



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

March 13, 2009

CERTIFIED MAIL

Ms. Katrina Gibson
Hygenic Corp.
1245 Home Avenue
Akron, OH 44310

Dear Ms. Gibson:

RE: Notice of Violation

From the Toxic Release Inventory (TRI) data below, it appears that your facility is and has been a major source for a single hazardous air pollutant (toluene) and is subject to the Title V regulations.

<u>Year</u>	<u>Toluene Emissions (Total Air Release)</u>
2002	4.65 tons per year
2003	5.38 tons per year
2004	5.25 tons per year
2005	7.95 tons per year
2006	9.20 tons per year

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)). Since actual annual emissions are approaching 10 tons per year, we can conclude that the potential emissions exceed the applicability threshold.

Operation of a source without the submittal of a timely and complete Title V permit application is a violation of Ohio Administrative Code (OAC) rule 3745-77-02. Also, Hygenic Corp appears to be in violation with OAC rule 3745-78-02(A) which requires any owner or operator subject to Title V to submit a fee emissions report that quantifies actual emissions for particulate matter, sulfur dioxide, organic compounds, nitrogen oxides, and lead by June 15, 1994 and April fifteenth of each year thereafter.

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

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Currently, the only emissions unit that is permitted at this facility is a 6.3 MM Btu/hour natural gas fired boiler. Given reported emissions of toluene to the air, it appears that Hygenic Corp is operating additional air contaminant source(s). Installing and operating air contaminant sources without first obtaining a permit to install (PTI) or a permit to install and operate (PTIO) constitutes a violation of OAC rule 3745-31-02(A).

In order to resolve the question of Title V applicability, I must request that Hygenic Corp submit either a potential to emit analysis or other documentation showing non-major source status, or a plan and schedule for the submission of both delinquent fee reports and a Title V application. It may be possible to apply for and obtain a Federally Enforceable Permit to Install and Operate (FEPTIO) which restricts potential/actual emissions to less than Title V thresholds as long as no Maximum Achievable Control Technology (MACT) standards are applicable under 40 CFR Part 63. You would still be required to submit past due and current fee reports until the FEPTIO is issued final.

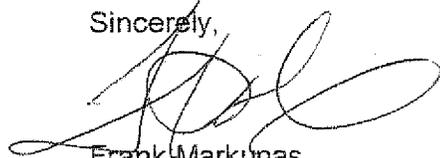
I must also request that Hygenic Corp evaluate all potential air contaminant sources at the 1245 Home Avenue location for permit applicability. Please submit a complete PTI or PTIO application, Emission Activity Category (EAC) Form, calculations, and process flow diagram for all air contaminant sources that are subject to OAC rule 3745-31-02. The forms are available at the following web site: <http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>.

Please be advised that Title V and FEPTIO facilities are now required to submit all applications on line using Air Services.

Please respond to this letter in writing by no later than 14 days from receipt of this letter. If you need additional time, please notify this Agency in writing. Be advised that the acceptance of compliance plans and schedules and processing of delinquent permit applications and fee reports does not waive Ohio EPA's authority 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 or need additional information, please contact me at (330)375-2480 ext. 6054.

Sincerely,



Frank Markunas
Chief Engineer

cc: Ms. Lisa Holscher - US EPA
Mr. Tom Kalman - Ohio EPA

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1. Article Addressed to:

Ms. Katrina Gibson
 Hygenic Corp.
 1245 Home Avenue
 Akron, OH 44310

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