



EPA

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March 25, 2013

CERTIFIED MAIL

Mr. Richard L. Jackson
Executive Vice President – Operations
Ashta Chemicals, Inc.
3509 Middle Road
P.O. Box 858
Ashtabula, OH 44005-0858

RE: WARNING LETTER FOR INSTALLING & OPERATING THREE DIESEL-FIRED ELECTRIC GENERATORS WITHOUT OBTAINING A PERMIT-TO-INSTALL (PTI) AND WITHOUT INCLUSION IN A TITLE V PERMIT-TO-OPERATE (PTO) APPLICATION AND FOLLOW-UP TO A DAPC COMPLIANCE EVALUATION FOR OPERATIONS LOCATED AT 3509 MIDDLE ROAD, ASHTABULA, OH FACILITY ID# 0204010056

Dear Mr. Jackson:

On 10/29/2012 and 12/18/2012, Ohio EPA representative Christine McPhee visited the above-named site to determine compliance with the permits issued by the Division of Air Pollution Control (DAPC), and other applicable requirements. The time and courtesy given by Mr. John Reese, Vice President of Technical, Environmental, Safety & Health, and Ms. Jacqui Paolillo, compliance assurance contractor, and you was greatly appreciated. Additional information received on 1/03/2013, 1/15/2013, 2/04/2013, 2/07/2013 and 2/11/2013, was also reviewed. An electronic copy of the inspection report will be e-mailed to Ashta Chemicals representatives.

The purpose of this letter is to provide a follow-up to the inspection. After a review of facility operations, records and reports, Ohio EPA finds the following violations:

- Ohio Administrative Code (OAC) rule 3745-31-02(A), the requirement to obtain a Permit-to-Install (PTI), for three diesel-fired emergency generators; or
- OAC rule 3745-31-03(A)(4)(b), a Permit-by-rule (PBR) exemption for emergency generators powered by internal combustion engines greater than 50 hp (37.3 KW). A PBR exempts the air pollution emissions unit from the formal PTI process and effectively functions as the installation "permit" for the emissions unit. Ashta Chemicals has not submitted a notification for a PBR for any emergency generator; and

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- OAC rule 3745-77-03(A), which requires that an application for a Title V operating permit include the following: ... *The applicant must identify any such insignificant activities and emissions levels that are exempted because of size or production rate. An applicant may not omit information for an emissions unit, including information for insignificant activities or emission levels, that is necessary to determine the applicability of any applicable requirement, to impose any applicable requirement* Application nos. A0014564 and A0014565, received on 12/20/2004 and 5/24/2006, respectively, for a Title V operating permit did not include any of the following three diesel-fired emergency generators:
 - 1000 KW/hr. unit near the potassium carbonate plant installed in 1995;
 - 1000 KW/hr. at the north yard near a fence installed in 1994; and
 - 188 KW/hr. Waukesha-Siona unit installed sometime in 1980 – 1983.
1. In order to move toward compliance, please submit either an electronic notification for a PBR or an electronic application for a PTI via Air Services for all three aforementioned generators **within thirty (30) days of receipt of this letter.**
 2. If a PBR notification is submitted and processed, the generators would be considered as insignificant units and may be considered as an off-permit change to the Title V operating permit. No submittal of an amended application for a Title V operating permit is required. Off-permit changes are not federally enforceable.
 3. If a PTI application is submitted and processed, the generators would be considered as non-insignificant units. Submittal of a revised application for a Title V operating permit is required. An applicant may request an off-permit change to the Title V permit and a revised permit including the units as state-only enforceable units would be issued.

Additional information or revisions to the record keeping program for the chloropicrin – tellone II blending process (P008) and other matters is requested as discussed in the succeeding section(s).

Record Keeping and Monitoring Requirements

(P008) - Chloropicrin - Tellone II Blending Process

Title V permit term d)(2) requires a record on a once per 8-hour shift basis of the temperature of each carbon bed exhaust stream (the “loading” carbon absorber and the “blending” carbon absorber) to assure that the maximum exhaust temperature of 130°F (54.4°C) is not exceeded. There were discrepancies found in the records for the

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following periods for the adsorptive carbon vent temperature. It was discovered that the operators were recording the temperature in degrees Fahrenheit, °F, as observed on the gauge, rather than converting to degrees Centigrade, °C, and then recording it in the log for the following periods:

- o 1600 – 0000, 11/13/2012;
 - o 1600 – 0000, 11/16/2012;
 - o 0000 – 0800, 11/17/2012;
 - o 1600 – 0000, 12/12/2012;
 - o 0000 – 0800, 12/13/2012;
 - o 0800 – 1600, 12/13/2012; and
 - o 1600 – 0000, 12/13/2012.
4. Ohio EPA suggests a change in the manual recording procedure or a change in the format of the “P008 – Telone C-17 Blending Vent Temperature Monitoring” form. Please provide documentation to show that either the procedure or the record format for recording the adsorptive carbon exhaust gas from the blending process operation associated with P008 has been modified.

Status of Application for PTI no. P0112075

Application no. A0045081 was received on 11/27/2012 to install (P014) HCl Synthesis, (J001) HCl bulk loading, and other units. A 3/05/2013 Ashta Chemicals letter requested rush processing of this installation permit application. Ohio EPA requested additional information via e-mails sent during the 3/11/2013 – 3/20/2013, period and will review all submitted information as expeditiously as possible.

Facility Profile Update

It is the responsibility of the permittee to maintain an updated facility profile in eBusiness. An updated facility profile for current emissions units (EUs) and proposed EUs is required with the submittal of any application for an installation or modification permit.

(P006) Anhydrous Potassium Carbonate (APC) Process

If Ashta Chemicals wishes to make a declaration of a permanent shutdown of P006, then two tasks should be completed.

5. If desired, update the facility profile for P006. On the “Emissions Unit Information” page, go to bottom and click on the “Edit” button.
- a. Click the “Operating Status” button and select “Permanently Shutdown.”
 - b. Include the actual shutdown date and the shutdown notification date of 1/15/2013.

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For the time being, the quarterly deviation reports and semiannual deviation reports required by the Title V permit must address the compliance status with emissions limits & control equipment parameter requirements, and the monitoring, record keeping & reporting requirements, respectively, as well as the annual certification report for P006. You may wish to state something like, "Not applicable, P006 was shut down on *specified (date).*"

6. For a shutdown emissions unit, a Title V permittee has two choices: notification or request for an administrative permit amendment.
 - a. Notification – The facility profile is updated. The responsible party submits a notice that the emissions unit has been shut down (e.g., e-mail, hard copy and/or as an attachment to the facility profile). The permittee is still obligated to submit quarterly, semiannual and annual certification reports required by the Title V Permit; or
 - b. Request an Administrative Permit Amendment (APA) as a final action, update the facility profile and submit an application for an APA via e-Business.

Proposed EU J001 HCl bulk loading

7. Please revise the Title V EU classification for J001 as non-insignificant based on estimates of the process equipment leaks.
 - a. J001 Exemption status is NA; and
 - b. Create an egress for fugitive area emissions from equipment leaks and associate to a process operation.

Proposed EUs T014 – T017 HCl Storage Tanks

In consideration of the likely insignificant emissions rate from (T011) a 12,044 gallon tank to store HCl, if it still exists, all the above-mentioned HCl storage tanks should meet the *de minimis* requirements in OAC rule 3745-15-05.

8. Please revise the Title V EU classification for T014 – T017 as insignificant and the exemption status is *de minimis*.

Additional information may be found in Ohio EPA, Division of Air Pollution Control, Guidance for Incorporating Facility Changes into a Title V Permit, March 5, 2005, pp. 3 and 15-19. You find at this link, http://epa.ohio.gov/portals/27/title_v/3-9-05guidancefinal.pdf or in the agency website www.ohio.epa.gov, type "Incorporating Facility Changes into a Title V Permit."

Regarding item no. 1 to complete and submit either a PBR notification or a PTI application for the three diesel-fired generators, failure to respond to this request in the stated time frame can result in a referral to the Central Office of Ohio EPA for the appropriate enforcement action. The submission of the requested PBR notification or permit application or does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

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A response to item nos. 7 and 8 is requested by **4/05/2013**, so that processing the installation permit application may continue as expeditiously as possible. A response to item no. 4, regarding the record keeping at (P008) Chloropicrin – Tellone II Blending, is requested by **5/03/2013**.

Should you have any comments or questions about this correspondence, please do not hesitate to contact me at (330) 963-1205 or via e-mail at Christine.McPhee@epa.ohio.gov.

Sincerely,



Christine McPhee
Environmental Specialist II
Division of Air Pollution Control

CM:bo

pc: Mr. Tim Fischer, Ohio EPA, NEDO, DAPC

(ec attachment to below: ASHTA Insp Rpt 2012.pdf)

ec: Ms. Misty Koletich, Ohio EPA, NEDO, DAPC
Mr. Ed Fasko, Ohio EPA, NEDO, DAPC
Mr. John Reese, Ashta Chemicals Inc., jreese@ashtachemicals.com,
Ms. Jacqui Paolillo on behalf of Ashta Chemicals, jpaolillo@ashtachemicals.com