Emerald Performance Materials is operating emissions unit B008 in violation of OAC rule 3745-110-03(C) which states no owner or operator of a large boiler shall allow or permit the discharge into the ambient air of any NO_x emissions in excess of 0.30 pound of NO_x per million Btu.

Additionally and in accordance with OAC rule 3745-110-04, the owner or operator is required to certify in writing to the director that such source is in compliance with all requirements of rule 3745-110-03 of the Administrative Code by April 20, 2008. This required certification has not been submitted to date. This constitutes a violation of OAC rule 3745-110-04(A)(1)(a).

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 unit B008 into compliance with OAC rule 3745-110. 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 to the compliance plan and schedule, I am requesting that you determine whether or not emissions units B001 and B002 are subject to OAC rule 3745-110-03(B). If you need additional time, please notify this agency in writing.

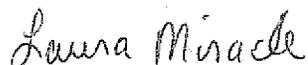
CITICENTER - SUITE 904
146 SOUTH HIGH STREET • AKRON, OHIO 44308
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The submission of the compliance plan and time schedule does not constitute a waiver of the authority of either the Ohio EPA or US EPA to seek penalties in this matter. The decision to 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@akronohio.gov.

Sincerely,



Laura Miracle
Akron Regional Air Quality Management District

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