

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Aristech Chemical Corporation) **FINDING OF VIOLATION**
Haverhill Plant)
Ironton, Ohio) **EPA-5-99-OH-29**
)
)
Proceedings Pursuant to)
Section 113 (a) (3) of the)
Clean Air Act,)
42 U.S.C. § 7413(a) (3))

FINDING OF VIOLATION

The United States Environmental Protection Agency ("U.S. EPA"), by authority duly delegated to the undersigned, hereby notifies the State of Ohio and Aristech Chemical Corporation ("Aristech") that U.S. EPA finds, pursuant to § 113(a)(3) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(a)(3), that Aristech's Haverhill Plant, located in Ironton, Ohio is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and the regulations promulgated thereunder setting forth National Emission Standards for Hazardous Air Pollutants ("NESHAPS") for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry ("HON") and 40 C.F.R. Part 70, Title V. The HON regulations are set forth at 40 C.F.R. Part 63, Subparts F-I. Specifically, Aristech's Haverhill Plant is in violation of the HON and Title V requirements as described in this Finding of Violation.

Regulatory Background

1. 40 C.F.R. § 63.113(a), 59 Fed. Reg. 19468 (April 22, 1994) amended at 62 FR 2745 (Jan. 17, 1997) states
 - (a) The owner or operator of a Group 1 process vent as defined in this subpart, shall comply with the requirements of paragraph (a)(1), (a)(2), or (a)(3) of this section.
 - (1) Reduce emissions of organic HAP using a flare...
 - (2) Reduce emissions of total organic hazardous air pollutants by 98 weight percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission

reduction or concentration shall be calculated on a dry basis...

(3) Achieve and maintain a TRE index value greater than 1.0 at the outlet of the final recovery device, or prior to the release of the vent stream to the atmosphere if no recovery device is present. If the TRE value is greater than 1.0, the vent shall comply with the provisions for a Group 2 process vent specified in either paragraph (d) or (e) of this section, whichever is applicable...

2. 40 C.F.R. § 63.114(b), 59 Fed. Reg. 19468 (April 22, 1994) amended at 62 FR 2745 (Jan. 17, 1997) states:

Each owner or operator of a process vent with a TRE index value greater than 1.0 as specified under § 63.113(a)(3) or § 63.113(d) of this subpart that uses one or more recovery devices shall install either an organic monitoring device equipped with a continuous recorder or the monitoring equipment specified in paragraph (b)(1), (b)(2), or (b)(3) of this section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately. Monitoring is not required for process vents with TRE index values greater than 4.0 as specified in § 63.113(e) of this subpart...(2) Where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder shall be used;

3. 40 C.F.R. § 63.115(d), 59 Fed. Reg. 19468 (April 22, 1994) amended at 62 FR 2745 (Jan. 17, 1997) states:

(d) To determine the TRE index value, the owner or operator shall conduct a TRE determination and calculate the TRE index value according to the procedures in paragraph (d)(1) or (d)(2) of this section and the TRE equation in paragraph (d)(3) of this section. (1) Engineering assessment may be used to determine process vent stream flow rate, net heating value, TOC emission rate, and total organic HAP emission rate for the representative operating condition expected to yield the lowest TRE index value.(I) If the TRE value calculated using such engineering assessment and the TRE equation in paragraph (d)(3) of this section is greater than 4.0,

then the owner or operator is not required to perform the measurements specified in paragraph (d)(2) of this section.

4. 40 C.F.R. § 63.116(c), 59 Fed. Reg. 19468 (April 22, 1994) amended at 62 FR 2745 (Jan. 17, 1997) states:
 - (c) Except as provided in paragraphs (a) and (b) of this section, an owner or operator using a control device to comply with the organic HAP concentration limit or percent reduction efficiency requirements in § 63.113(a)(2) of this subpart shall conduct a performance test using the procedures in paragraphs (c)(1) through (c)(4) of this section. The organic HAP concentration and percent reduction may be measured as either total organic HAP or as TOC minus methane and ethane according to the procedures specified...
 - (4) To determine compliance with the 98 percent reduction requirement of § 63.113(a)(2) of this subpart, the owner or operator shall use Method 18 of 40 C.F.R. part 60, appendix A; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of appendix A of this part may be used.

Additionally, 40 C.F.R. § 63.7(e)(3) states in part: "Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method."

5. 40 C.F.R. § 63.152(b), 59 Fed. Reg. 19468 (April 22, 1994) amended at 60 FR 63629, (Dec. 12, 1995); 61 FR 64577 (Dec. 5, 1996); and 62 FR 2776 (Jan. 17, 1997) states:
 - (b) Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status within 150 calendar days after the compliance dates specified in § 63.100 of subpart F of this part. The compliance date specified in § 63.100 is April 22, 1997. The required submittal date for the Notification of Compliance Status was September 19, 1997.

6. 40 C.F.R. § 63.170, 60 Fed. Reg. 18024 (April 10, 1995) states:

Each surge control vessel or bottoms receiver that is not routed back to the process and that meets the conditions specified in table 2 or table 3 of this subpart shall be equipped with a closed-vent system that routes the organic vapors vented from the surge control vessel or bottoms receiver back to the process or to a control device that complies with the

requirements in § 63.172 of this subpart, except as provided in § 63.162(b) of this subpart, or comply with the requirements of § 63.119(b) or (c) of subpart G of this part.

7. 40 C.F.R. § 63.182(c), 59 Fed. Reg. 19568 (April 22, 1994) amended at 59 Fed. Reg. 48178, 60 Fed. Reg. 18030, 60 Fed. Reg. 63631, and 62 Fed. Reg. 2792, states:
Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status within 90 days after the compliance dates specified in the subpart in 40 C.F.R. Part 63 that references this subpart...
(1) The notification shall provide the information listed in paragraphs (c)(1)(I) through (c)(1)(iv) of this section
8. 40 C.F.R. § 70.5(d) requires that any document submitted pursuant to 40 C.F.R. Part 70 regulations such as any application form, report, or compliance certification contain a certification by a responsible official based on information and belief formed after reasonable inquiry that the statements and information contained in the submittal are true, accurate and complete.

Violations

9. Aristech operated 9 process vents in their Aniline Unit without: (1) reducing emissions of organic HAP using a flare; (2) reducing emissions of total organic hazardous air pollutants by 98 weight percent or to a concentration of 20 parts per million by volume, whichever is less stringent; or (3) achieving and maintaining a TRE index value greater than 1.0 at the outlet of the final recovery device, or prior to the release of the vent stream to the atmosphere if no recovery device is present. Specifically, Aristech's B-10 furnace operated from April, 1997 until June, 1998 with a demonstrated reduction efficiency of 39% rather than the 98% required by 40 C.F.R. § 63.113(a).
10. On April 14, 1998, Aristech reported that Phenol I process vents 304-F, 307-F, and 325-F were Group 2 process vents, with TRE index values between 1 and 4 and did not require emission controls. The last recovery device for these units is the ammonia-chilled condenser (365-C), and therefore, Aristech was required to install a temperature monitoring device equipped with a continuous recorder as described in paragraph 2 of this Finding. Aristech did not have this

recorder installed as of the April 22, 1997. Therefore, Aristech is in violation of 40 C.F.R. § 63.114(b).

11. On April 14, 1998, Aristech submitted, with their Notification of Compliance status, a calculation of the TRE index value for the Phenol I 304-F, 307-F, 325-F combined process vent based on a stack test which was not performed at maximum operating conditions. This calculation is an engineering assessment as explained in 40 C.F.R. § 63.115 (d)(1)(iii). Because Aristech calculated the TRE index value of this process vent to be less than 4.0, Aristech was required to perform the measurements specified in paragraph (d)(2) of § 63.115. Aristech's failure to perform those measurements for this process vent constitutes a violation of this Section.
12. Aristech conducted a performance test of the Cumene Oxidation Unit's thermal oxidizer designated as 2007-L on December 16, 1992. Aristech used Method 25A of 40 C.F.R. Part 60 Appendix A for the test. § 63.116(c) requires Aristech to use Method 18 to determine compliance with this Subpart. Aristech's failure to use the correct Method is a violation of 40 C.F.R. § 63.116.
13. As stated in previous paragraphs of this Finding, Aristech submitted their Notification of Compliance Status on April 14, 1998. Pursuant to 40 C.F.R. § 63.100, the submittal date for this Notification was 150 calendar days after April 22, 1997 (September 19, 1997). This is a violation of 40 C.F.R. § 63.152.
14. Aristech operated three Phenol II surge control vessels designated as 3217-F, 3218-F, and 3301-F and vented these vessels through emission point P204. Aristech did not route vapors from this emission point back to the process or to a control device as is required by 40 C.F.R. § 63.170. Aristech has operated these three surge control vessels in violation of § 63.170 since April 22, 1997, the compliance date as specified in 40 C.F.R. § 63.100(k)(7).
15. Aristech did not include the following equipment in the original Notification of Compliance Status submitted as required by 40 C.F.R. § 63.182(c):

Bottoms Receiver	3302-F
Water Scrubber	3310-E

Aristech submitted this information in a addendum to the Notification on January 29, 1999.

16. On September 27, 1996, Aristech submitted a Title V Permit Application pursuant to 40 C.F.R. § 70 and Ohio Administrative Code ("OAC") Chapter 3745-77, in which Aristech certified after reasonable inquiry that Aristech's Haverhill facility was in compliance with all applicable requirements of the Clean Air Act and that the statements made in the application were true, accurate and complete. On April 8, 1999, OEPA responded to Aristech via letter stating that Aristech's Title V application was incomplete. Because of the violations of which Aristech had notice from OEPA, Aristech is in violation of 40 C.F.R. § 70.5(d).

10/1/99
Date

Margaret M. Guerriero
Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

Re: Notice of Violation and Finding of Violation at Aristech Chemical Corporation, Ironton, Ohio

I, Loretta Shaffer, do hereby certify that a Notice of Violation and Finding of Violation Pursuant to the Clean Air Act were sent by Certified Mail, Return Receipt Requested, to:

James Fain, Manager - Environmental and Safety
Aristech Chemical Corporation
P.O. Box 127
Ironton, Ohio 45638-0127

I, Loretta Shaffer, certify that a copy of the Notice of Violation and Finding of Violation Pursuant to the Clean Air Act were sent by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Cory Chadwick, Program Manager
Hamilton County Department of Environmental Services
1632 Central Parkway
Cincinnati, Ohio 45210

on the 18th day of JUNE 1999.



Loretta Shaffer, Secretary
AECAS (MN/OH)

P140 777 310
Certified Mail Article Number