



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 28 2007

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. W. Patrick Huth
EH&H Manager
Dover Chemical Corporation
3676 Davis Road N.W.
Dover, Ohio 44622-0040

Dear Mr. Huth:

This is to advise you that the United States Environmental Protection Agency ("U.S. EPA") has determined that the Dover facility located at 3676 Davis Road, Dover, Ohio ("facility") is in violation of the Clean Air Act ("CAA") and its implementing pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation ("FOV") for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, New Source Performance Standards ("NSPS") require uniform emission limitations for certain industrial categories which cause, or contribute significantly to, air pollution. The NSPS for Synthetic Organic Chemical Manufacturing Industry ("SOCMI") Reactor Processes, SOCMI Distillation Operations, and SOCMI Equipment Leaks were developed to limit air pollution from the SOCMI industry. The CAA also requires the U.S. EPA to develop Hazardous Organic National Emission Standards for Hazardous Air Pollutants ("HON NESHAP") for to protect the public from emissions of Hazardous Air Pollutants. The Title V of the CAA requires certain sources of air pollutants to obtain an operating permit that assures compliance with all applicable requirements. Finally, U.S. EPA is responsible for implementing the stratospheric ozone protection provisions of the CAA. The NSPS for SOCMI Reactor Processes, NSPS for SOCMI Distillation Operations, NSPS for SOCMI Equipment Leaks, HON NESHAP, Title V operating permitting regulations, and the Stratospheric Ozone regulations include the following requirements:

1) The NSPSs for SOCMI Reactor Processes and SOCMI Distillation Operations provide, among other things, that continuous compliance must be demonstrated through specific recordkeeping requirements.

- 2) The NSPS for SOCOMI Equipment Leaks provides, among other things, that a leak detection and repair program must be implemented to affected SOCOMI areas such as P011.
- 3) The HON NESHAP provides, among other things, that a source of HAPs subject to the NESHAP shall notify U.S. EPA.
- 4) Title V of the CAA and its implementing regulations provide that certain sources, including major sources and sources subject to a NESHAP, shall apply for and obtain an operating permit that assures compliance with all applicable requirements.
- 5) The Stratospheric Ozone regulations provide, among other things, that industrial refrigeration units with refrigerant loads over 50 lbs must implement a retirement or retrofit of units when leaks cannot to be brought below 35%.

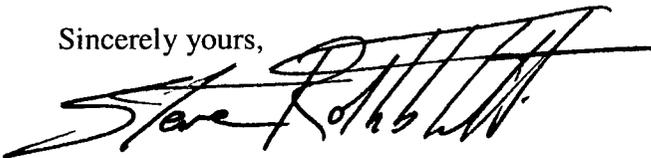
U.S. EPA finds that the Dover facility has violated the above listed NSPSs, NESHAPs, Title V permit requirements and Stratospheric Ozone regulations. All of these violations constitute violations of the CAA.

Section 113 of the CAA gives us 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 Dover to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in this FOV.

Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in this FOV. Before we decide which enforcement option is appropriate, 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 contacts in this matter are Shilpa Patel and Constantinos Loukeris. You may call her at 312.886.0120 or him at 312.353.6198 if you wish to request a conference. U.S. EPA hopes that this FOV will encourage Dover's compliance with the requirements of the Clean Air Act.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

<p>IN THE MATTER OF:</p> <p>The Dover Chemical Corporation Dover, Ohio</p> <p>Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 et seq.</p>	<p>FINDING OF VIOLATION</p> <p>EPA-5-07-OH-18</p>
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FINDING OF VIOLATION

The Dover Chemical Corporation (“you” or “Dover”) owns and operates emission sources of Hazardous Air Pollutants (“HAPs”) and Volatile Organic Compounds (“VOCs”) at its Dover, Ohio facility. U.S. EPA is sending this Finding of Violation (“FOV”) to address the alleged violations identified below. The standards violated by Dover are concerned with controlling HAPs and VOCs emissions from various operations within a process. The underlying statutory requirements include provisions of the Clean Air Act (“the Act” or “CAA”).

Section 113 of the Act 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

Title V Permit

1. Per 40 CFR § 70.5(a) (i), a timely application for a source applying for a part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the permitting authority may establish
2. Based on the inspection conducted by U.S. EPA on March 28, 2006, through March 30, 2006, at Dover’s facility, U.S. EPA has determined that Dover failed to obtain a Title V permit demonstrating that the Dover facility has the potential-to-emit in excess of 10 tons of single HAP or 25 tons of combined HAPs.

National Emission Standards for Organic Hazardous Air Pollutants (“NESHAP”)

3. On April 22, 1994, EPA promulgated the following NESHAPs:
 - a. NESHAP for the Synthetic Organic Chemical Manufacturing Industry (“SOCMI”) at 40 C.F.R. Part 63, Subpart F (59 Fed. Reg. 19454);
 - b. NESHAP for SOCMI for Process Vents, Storage Vessels, Transfer Operations, and Wastewater at 40 C.F.R. Part 63, Subpart G (59 Fed. Reg. 19468); and
 - c. NESHAP for Equipment Leaks at 40 C.F.R. Part 63, Subpart H (59 Fed. Reg. 19568).

These standards are collectively known as the Hazardous Organic NESHAP (“HON”).

4. The following HON requirements are relevant to this FOV:
 - a. The HON, 40 C.F.R. § 3.100(b), states that except as provided in paragraphs (b)(4) and (c) of this section, the provisions of subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified in paragraphs (b)(1), (b)(2), and (b)(3) of this section:
 - (1)(ii) Manufacture as a primary product one or more of the chemicals listed in table 1 of this subpart.
 - (2) Use as a reactant or manufacture as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of this subpart;
 - (3) Are located at a plant site that is a major source as defined in section 112(a) of the Act.
 - (4) The owner or operator of a chemical manufacturing processing unit is exempt from all requirements of subparts F, G, and H of this part until not later than April 22, 1997 if the owner or operator certifies, in a notification to the appropriate EPA Regional Office, not later than May 14, 1996, that the plant site at which the chemical manufacturing processing unit is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any individual HAP, and less than 25 tons per year of any combination of HAPs.
 - (i) If such a determination is based on limitations and conditions that are not federally enforceable (as defined in subpart A of this part), the owner or operator shall document the basis for the determination as specified in paragraphs (b)(4)(i)(A) through (b)(4)(i)(C) and comply with the recordkeeping requirement in 63.103(f).

- (A) The owner or operator shall identify all HAP emission points at the plant site, including those emission points subject to and emission points not subject to subparts F, G, and H;
 - (B) The owner or operator shall calculate the amount of annual HAP emissions released from each emission point at the plant site, using acceptable measurement or estimating techniques for maximum expected operating conditions at the plant site. Examples of estimating procedures that are considered acceptable include the calculation procedures in § 63.150 of subpart G, the early reduction demonstration procedures specified in §§ 63.74 (c)(2), (c)(3), (d)(2), (d)(3), and (g), or accepted engineering practices. If the total annual HAP emissions for the plant site are annually reported under Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313, then such reported annual emissions may be used to satisfy the requirements of § 63.100(b)(4)(i)(B).
 - (C) The owner or operator shall sum the amount of annual HAP emissions from all emission points on the plant site. If the total emissions of any one HAP are less than 10 tons per year and the total emissions of any combination of HAPs are less than 25 tons per year, the plant site qualifies for the exemption described in paragraph (b)(4) of this section, provided that emissions are kept below these thresholds.
 - (ii) If such a determination is based on limitations and conditions that are federally enforceable (as defined in subpart A of this part), the owner or operator is not subject to the provisions of paragraph (b)(4) of this section.
 - (c) The owner or operator of a chemical manufacturing process unit that meets the criteria specified in paragraphs (b)(1) and (b)(3) of this section but does not use as a reactant or manufacture as a product or co-product; any organic hazardous air pollutant listed in table 2 of this subpart shall comply only with the requirements of §63.103(e) of this subpart. To comply with this subpart, such chemical manufacturing process units shall not be required to comply with the provisions of subpart A of this part.
- b. The HON, at 40 C.F.R. § 63.160(a), states that the provisions of this subpart apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR part 63 that references this subpart.

- c. The HON, at 40 C.F.R. § 63.110(a), states that this subpart applies to all process vents, storage vessels, transfer racks, wastewater streams, and in-process equipment subject to § 63.149 within a source subject to subpart F of this part.
5. Based on the inspection conducted by U.S. EPA on March 28, 2006, through March 30, 2006, at Dover's facility, U.S. EPA has determined that Dover is in violation of the following HON requirements at its facility:
 - a. Since Dover had not properly determined that they are a major source of HAPs, Dover failed to apply the HON per §§ 100(b), 110(a) and 160(a).

New Source Performance Standards ("NSPS") for Equipment Leaks

6. The following NSPS requirements are relevant to this FOV:
 - a. The NSPS, at 40 C.F.R. § 60.480, states that the provisions of this subpart apply to affected facilities in the synthetic organic chemicals manufacturing industry.
 - b. The NSPS, at 40 C.F.R. § 60.482-1, states that each owner or operator subject to the provisions of this subpart shall demonstrate compliance with the requirements of §§60.482-1 through 60.482-10 or § 60.480(e) for all equipment within 180 days of initial startup.
 - c. The NSPS, at 40 C.F.R. § 60.482-2(a)(1), states that each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in § 60.485(b), except as provided in § 60.482-1(c) and paragraphs (d), (e), and (f) of this section.
 - d. The NSPS, at 40 C.F.R. § 60.482-2(a)(2), states that each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.
 - e. The NSPS, at 40 C.F.R. § 60.482-4(b)(1), states that after each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after the pressure release, except as provided in § 60.482-9.
 - f. The NSPS, at 40 C.F.R. § 60.482-4(b)(2), states that no later than 5 calendar days after the pressure release, the pressure relief device shall be monitored to confirm the conditions of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, by the methods specified in § 60.485(c).
 - g. The NSPS, at 40 C.F.R. § 60.482-7(a), states that each valve shall be monitored monthly to detect leaks by the methods specified in § 60.485(b) and shall comply

with paragraphs (b) through (e), except as provided in paragraphs (f), (g), and (h), § 60.483-1, 2, and § 60.482-1(c).

- h. The NSPS, at 40 C.F.R. § 60.482-10(b), states that vapor recovery systems (for example, condensers and absorbers) shall be designed and operated to recover the VOC emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume, whichever is less stringent
- i. The NSPS, at 40 C.F.R. § 60.486(e), states that the following information pertaining to all equipment subject to the requirements in §§ 60.482-1 to 60.482-10 shall be recorded in a log that is kept in a readily accessible location:
 - (1) A list of identification numbers for equipment subject to the requirements of this subpart.
 - (2)(i) A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of §§ 60.482-2(e), 60.482-3(i), and 60.482-7(f).
 - (2)(ii) The designation of equipment as subject to the requirements of §§ 60.482-2(e), 60.482-3(i), or 60.482-7(f).
 - (3) A list of equipment identification numbers for pressure relief devices required to comply with § 60.482-4.
 - (4)(i) The dates of each compliance test as required in §§ 60.482-2(e), 60.482-3(i), 60.482-4 and 60.482-7(f)
 - (4)(ii) The background level measured during each compliance test.
 - (4)(iii) The maximum instrument reading measured at the equipment during each compliance test.
- j. The NSPS, at 40 C.F.R. § 60.486(f), states that the following information pertaining to all valves subject to the requirements of §§ 60.482-7(g) and (h) and to all pumps subject to the requirements of § 60.482-2(g) shall be recorded in a log that is kept in a readily accessible location:
 - (1) A list of identification numbers for valves and pumps that are designated as unsafe-to-monitor, an explanation for each valve or pump stating why the valve or pump is unsafe-to-monitor, and the plan for monitoring each valve or pump.
 - (2) A list of identification numbers for valves that are designated as difficult-to-monitor, an explanation for each valve stating why the valve is difficult-to-monitor, and the schedule for monitoring each valve.

- k. The NSPS, at 40 C.F.R. § 60.486(g), states that the following information shall be recorded for valves complying with § 60.483-2:
 - (1) A schedule of monitoring.
 - (2) The percent of valves found leaking during each monitoring period.

- l. The NSPS, at 40 C.F.R. § 60.486(i), states that the following information shall be recorded in a log that is kept in a readily accessible location for use in determining exemptions as provided in § 60.480(d):
 - (1) An analysis demonstrating the design capacity of the affected facility,
 - (2) A statement listing the feed or raw materials and products from the affected facilities and an analysis demonstrating whether these chemicals are heavy liquids or beverage alcohol, and
 - (3) An analysis demonstrating that equipment is not in VOC service.

- m. The NSPS, at 40 C.F.R. § 60.486(j), states that information and data used to demonstrate that a piece of equipment is not in VOC service shall be recorded in a log that is kept in a readily accessible location.

- n. The NSPS, at 40 C.F.R. § 60.487(a), states that each owner or operator subject to the provisions of this subpart shall submit semiannual reports to the Administrator beginning six months after the initial startup date.

- o. The NSPS, at 40 C.F.R. § 60.487(b), states that the initial semiannual report to the Administrator shall include the following information:
 - (1) Process unit identification.
 - (2) Number of valves subject to the requirements of §60.482-7, excluding those valves designated for no detectable emissions under the provisions of §60.482-7(f).
 - (3) Number of pumps subject to the requirements of § 60.482-2, excluding those pumps designated for no detectable emissions under the provisions of § 60.482-2(e) and those pumps complying with § 60.482-2(f).
 - (4) Number of compressors subject to the requirements of § 60.482-3, excluding those compressors designated for no detectable emissions under the provisions of § 60.482-3(i) and those compressors complying with § 60.482-3(h).

- p. The NSPS, at 40 C.F.R. § 60.487(c), states that all semiannual reports to the Administrator shall include the following information, summarized from the information in § 60.486:
- (1) Process unit identification.
 - (2) For each month during the semiannual reporting period,
 - (i) Number of valves for which leaks were detected as described in § 60.482(7)(b) or § 60.483-2,
 - (ii) Number of valves for which leaks were not repaired as required in § 60.482-7(d)(1),
 - (iii) Number of pumps for which leaks were detected as described in §§ 60.482-2(b) and (d)(6)(i),
 - (iv) Number of pumps for which leaks were not repaired as required in §§ 60.482-2(c)(1) and (d)(6)(ii),
 - (v) Number of compressors for which leaks were detected as described in § 60.482-3(f),
 - (vi) Number of compressors for which leaks were not repaired as required in § 60.482-3(g)(1), and
 - (vii) The facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible.
 - (3) Dates of process unit shutdowns which occurred within the semiannual reporting period.
 - (4) Revisions to items reported according to paragraph (b) if changes have occurred since the initial report or subsequent revisions to the initial report.
- q. The NSPS, at 40 C.F.R. § 60.487(d), states that an owner or operator electing to comply with the provisions of §§ 60.483-1 or 60.483-2 shall notify the Administrator of the alternative standard selected 90 days before implementing either of the provisions.
- r. The NSPS, at 40 C.F.R. § 60.487(e), states that an owner or operator shall report the results of all performance tests in accordance with § 60.8 of the General Provisions. The provisions of § 60.8(d) do not apply to affected facilities subject to the provisions of this subpart except that an owner or operator must notify the Administrator of the schedule for the initial performance tests at least 30 days before the initial performance tests.

- s. The NSPS, at 40 C.F.R. § 60.487(f), states that the requirements of paragraphs (a) through (c) of this section remain in force until and unless EPA, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such State. In that event, affected sources within the State will be relieved of the obligation to comply with the requirements of paragraphs (a) through (c) of this section, provided that they comply with the requirements established by the State.
7. Based on the inspection conducted by U.S. EPA on March 28, 2006, through March 30, 2006, at Dover's facility, U.S. EPA has determined that Dover is in violation of the following NSPS Subpart VV requirements at its facility:
- a. Dover failed to perform any monitoring, recordkeeping, or reporting for the components that are affected by this subpart.

NSPS for SOCFI Reactor Process

8. The following NSPS requirements are relevant to this FOV:
- a. The NSPS, at 40 C.F.R. § 60.702, states that each owner or operator of any affected facility shall comply with paragraph (a), (b), or (c) of this section for each vent stream on and after the date on which the initial performance test required by § 60.8 and § 60.704 is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial start-up, whichever date comes first. Each owner or operator shall either:
 - (1) Reduce emissions of TOC (less methane and ethane) by 98 weight-percent, or to a TOC (less methane and ethane) concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen, whichever is less stringent. If a boiler or process heater is used to comply with this paragraph, then the vent stream shall be introduced into the flame zone of the boiler or process heater; or
 - (2) Combust the emissions in a flare that meets the requirements of §60.18; or
 - (3) Maintain a TRE index value greater than 1.0 without use of a VOC emission control device.
 - b. The NSPS, at 40 C.F.R. § 60.704(d), states that the following test methods in Appendix A to this part, except as provided under § 60.8(b), shall be used for determining the net heating value of the gas combusted to determine compliance under § 60.702(b) and for determining the process vent stream TRE index value to determine compliance under § 60.700(c)(2) and § 60.702(c).

- c. The NSPS, at 40 C.F.R. § 60.704(e), states that for purposes of complying with § 60.700(c)(2) and § 60.702(c), the owner or operator of a facility affected by this subpart shall calculate the TRE index value of the vent stream using the equation for incineration in paragraph (e)(1) of this section for halogenated vent streams. The owner or operator of an affected facility with a nonhalogenated vent stream shall determine the TRE index value by calculating values using both the incinerator equation in (e)(1) of this section and the flare equation in (e)(2) of this section and selecting the lower of the two values.
 - d. The NSPS, at 40 C.F.R. § 60.704(f), states each owner or operator of an affected facility seeking to comply with § 60.700(c)(2) or § 60.702(c) shall recalculate the TRE index value for that affected facility whenever process changes are made. Examples of process changes include changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. The TRE index value shall be recalculated based on test data, or on best engineering estimates of the effects of the change on the recovery system.
 - e. The NSPS, at 40 C.F.R. § 60.704(l), states each owner or operator that seeks to comply with the requirements of this subpart by complying with the requirements of §§ 60.700 (c)(2), (c)(3), or (c)(4) or § 60.702 shall submit to the Administrator semiannual reports of the following recorded information. The initial report shall be submitted within 6 months after the initial start-up date.
 - f. The NSPS, at 40 C.F.R. § 60.704(t), states Each owner or operator that seeks to demonstrate compliance with § 60.700(c)(2) must maintain a record of the initial test for determining the total resource effectiveness index and the results of the initial total resource effectiveness index calculation.
9. Based on the inspection conducted by U.S. EPA on March 28, 2006, through March 30, 2006, conducted at Dover's facility and Dover's 114 response, U.S. EPA has determined that Dover is in violation of the following NSPS Subpart RRR requirements at its facility:
- a. Dover failed to perform any monitoring, recordkeeping, or reporting for the components that are affected by this subpart.

NSPS for SOCFI Distillation Operations

10. The following NSPS requirements are relevant to this FOV:
- a. The NSPS, at 40 C.F.R. § 60.662 states, each owner or operator of any affected facility shall comply with paragraph (a), (b), or (c) of this section for each vent stream on and after the date on which the initial performance test required by § 60.8 and § 60.664 is completed, but not later than 60 days after achieving the maximum production rate at

which the affected facility will be operated, or 180 days after the initial start-up, whichever date comes first. Each owner or operator shall either:

- (a) Reduce emissions of TOC (less methane and ethane) by 98 weight-percent, or to a TOC (less methane and ethane) concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen, whichever is less stringent. If a boiler or process heater is used to comply with this paragraph, then the vent stream shall be introduced into the flame zone of the boiler or process heater; or
 - (b) Combust the emissions in a flare that meets the requirements of § 60.18; or
 - (c) Maintain a TRE index value greater than 1.0 without use of VOC emission control devices.
- b. The NSPS, at 40 C.F.R. § 60.664(d) states, when a flare is used to seek to comply with § 60.662(b), the flare shall comply with the requirements of § 60.18.
 - c. The NSPS, at 40 C.F.R. 60.664(e) states, the following test methods in appendix A to this part, except as provided under §60.8(b), shall be used for determining the net heating value of the gas combusted to determine compliance under §60.662(b) and for determining the process vent stream TRE index value to determine compliance under §60.662(c).
 - d. The NSPS, at 40 C.F.R. § 60.664(f) states, for purposes of complying with § 60.662(c) the owner or operator of a facility affected by this subpart shall calculate the TRE index value of the vent stream using the equation for incineration in paragraph (e)(1) of this section for halogenated vent streams. The owner or operator of an affected facility with a nonhalogenated vent stream shall determine the TRE index value by calculating values using both the incinerator equation in (e)(1) and the flare equation in (e)(2) of this section and selecting the lower of the two values.
 - e. The NSPS, at 40 C.F.R. § 60.665(h) states, each owner or operator of an affected facility subject to the provisions of this subpart and seeking to demonstrate compliance with § 60.662(c) shall keep up-to-date, readily accessible records of:
 - (1) Any changes in production capacity, feedstock type, or catalyst type, or of any replacement, removal or addition of recovery equipment or a distillation unit;
 - (2) Any recalculation of the TRE index value performed pursuant to § 60.664(f); and
 - (3) The results of any performance test performed pursuant to the methods and procedures required by § 60.664(d).
 - f. The NSPS, at 40 C.F.R. § 60.665(l) states, each owner or operator that seeks to comply with the requirements of this subpart by complying with the requirements of §§ 60.660 (c)(4), (c)(5), or (c)(6) or §60.662 shall submit to the Administrator

semiannual reports of the following recorded information. The initial report shall be submitted within 6 months after the initial start-up date.

11. Based on the inspection conducted by U.S. EPA on March 28, 2006, through March 30, 2006, at Dover's facility and the Dover's 114 response, U.S. EPA has determined that Dover is in violation of the following NSPS Subpart NNN requirements at its facility:
 - a. Dover failed to perform any monitoring, recordkeeping, or reporting for the components that are affected by this subpart.

Stratospheric Ozone Requirements ("CFC") for units over 50lbs

12. The following CFC requirements are relevant to this FOV:

- a. The CFC regulations at 40 C.F.R. § 82.156(i)(2) state that owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period in accordance with paragraph (i)(9) of this section, except as described in paragraphs (i)(6), (i)(7) and (i)(10) of this section, and paragraphs (i)(2)(i) and (i)(2)(ii) of this section. Repairs must bring annual leak rates to below 35 percent during a 12-month period. If the owners or operators of the industrial process refrigeration equipment cannot bring the annual leak rate to below 35 percent during a 12-month period within 30 days (or 120 days, where an industrial process shutdown in accordance with paragraph (i)(2)(ii) of this section is required,) and an extension in accordance with the requirements discussed in this paragraph applies, the owners or operators of the appliance must document all repair efforts, and notify U.S. EPA of the reason for the inability in accordance with §82.166(n) within 30 days of making this determination. Owners or operators who obtain an extension pursuant to this section or elect to utilize the additional time provided in paragraph (i)(2)(i) of this section, must conduct all necessary leak repairs, if any, that do not require any additional time beyond the initial 30 or 120 days.
- b. The CFC regulations at 40 C.F.R. § 82.156(i)(3) state that owners or operators of industrial process refrigeration equipment . . . who are granted additional time under paragraphs (i)(1) or (i)(5) of this section, must have repairs performed in a manner that sound professional judgment indicates will bring the leak rate below the applicable allowable leak rate. When an industrial process shutdown has occurred or when repairs have been made while an appliance is mothballed, the owners or operators shall conduct an initial verification test at the conclusion of the repairs and a follow-up verification test. The follow-up verification test shall be conducted within 30 days of completing the repairs or within 30 days of bringing the appliance back on-line, if taken off-line, but no sooner than when the appliance has achieved normal operating characteristics and conditions. When repairs have been conducted without an industrial process shutdown or system mothballing, an initial verification test shall

be conducted at the conclusion of the repairs, and a follow-up verification test shall be conducted within 30 days of the initial verification test. In all cases, the follow-up verification test shall be conducted at normal operating characteristics and conditions, unless sound professional judgment indicates that tests performed at normal operating characteristics and conditions will produce less reliable results, in which case the follow-up verification test shall be conducted at or near the normal operating pressure where practicable, and at or near the normal operating temperature where practicable.

- c. The CFC regulations at 40 C.F.R. § 82.156(i)(6) state that owners or operators are not required to repair leaks as provided in paragraphs (i)(1), (i)(2), and (i)(5) of this section if, within 30 days of discovering a leak greater than the applicable allowable leak rate, or within 30 days of a failed follow-up verification test, or after making good faith efforts to repair the leaks as described in paragraph (i)(6)(i) of this section, they develop a one-year retrofit or retirement plan for the leaking appliance. Owners or operators who decide to retrofit the appliance must use a refrigerant or substitute with a lower or equivalent ozone-depleting potential than the previous refrigerant and must include such a change in the retrofit plan. Owners or operators who retire and replace the appliance must replace the appliance with an appliance that uses a refrigerant or substitute with a lower or equivalent ozone-depleting potential and must include such a change in the retirement plan. The retrofit or retirement plan (or a legible copy) must be kept at the site of the appliance. The original plan must be made available for U.S EPA inspection upon request. The plan must be dated, and all work performed in accordance with the plan must be completed within one year of the plan's date, except as described in paragraphs (i)(6)(i), (i)(7), and (i)(8) of this section. Owners or operators are temporarily relieved of this obligation if the appliance has undergone system mothballing as defined in § 82.152.
- d. The CFC regulations at 40 C.F.R. § 82.156(i)(3)(ii) state that if the follow-up verification test indicates that the repairs to industrial process refrigeration equipment . . . have not been successful, the owner or operator must retrofit or retire the equipment in accordance with paragraph (i)(6) and any such longer time period as may apply under paragraphs (i)(7)(i), (ii) and (iii) or (i)(8)(i) and (ii) of this section. The owners and operators of the industrial process refrigeration equipment . . . are relieved of this requirement if the conditions of paragraphs (i)(3)(iv) and/or (i)(3)(v) of this section are met.
- e. The CFC regulations at 40 C.F.R. § 82.156(i)(3)(iii) states that the owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify EPA within 30 days of the failed follow-up verification test in accordance with § 82.166(n).

13. Based on Dover's 114 response, U.S. EPA has determined that Dover is in violation of the following CFC requirements at its facility:

- a. Dover failed to maintain the proper records, perform leak repair, initial verification, follow up verification, notify U.S. EPA, develop retire/retrofit plan, and retire/retro fit in one year for the following units and dates.

Frick

Dates	Failed to Develop R/R Plan (c) & R/R in 1 year(d)	Failed: Leak Repair (a), Initial Verification (b), Follow up Verification(b), Notify U.S. EPA(e)
12/18/03	x	x
1/5/05	x	x
4/1/05		x
6/14/06	x	x
7/16/06		x
8/31/06		x
10/18/06		x
11/21/06		x

Environmental Impact of Violations

14. The purpose of the HON NESHAP and the NSPS for Equipment Leaks is to protect the public from emissions of HAPs and VOCs.
15. The purpose of the requirement to obtain a CAA Title V operating permit is to assure a facility's compliance with all applicable requirements.
16. The purpose of the NSPS for SOxMI Distillation and Reactor Processes monitoring, recordkeeping, and reporting requirements is to determine whether an affected facility has maintained compliance with the applicable emission standards.
17. The purposes of the CFC regulations are to prevent ozone depleting substances from being released into the atmosphere.

6/28/2007

Date

A handwritten signature in black ink, appearing to read "Steve Rothblatt", written over a horizontal line.

Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-07-OH-18, by Certified Mail, Return Receipt Requested, to:

W. Patrick Huth, EH&S Manager
Dover Chemical Corporation
3676 Davis Road N.W.
Dover, Ohio 44622

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

Bruce Weinberg
Southeast District Office
2195 Front Street
Logan, Ohio 43138

on the 28th day of June, 2007.



CERTIFIED MAIL RECEIPT NUMBER: 70010320000589191990