



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAY 07 2007

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Petarka, President
Von Roll America, Inc.
1250 St. George Street
East Liverpool, Ohio 43920

Re: Finding of Violation
Von Roll America, Inc., East Liverpool, Ohio

Dear Mr. Petarka:

This letter advises you that the United States Environmental Protection Agency (U.S. EPA or we) has determined that Von Roll America's facility at 1250 St. George Street, East Liverpool, Ohio (facility) has violated the Clean Air Act (CAA) and the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (hereinafter, the HWC MACT). We have provided a list of the requirements violated below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Section 112 of the CAA sets forth a list of one hundred and eighty-nine air pollutants and directs the U.S. EPA Administrator to promulgate emission standards for sources that emit those pollutants. On September 30, 1999, U.S. EPA promulgated the HWC MACT to protect public health and the environment. The HWC MACT requires the owner or operator of a hazardous waste incinerator must establish and comply with a mercury feed rate operating parameter limit. Von Roll's Title V permit incorporates this requirement. Mercury is a central nervous system toxin and a kidney toxin, and has other adverse health effects.

U.S. EPA finds that the Von Roll facility has violated this HWC MACT requirement as incorporated into the Von Roll's Title V Permit. Because Von Roll violated its Title V permit, you have also violated Title V of the CAA and its associated regulations

which require compliance with the terms and conditions of Title V permits.

Section 113 of the CAA gives U.S. EPA several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by Von Roll to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the FOV.

Before we decide which enforcement option is appropriate, Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The U.S. EPA contact in this matter is Charles Hall. You may call him at (312) 353-3443 if you wish to request a conference. EPA hopes that this FOV will encourage Von Roll's compliance with the requirements of the Clean Air Act.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, Air Pollution Control Supervisor
Northeast District Office
Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Von Roll America, Inc.) FINDING OF VIOLATION
East Liverpool, Ohio)
) EPA-5-07-OH-13
Proceedings Pursuant to the Clean)
Air Act, 42 U.S.C. §§ 7401 et seq.)

NOTICE AND FINDING OF VIOLATION

Von Roll America, Inc. (Von Roll) (you or Von Roll) owns and operates a hazardous waste incinerator at 1250 St. George Street, East Liverpool, Ohio.

U.S. EPA is sending this Finding of Violation (FOV) to you for an August 25, 2005, violation of the mercury feed rate operating parameter limit that Von Roll established pursuant to the requirements of the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. §§ 63.1200 through 63.1221 (hereinafter, the HWC MACT). The underlying statutory and regulatory requirements include provisions of the Clean Air Act (CAA) and the HWC MACT.

Section 113 of the CAA provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

The following provides a description of the regulations Von Roll violated and how Von Roll violated them:

1. Pursuant to 40 C.F.R. § 63.1209(1)(1),¹ the owner or operator of a hazardous waste incinerator must establish a 12-hour rolling average limit for the total feed rate of mercury in all feed streams as the average of the test run

¹ This Finding of Violation cites the HWC MACT in effect at the time of the violation.

averages, unless mercury feed rate limits are extrapolated from performance test feed rate levels under the following provisions.

2. Pursuant to 40 C.F.R. § 63.1209(1)(1)(i), the owner or operator of a hazardous waste incinerator may request as part of the performance test plan under §§ 63.7(b) and (c) and §§ 63.1207(e) and (f) to use the mercury feedrates and associated emission rates during the comprehensive performance test to extrapolate to higher allowable feedrate limits and emission rates.
3. 40 C.F.R. § 63.1209(1)(1)(ii) sets forth that the extrapolation methodology will be reviewed and approved, as warranted, by the Administrator.
4. Pursuant to 40 C.F.R. § 63.1207(j)(1)(i), the owner or operator of a hazardous waste incinerator must postmark a Notification of Compliance documenting compliance with the emission standards and continuous monitoring system requirements, and identifying operating parameter limits under § 63.1209.
5. Pursuant to 40 C.F.R. § 63.1207(j)(1)(ii), upon postmark of the Notification of Compliance, the owner or operator of a hazardous waste incinerator must comply with all operating requirements specified in the Notification of Compliance in lieu of the limits specified in the Documentation of Compliance required under § 63.1211(c).
6. From the results of its December 2003 comprehensive performance test, Von Roll established 0.82 pound per hour (lb/hr) as its 12-hour rolling average mercury feed rate operating parameter limit.
7. On June 18, 2004, Von Roll submitted its Notification of Compliance including its mercury feed rate operating parameter limit.
8. On August 25, 2005 at approximately 15:50 hrs, Von Roll incinerated a 5-gallon bucket that contained approximately 18.1 pounds of mercury.
9. On August 31, 2005, Von Roll reported that the maximum 12-hour rolling average mercury feed rate during the first 12 hours after the bucket was incinerated was 1.61 lbs/hr.

Environmental Impact of Violations

10. Violation of the mercury standards may cause serious health effects. In particular, mercury is a central nervous system toxin and a kidney toxin, and has other adverse health effects.

5/7/2007

Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-07-OH-13, by Certified Mail, Return Receipt Requested, to:

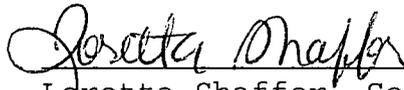
John Petarka, President
Von Roll America, Inc.
1250 St. George Street
East Liverpool, Ohio 43920

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, Air Pollution Control Supervisor
Northeast District Office
Ohio Environmental Protection Agency

on the 9th day of May, 2007.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 2089