



**EPA**

40 years and moving forward

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

January 28, 2013

RE: ASHTABULA COUNTY  
RMC USA, INC.  
DAPC FACILITY ID 0204000423  
**NOTICE OF VIOLATION**  
EMISSION LIMITATION EXCEEDENCES,  
FAILURE TO REPORT DEVIATIONS

**CERTIFIED MAIL**

Mr. Dennis DeLaat, Operations Manager  
RMC USA, Inc.  
149 S. Cucumber St.  
PO Box 127  
Jefferson, OH 44047

Dear Mr. DeLaat:

On December 20, 2012, I conducted a full compliance evaluation of the RMC USA facility located in Ashtabula County. The purpose of the inspection was to evaluate compliance with the terms and conditions of the applicable Title V operating permit that was issued on December 11, 2007. During the facility compliance evaluation, I interviewed you, Mike Harkless and Ted Hebert, consultant for RMC, and the facility was inspected in your presence.

Listed below are "Findings" based upon Ohio EPA's observations and conversations with facility personnel. The "Findings" are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address the stated findings and violations.

**Finding:**

Based upon RMC records, there were multiple emission limitation exceedences for organic compounds (OC) and an exceedence for acetone emissions as detailed below:

- a. Emissions unit P902, Acetone Cold Cleaning, exceeded the monthly acetone emission limitation of 2,667 pounds per month for June 2012;
- b. Emissions unit R010, paint booth, exceeded the OC emission limitation of 6.0 pounds per hour on 5/22/12 and 5/31/12;
- c. Emissions unit R011, paint booth, exceeded the OC emission limitation of 9.1 pounds per hour on 9/13/12; and
- d. Emissions unit R019, Gelcoat spray booth (stage 1), exceeded the OC emission limitation of 32.44 pounds per day on 5/23/12, 5/24/12, 5/29/12, 6/4/12, 6/13/12, 6/20/12, 6/27/12, 7/2/12, 7/3/12, 7/11/12, 7/12/12, 7/16/12, 8/30/12, 9/4/12, 9/7/12, 9/17/12, 9/19/12, 10/1/12, 10/8/12, 10/11/12, 10/15/12, 10/16/12, 10/17/12, 10/18/12, 10/30/12, 11/5/12, 11/6/12, 11/7/12, 11/8/12, 11/12/12, 11/13/12, 11/16/12, 11/26/12, 11/27/12, 11/28/12, 11/29/12, and 11/30/12.

**Violation:**

Failure to comply with the emission limitations for emissions unit P902, R010 and R011 is a violation of Ohio Administrative Code (OAC) 3745-31-05(A)(3). Failure to comply with the emission limitation for emissions unit R019 is in violation of OAC rule 3745-31-05(E) (voluntary restriction to avoid BAT). In addition, any violation of a term and condition of any Title V permit issued by the Ohio EPA is also a violation of the Ohio Revised Code (ORC) 3704.05(J)(2).

**Requested Action:**

Please submit a compliance plan and schedule for achieving compliance of the OC emissions limitations within 30 days of receipt of this letter.

**Finding:**

RMC submitted quarterly deviation reports on July 18, 2012, and October 30, 2012, for the second and third quarters of 2012, respectively. On July 18, 2012, a semiannual report was submitted by RMC for the first half of the year 2012. All these reports indicated that there were no emission limitation exceedences which results in a failure to comply with Part I A.1.c of the facility's Title V permit (P0084032), issued on December 11, 2007. Please note that the facility also exceeded emission limitations per OAC rule 3745-21-07(G)(2), but since the rule has been rescinded, no emission limitation violations were cited. However, the emission limitation exceedences should have been identified in the facility's deviation reports.

**Violation:**

Failure to report these emission limitation exceedences is in violation of OAC rule 3745-15-06 and OAC rule 3745-77-07(A)(3)(c). In addition, any violation of a term and condition of any Title V permit issued by the Ohio EPA is also a violation of the Ohio Revised Code (ORC) 3704.05(J)(2).

**Requested Action:**

Please submit revised compliance reports indicating the various deviations within 30 days of receipt of this letter.

On July 18, 2012, the facility submitted a deviation report indicating that deviations occurred during the first quarter of 2012 regarding daily monitoring and recordkeeping (failure to keep records) due to "irresponsible employee." RMC also noted that the problem was corrected by the second quarter and the "irresponsible employee" was replaced. Emissions for the first quarter of 2012 were determined by material balance and it was believed that there were no emission limitation exceedences for the first quarter. In addition, the report indicated that all facility emissions units were in compliance with OAC rule 3745-21-25.

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During the inspection, Ted Hebert expressed concerns regarding the rolling, 12-month material usage restrictions for emissions units R019-R027 contained in the synthetic minor permit-to-install (P0103932) that was issued on December 29, 2008. I examined Ohio EPA's files to research the basis for the usage restrictions and according to permit documents, the unrestricted project potential emissions were 51.69 tons per year of VOC emissions, which is above the 40 tons per year significant net emissions increase as defined in OAC rule 3745-31-01(MMMMM). RMC voluntarily accepted material usage restriction(s) to limit potential VOC emissions to 34.36 tons per year. Thus, the project was not subject to the Lowest Achievable Emission Rate (LAER) and Emissions Offset requirements within OAC rules 3745-31-21 through 3745-31-27 for ozone non-attainment areas.

Please submit all requested information within thirty (30) days of receipt of this letter. The submission of the information requested above does not constitute a waiver of Ohio EPA's authority to seek civil penalties provided in Section 3704.06 of ORC. The determination to pursue or decline such penalties in this case will be made by Ohio EPA at a later date. This notice does not excuse any violations of federal, state, or local law or regulations regarding air pollution control, nor does it preclude any enforcement actions by U.S. EPA. Failure to respond within the specified time frame can result in further enforcement action.

Please note that if at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact this office to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner. You may also obtain information and forms concerning modification and/or installation from the following website address:

<http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/dapc>

Should you have any questions pertaining to the information presented in this letter, please contact me at (330) 963-1216 or [corey.kurjian@epa.ohio.gov](mailto:corey.kurjian@epa.ohio.gov).

Sincerely,



Corey Kurjian  
Environmental Specialist  
Division of Air Pollution Control  
Northeast District Office

CK:bo

ec: Tim Fischer, DAPC-NEDO  
Bert Mechenbier, Lake County Air Pollution Control  
Bruce Weinberg, DAPC-CO  
Brian Dickens, U.S. EPA, Region V