



State of Ohio Environmental Protection Agency

Street Address:

Lazarus Gov. Center
122 S. Front Street
Columbus, OH 43215

TELE: (614) 644-3020 FAX: (614) 644-2329

Mailing Address:

Lazarus Gov. Center
P.O. Box 1049
Columbus, OH 43216-1049

July 31, 2006

BOB ROBILLARD
LIEBERT CORP
975 PITTSBURGH DR
DELAWARE, OH 43015

NOTICE OF VIOLATION

Certified Mail

Re: **2005 Synthetic Minor Title V Facility Fee Emission Report and Emissions Statement Due in 30 Days for:**
LIEBERT CORP (Ohio EPA Facility ID0121019629)
975 PITTSBURGH DR, DELAWARE, OH.

Dear BOB ROBILLARD:

Owners or operators of synthetic minor facilities are required to pay annual fees pursuant to Ohio Revised Code (ORC) Section 3745.11(D) and Ohio Administrative Code (OAC) Rule 3745-78-02(F). "Synthetic Minor Title V" (SMTV) facility means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under Section 3704.036 of the ORC.

Your facility has been identified as an SMTV facility. SMTV facilities are required by ORC Section 3745.11 and OAC Rule 3745-78-02(F), to report annual actual emissions of particulate matter, sulfur dioxide, nitrogen oxides, organic compounds and lead for calendar year 2005. Our records indicate that a Synthetic Minor Title V fee emission report for your facility has not been submitted for calendar year 2005 emissions. This fee emission report was due on April 17, 2006. **Your failure to file this required report for 2005 emissions by April 17, 2006 is a violation of OAC 3745-78-02. This letter serves as a warning that failure to fulfill your obligation to submit a fee emission report for calendar year 2005 will result in the initiation of an Enforcement Action Request to Ohio EPA, Central Office. Please respond within thirty days of receipt of this letter with a completed fee emission report indicating the facility's actual emission data for calendar year 2005.**

Also pursuant to ORC Section 3745.11, SMTV facilities must pay a fee based upon the reported actual emissions (please see fee schedule identified on the DAPC web page: <http://www.epa.state.oh.us/synmin.html>.) **Do not send payment at this time.** An invoice will be sent to you upon confirmation of your emission data.

Enclosed, please find a hard copy form and associated instructions to be submitted. STARShip users can use the STARShip software to develop their SMTV fee emission report. However, **submission of those STARShip generated reports must not be submitted electronically.** STARShip-generated reports should be either printed and submitted to the address identified below, or should be contained in an "export to STARShip" file, copied onto a disk, and mailed to the address below. In the event that you opt to submit an electronic "export to STARShip" file, please also be certain to complete and sign the first page of the enclosed hard copy report and submit it with your disk. Failure to do so will result in delay of official recognition of receipt of your report.

REMINDER: Use the Most Accurate Methods for Emissions Calculations

Emissions calculations for FER purposes must use the most accurate method available for each reporting period. For example, if your facility has used AP-42 emission factors in the past and a more accurate emissions factor is developed, or emissions testing has been conducted which gives your facility a more accurate emissions factor, the updated or test-based factor should be used.

Emissions Statement Requirement

Thirty-three Ohio counties are now designated as non-attainment for the 8-hour ozone National Ambient Air Quality Standard. You are receiving this notice as your facility is located in a non-attainment county. For facilities located in these counties, Emissions Statements are required by the Clean Air Act section 182(a)(3)(B) for those that emit greater than or equal to 25 TPY of volatile organic compounds (VOC) or nitrogen oxides (NO_x) during the reporting year. Ohio Administrative Code (OAC) Chapter 3745-24 addresses Emissions Statements. This requirement is for all facilities whether they are subject to Title V permitting (OAC 3745-77) or state permitting (OAC 3745-35). In general, facilities subject to this requirement must submit actual emissions for NO_x and VOC. You can easily submit the Emissions Statement concurrently with the SMTV FER submittal. Please refer to the enclosed DAPC STARShip newsletter (Winter 2006) for a listing of non-attainment counties and how to complete the Emissions Statement with this report.

Will my facility have to continue submitting an Emissions Statement each year?

The requirement to file an emissions statement is based on actual emissions of VOC or NO_x each reporting year. For example, in 2005 a facility may have emitted 28 TPY of VOC or NO_x and is required to submit an Emissions Statement. However in 2006, if the facility emits less than 25 TPY of either VOC or NO_x they would not be required to submit an emissions statement for that year.

Please submit all completed Synthetic Minor Air Fee Emission Reports to:

Ohio EPA, DAPC-PIER
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Please feel free to contact **Isaac Robinson, Central District Office, (614) 728-3778**, if you have questions concerning which Synthetic Minor permitting document(s) places your facility in the SMTV fee program. Should you have additional questions, please contact your District Office or local air agency, or the Division of Air Pollution Control, SMTV facility fee group at (614) 644-3621. **Please note: an electronic (Word Perfect 8.0 or Word) copy of the enclosed forms can be obtained on the DAPC web page; <http://www.epa.state.oh.us/synmin.html>.** To obtain help in completing these forms, you can also contract with consultants for assistance. These are typically listed in the yellow pages under "Consultants: Environmental." Ohio EPA cannot recommend any one consultant. It is highly recommended that you get references prior to hiring a consultant. As consultants have a wide range of experience and expertise, it is important for you to find out if the consultant you plan to hire will be capable of doing the job you need done correctly.

Sincerely,



Robert Hodanbosi
Chief, Division of Air Pollution Control

cc: Central District Office