

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
BP Chemicals, Inc.) NOTICE OF VIOLATION AND
Lima, Ohio) FINDING OF VIOLATION
)
) EPA-5-02-05-OH
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act,)
42 U.S.C. § 7413(a)(1))

NOTICE AND FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds BP Chemicals, Inc. (BPC), which owns or operates an organic chemical manufacturing facility located at 1900 Fort Amanda Road, Lima, Ohio, in violation of:

1. Part C under Subchapter I of the Clean Air Act (the Act), Prevention of Significant Deterioration of Air Quality (PSD), 42 U.S.C. §§ 160 - 169, 42 U.S.C. §§ 7470-7479, and the regulatory requirements thereunder, including 40 CFR § 52.21 and the provisions of the Ohio State Implementation Plan (Ohio SIP) which implements the above requirements;
2. Section 111 of the Act, 42 U.S.C. § 7411, Standards of Performance for New Stationary Sources, and the regulatory requirements thereunder, including:
 - a. General Provisions at 40 CFR Part 60, Subpart A (40 CFR §§ 60.8 and 60.11).
 - b. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units at 40 CFR Part 60, Subpart Db (40 CFR § 60.40b et seq.), and
 - c. Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes at 40 CFR Part 60, Subpart III (40 CFR § 60.610 et seq.)

3. Section 112 of the Act, 42 U.S.C. § 7412, Hazardous Air Pollutants, and the regulatory requirements thereunder, including:
 - a. General Provisions at 40 CFR Part 63, Subpart A (40 CFR § 63.7)
 - b. National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry at 40 CFR Part 63, Subpart F (40 CFR § 63.100 et seq.), and
 - c. National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater at 40 CFR Part 63, Subpart G (40 CFR § 63.110 et seq.)

U.S. EPA is notifying the State of Ohio and BPC of these violations by issuing this Notice of Violation (NOV), in accordance with Section 113(a)(1) of the Act, and a Finding of Violation (FOV).

Statutory and Regulatory Background

Designation of Air Quality Control Regions

4. U.S. EPA published an attainment designation list for Ohio on March 3, 1978 (43 FR 8964), in accordance with Sections 107 and 109 of the Act. Ohio's designation list was published at 40 CFR § 81.336.
5. Ohio's current attainment designation list identifies the following attainment status for Allen County, 40 CFR Part 81, Subpart B, (40 CFR § 81.336):
 - a. SO₂: Better than national standards
 - b. CO: Unclassifiable/Attainment
 - c. Lead: Not designated
 - d. Ozone: Unclassifiable/Attainment
 - e. PM₁₀: Unclassifiable
 - f. NO₂: Cannot be classified or better than national standards

Attainment Requirements and the Ohio SIP

6. Section 110 of the Act, 42 U.S.C. § 7410, requires States to adopt, and submit to the U.S. EPA for approval, State Implementation Plans (SIPs) providing for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by U.S. EPA pursuant to section 109 of the Act, 42, U.S.C. § 7409. U.S. EPA has promulgated NAAQS for, among other pollutants, volatile organic compounds (VOC) and nitrogen oxides (NO_x).
7. Section 161 of the Act, 42 U.S.C. § 7471, and 40 CFR § 51.166(a)(1) require each applicable state implementation plan (SIP) to establish emission limitations and other measures necessary to prevent the significant deterioration of air quality.
8. The State of Ohio submitted a SIP which contained emission limitations and other measures necessary to prevent the significant deterioration of air quality pursuant to Section 110 of the Act, 42 U.S.C. §§ 7410, and 40 CFR § 51.166.
9. The Administrator, or the delegated authority, reviewed the Ohio SIP in accordance with Section 110(a) of the Act and determined the Ohio SIP did not satisfy the measures required to ensure the prevention of significant deterioration of air quality. As a result, the Administrator, or the delegated authority, disapproved the PSD portion of the Ohio SIP, 40 CFR § 52.1884(a).
10. The Administrator, or the delegated authority, incorporated the provisions of 40 CFR § 52.21(b) through (w) [PSD Regulations] as part of the Ohio SIP, 40 CFR § 52.1884(b), in accordance with Section 110(c) of the Act, 42 U.S.C. § 7410(c), and 40 CFR § 52.21(a).
11. 40 CFR § 52.21(i)(1) states "No stationary source or modification to which the requirements of paragraphs (j) through (r) of this section apply shall begin actual construction without a permit which states that the stationary source or modification would meet those requirements."
12. 40 CFR § 52.21(i)(2) provides that the requirements of paragraphs (j) through (r) apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the Act that it would emit.

13. Section 165(a) of the Act, 42 U.S.C. § 7475(a), states, among other things, that no major emitting facility may be constructed unless a permit has been issued in accordance with requirements of Part C, under Subchapter I of the Act.
14. The issuance and effective dates for a PSD permit are regulated under 40 CFR § 124.15.
15. 40 CFR § 124.15(a) states "After the close of the public comment period under § 124.10 on a draft permit, the Regional Administrator shall issue a final permit decision"
16. 40 CFR § 124.15(b) states "A final permit decision ... shall become effective 30 days after the service of notice of the decision"
17. 40 CFR § 124.20(d) states "Whenever a party or interested person has the right or is required to act within a prescribed period after the service of notice or other paper upon him or her by mail, 3 days shall be added to the prescribed time."
18. 40 CFR § 52.23 provides, among other things, that failure to comply with any provisions of 40 CFR Part 52, or with any approved regulatory provision of a SIP subjects the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act.

New Source Performance Standards

19. U.S. EPA published General Provisions of the Standards of Performance for New Stationary Sources at 40 CFR Part 60, Subpart A (40 CFR § 60.1 et seq.) 36 FR 24877, as amended. These regulations were published pursuant to Section 111 of the CAA, 72 U.S.C. 7411, on December 23, 1971.
20. Among other things, the General Provisions include requirements for: notification and record-keeping (40 CFR § 60.7), performance testing (40 CFR § 60.8; 36 FR 24877), and compliance with standards and maintenance (40 CFR § 60.11; 38 FR 28565).
21. 40 CFR § 60.7(c) provides, among other things, "Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report ... and-or summary report form... to the

Administrator semi-annually" The written reports of excess emissions must include, among other things, the magnitude of excess emissions computed in accordance with § 60.13(h).

22. 40 CFR § 60.8 provides, among other things, "Within 60 days after achieving the maximum production rate at which the affected facility will be operated but not later than 180 days after initial startup of such facility ... the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s)."
23. 40 CFR § 60.11(d) provides, among other things, "At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions."
24. U.S. EPA published Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units at 40 CFR Part 60, Subpart Db (40 CFR §§ 60.40b et seq.). 52 FR 47842, as amended. These regulations were published pursuant to Section 111 of the Act, 42 U.S.C. 7411, on December 16, 1987.
25. The provisions of 40 CFR Part 60, Subpart Db, apply to each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984 and has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 mmBTU/hour). 40 CFR 60.40b(a).
26. The provisions of 40 CFR Part 60, Subpart Db, set forth, among other things, emission standards for nitrogen oxides (NO_x) for steam generating units (40 CFR § 60.44b); monitoring requirements for NO_x at affected facilities (40 CFR §§ 60.46b and 60.48b), and various record-keeping and reporting requirements for NO_x at affected facilities (40 CFR § 60.49b).
27. 40 CFR 60.44b(e) provides, among other things, that on and after the date on which the initial performance test is completed or is required to be completed under 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that simultaneously combusts coal, oil, or

natural gas with byproduct/waste shall cause to be discharged into the atmosphere any gases that contain nitrogen oxides in excess of the emission limit determined by the formula provided in that section.

28. 40 CFR § 60.48b(b)(1) provides, among other things, the owner or operator of an affected facility shall ...
"Install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring nitrogen oxides emissions discharged to the atmosphere"
29. 40 CFR § 60.49b(g) provides, among other things, that the owner or operator of an affected facility subject to the nitrogen oxides standards under § 60.44b shall maintain certain records for each steam generating unit operating day.
30. 40 CFR § 60.49b(i) provides "The owner or operator of any affected facility subject to the continuous monitoring requirements for nitrogen oxides under § 60.48b shall submit reports containing the information recorded under paragraph (g) of this section."
31. U.S. EPA published Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes at 40 CFR Part 60, Subpart III (40 CFR § 60.610 et seq.). 55 FR 26922, as amended. These regulations were published pursuant to Section 111 of the Act, 42 U.S.C. 7411, on June 29, 1990.
32. The provisions of 40 CFR Part 60, Subpart III, apply to affected facilities which commenced construction, modification, or reconstruction after October 21, 1983. Affected facilities are identified at 40 CFR § 60.610(a-b) and include each combination of an air oxidation reactor and the recovery system into which its vent stream is discharged.
33. The provisions of 40 CFR Part 60, Subpart III, set forth, among other things, testing methods and procedures (40 CFR § 60.614) for owners and operators of affected facilities.
34. 40 CFR § 60.614(b) provides, among other things, "The following methods in Appendix A to this part, except as provided under § 60.8(b) shall be used as reference methods to determine compliance with the emission limit or percent

reduction efficiency specified under § 60.612(a)."
40 CFR § 60.614(b)(4) requires Method 18 to be used to determine concentration of total organic compounds (TOC) in the control device outlet and the concentration of TOC in the inlet when the reduction efficiency of the control device is to be determined.

National Emission Standards for Hazardous Air Pollutants

35. U.S. EPA published General Provisions for National Emissions Standards for Hazardous Air Pollutants (NESHAP) at 40 CFR Part 63, Subpart A (40 CFR § 63.1 *et seq.*) 59 FR 12430 (March 16, 1994), as amended. These regulations were published pursuant to Section 112 of the CAA, 42 U.S.C. § 7412.
36. The General Provisions include, among other things, requirements for performance testing (40 CFR § 63.7).
37. 40 CFR § 63.7(a)(2) provides, among other things, "If required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source shall perform such tests as follows - (i) Within 180 days after the effective date of a relevant standard for a new source that has an initial startup date before the effective date"
38. 40 CFR 63.7(e)(2) provides, among other things, "Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter ..."
39. U.S. EPA published National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry at 40 CFR Part 63, Subpart F, (40 CFR § 63.100 *et seq.*) 59 FR 19454, as amended. These regulations were published pursuant to Section 112 of the Act, 42 U.S.C. 7412, on April 22, 1994.
40. The provisions of 40 CFR Part 63, Subpart F, apply to chemical manufacturing process units which meet all criteria specified at 40 CFR § 63.100(b)(1-3).

41. U.S. EPA published National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemicals Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater at 40 CFR Part 63, Subpart G, (40 CFR § 63.110 et seq.). 59 FR 19468, as amended. These regulations were published pursuant to Section 112 of the Act, 42 U.S.C. 7412, on April 22, 1994.
42. The provisions of 40 CFR Part 63, Subpart G, apply to all process vents, storage vessels, transfer racks, and wastewater streams within a source subject to subpart F, 40 CFR § 63.110(a).
43. The provisions of 40 CFR Part 63, Subpart G, set forth, among other things, requirements for performance test methods and procedures to demonstrate compliance (40 CFR §§ 63.116 and 63.128).
44. 40 CFR § 63.116(c) provides for process vents, among other things, "... 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." 40 CFR § 63.116(c)(3) provides that to determine compliance with the 20 ppm total organic HAP limit requirement of § 63.113(a)(2), the owner or operator shall use Method 18 of 40 CFR Part 60, Appendix A or any other method or data which has been validated according to applicable procedures in Method 301 of Appendix A of 40 CFR Part 63.
45. 40 CFR § 63.128(a) provides for transfer operations, among other things, "A performance test is required for determining compliance with the reduction of total organic HAP emissions in § 63.126(b) of this subpart for all control devices except as specified in paragraph (c) of this section." 40 CFR § 63.128(a)(10) provides that for the purpose of determining compliance with the 98-percent reduction requirement in § 63.126(b)(1), Method 18 or Method 25A of 40 CFR part 60, Appendix A shall be used.

FACTUAL BACKGROUND

46. BPC owns and operates a chemical manufacturing facility located at 1900 Fort Amanda Road, P.O. Box 628, Lima, Ohio (the facility).

47. BPC is located in Allen County, Ohio, which is an area presently classified as attainment or unclassifiable for sulfur dioxide (SO₂), carbon monoxide (CO), lead (Pb), ozone(O₃), particulate matter of less than 10 microns aerodynamic diameter (PM₁₀), and nitrogen oxides (NO_x) as Nitrogen dioxide (NO₂).

FINDINGS OF VIOLATION

Prevention of Significant Deterioration (PSD) of Air Quality (40 CFR § 52.21 and the Ohio SIP)

48. The facility is a chemical process plant that emitted over 100 tons per year of VOCs before November 1998.
49. The facility is a "major stationary source" as defined at 40 CFR § 52.21(b)(1)(i) and, thus, is subject to the PSD regulations.
50. BPC owns and operates a butanediol (BDO) manufacturing plant at its Lima facility. BPC submitted an application for a PSD permit for the BDO plant to the Ohio Environmental Protection Agency (OEPA) on July 24, 1998. In its final PSD permit, BPC's BDO plant has allowable emissions of:
- a. 300.56 TPY VOC
 - b. 844.92 TPY CO
 - c. 134.77 TPY NO_x
51. The BDO plant is a "major stationary source" in and of itself as defined at 40 CFR § 52.21(b)(1)(i) and a "major modification" to the facility as defined at 40 CFR § 52.21(b)(2)(i).
52. OEPA issued a PSD permit for the BDO plant on November 10, 1998.
53. OEPA sent a notice of final permit decision together with responses to comments to commentors by mail November 10, 1998. The PSD permit for the BDO plant, therefore, was not effective until after a 33 day appeal period following that notice (ending December 14, 1998) as required by 40 CFR § 124.15 and 124.20.

54. BPC signed (and therefore entered into) a contract with Cherne Contracting Corporation on November 23, 1998 for the construction of the BDO plant.
55. BPC, or the contracted authority, began form and rebar work for the foundation of the reactor and pipe rack for the BDO plant November 30, 1998 and completed this work December 10, 1998.
56. BPC notified U.S. EPA that it was starting construction of the BDO unit on December 11, 1998.
57. BPC, or the contracted authority, poured concrete for the foundation and footings of the BDO unit on December 11, 1998.
58. BPC entered into contractual obligations and began actual construction on the BDO Unit prior to the effective date of the final permit issued by OEPA in violation of Section 165(a)(1) of the Act and 40 CFR § 52.21(i).

New Source Performance Standards (40 CFR Part 60)

59. BPC owns and operates an absorber off-gas incinerator (AOGI) at its Lima facility. The AOGI is located within the Acrylonitrile II chemical process plant.
60. The AOGI is a steam generating unit which commenced construction, modification or reconstruction after June 19, 1984 and has a heat input capacity from fuels combusted in the AOGI of greater than 29 MW (100 mmBTU/hour) and is subject to 40 CFR Part 60, Subpart Db.
61. The AOGI simultaneously combusts coal, oil or natural gas with "byproduct/waste" as defined at 40 CFR § 60.41b.
62. The AOGI is subject to the emission limit for nitrogen oxides for affected units that simultaneously combust coal, oil, or natural gas with byproduct/waste that is calculated using the formula at 40 CFR § 60.44b(e).
63. Using the formula provided at 40 CFR § 60.44b(e), the NO_x emission limit for the AOGI is 0.10 lb-NO_x/mmBTU.
64. The AOGI is subject to the continuous monitoring requirements for nitrogen oxides at 40 CFR § 60.48b(b).

65. BPC is required to submit reports of excess emissions in accordance with 40 CFR §§ 60.7(c) and 60.49b(i) as well as the permit to install for the AOGI issued by OEPA.
66. Quarterly excess emission reports submitted from 1996 through 2002 by BPC for the AOGI show NO_x emissions from the AOGI are numerically negative on numerous occasions.
67. Quarterly excess emission reports submitted by BPC also show emissions which exceed the NO_x emission limit established using the formula provided at 40 CFR § 60.44b(e).
68. BPC failed to comply with the 30-day rolling average NO_x emission limit (0.10 lb/mmBTU) for the AOGI established at 40 CFR § 60.44b(e) on, at least, 1,615 separate days, from July 1, 1997 through December 31, 2001.
69. BPC failed to submit complete and accurate excess emission reports for the AOGI as required from July 1, 1997 through December 31, 2001, in violation of 40 CFR §§ 60.7(c), 60.49b(g) and 60.49b(i). Specifically, BPC failed to submit excess emission reports which:
 - a. Identify the magnitude of excess emissions as required at 40 CFR § 60.7(c)(1); and
 - b. Identify the steam generating operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the NO_x emission standards under 60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken as required at 40 CFR § 60.49b(g)(4).
70. BPC failed to operate and maintain the AOGI in a manner consistent with good air pollution practices for minimizing emissions, in violation of 40 CFR § 60.11(d) based on excess emission reports and additional information submitted by BPC in response to a letter issued by U.S. EPA on May 14, 2001 and a Section 114 Request for Information issued by U.S. EPA on January 15, 2002.
71. BPC owns and operates an air oxidation unit process at its Lima facility. This air oxidation unit process includes an air oxidation reactor and recovery system [as described at 40 CFR 60.610(b)(2)] and is subject to 40 CFR Part 60, Subpart III.

72. The air oxidation unit process identified in paragraph 80 manufactures one or more of the chemicals listed at 40 CFR 60.617 as a product, co-product, by-product, or intermediate. These chemicals include Acrylonitrile, Acetonitrile, and various by-products (including hydrogen cyanide).
73. The AOGI is used as a control device for the air oxidation unit process and recovery device subject to 40 CFR Part 60, Subpart III.
74. 40 CFR § 60.8 requires BPC to conduct initial performance testing at the AOGI to demonstrate compliance with the standards at 40 CFR § 60.612.
75. 40 CFR § 60.614(b)(4) requires initial performance testing to be conducted using Reference Test Method 18 (at 40 CFR Part 60, Appendix A).
76. BPC conducted initial performance testing to demonstrate compliance with, among other requirements, 40 CFR § 60.612 at the AOGI using Reference Test Method 25A (at 40 CFR Part 60, Appendix A) from June 17-23, 1997 and December 16-19, 1998.
77. BPC failed to use the correct test method (i.e., Method 18) to demonstrate compliance with the standards at 40 CFR § 60.612, at the AOGI, in violation of 40 CFR §§ 60.8 and 60.614(b).

National Emission Standards for Hazardous Air Pollutants (40 CFR Part 63)

78. BPC owns and operates several chemical manufacturing process units at its Lima facility. These chemical manufacturing process units are subject to 40 CFR Part 63, Subparts F and G and include, but may not be limited to, the following units:
 - a. The Acrylonitrile II chemical manufacturing process unit;
 - b. The Off-sites chemical manufacturing process unit; and
 - c. The BDO chemical manufacturing process unit.

79. The chemical manufacturing process units identified in paragraph 78 manufacture one or more of the chemicals listed at 40 CFR 63.100(b)(1)(i) which include but may not be limited to:
- a. Acrylonitrile and Acetonitrile, and various by-products, in the Acrylonitrile II chemical manufacturing process unit;
 - b. Acetonitrile, and various by-products, in the Off-sites chemical manufacturing process unit; and
 - c. Butanediol, and various by-products, in the BDO chemical manufacturing process unit.
80. The chemical manufacturing process units identified in paragraph 78 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 40 CFR Part 63, Subpart F. These pollutants include, but may not be limited to:
- a. Acrylonitrile and acetonitrile are used as a reactant or manufactured as a product in the Acrylonitrile II chemical manufacturing process unit;
 - b. Acetonitrile is used as a reactant or manufactured as a product in the Off-sites chemical manufacturing process unit; and
 - c. Butanediol, maleic anhydride, methanol, acrylic acid and tetrahydrofuran are used as reactants or manufactured as a product or co-product in the BDO chemical manufacturing process unit.
81. BPC is a "major source" as defined in Section 112(a) of the Act, 42 U.S.C. § 7412(a), since BPC has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. Hazardous air pollutants emitted from BPC may include: acetaldehyde, acetamide, acetonitrile, acroline, acrylamide, acrylic acid, acrylonitrile, benzene, butadiene, cyanide compounds, diethanolamine, ethylene glycol, hydroquinone, methanol, maleic anhydride, methyl acrylate, propionaldehyde, propylene glycol and/or vinyl acetate.

82. 40 CFR §§ 63.7(a)(2), 63.116(c) and 63.128(a) require BPC to conduct initial performance testing at the chemical manufacturing process units subject to 40 CFR Part 63, Subparts F and G.
83. Initial performance testing for the control devices on process vents is required at 40 CFR § 63.116. BPC has (had) process vents at the following chemical manufacturing process units which are (were) subject to 40 CFR Part 63, Subparts F and G:
 - a. Acrylonitrile Reactor and Absorption Section (P035)
 - b. Acetonitrile Recovery and Purification Section (P012)
 - c. Acrylonitrile Recovery and Purification Section (P075)
 - d. Acetonitrile Kill Kettle (P048)
 - e. Maleic Anhydride Reactor and Recovery Section (P801)
 - f. Butanediol Purification Section (P801) including a water column, residue water column, BDO product column and organic residue column
84. BPC operates (operated) the following control devices on process vents which require (required) initial performance testing in accordance with 40 CFR §§ 63.7(a)(2) and 63.116(c):
 - a. AOGI (P035) located in the Acrylonitrile II chemical process plant;
 - b. Acrylonitrile plant #2 vent scrubber (P075) located in the Acrylonitrile II chemical process plant;
 - c. Acetonitrile kill kettle condenser (P048) located in the Off-sites chemical process plant;
 - d. Thermal oxidizers (N001 and N002) located in the Acetonitrile chemical process plant; and
 - e. Scrubber off-gas boiler-SOGB (N006) located in the BDO chemical process plant.
85. BPC used the following test methods to demonstrate compliance with 40 CFR Part 63, Subpart G at the process vents

- a. Method 25A, modified CTM008 and/or EPA Method SW846-0011 at the AOGI (P035) located in the Acrylonitrile II chemical process plant;
 - b. No specified Method, GC at the Acrylonitrile plant #2 vent scrubber (P075) located in the Acrylonitrile II chemical process plant;
 - c. No specified Method, GC/flame ionization detector at the Acetonitrile kill kettle condenser (P048) located in the Off-sites chemical process plant;
 - d. Method 25A and/or SW 846 9056 at the South Thermal oxidizer (N002) located in the Acetonitrile chemical process plant; and
 - e. Method 25A and/or Modified EPA 308 at the Scrubber off-gas boiler-SOGB (N006) located in the BDO chemical process plant.
86. BPC failed to use the correct test method (i.e., Method 18 for HAP/VOC, and/or Method 26 for HCl) to demonstrate compliance with 40 CFR Part 63, Subpart G, in violation of 40 CFR §§ 63.7(e)(2) and 63.116(c)(3) at the following process vent control devices:
- a. AOGI (P035) located in the Acrylonitrile II chemical process plant;
 - b. Acrylonitrile plant #2 vent scrubber (P075) located in the Acrylonitrile II chemical process plant;
 - c. Acetonitrile kill kettle condenser (P048) located in the off-sites chemical process plant;
 - d. Thermal oxidizers (N001 and N002) located in the Acetonitrile chemical process plant; and
 - e. Scrubber off-gas boiler-SOGB (N006) located in the BDO chemical process plant.
87. Initial performance testing for the control devices on transfer racks is required at 40 CFR § 63.128(a). BPC has (had) the following transfer racks which are (were) subject to 40 CFR Part 63, Subparts F and G:

- a. Acrylonitrile Loading Rack (P050)
 - b. Acetonitrile Loading Rack (P050)
88. BPC operates the following control devices on transfer racks which require initial performance testing in accordance with 40 CFR §§ 63.7(a)(2) and 63.128(a):
- a. Acetonitrile loading rack scrubber (P050) located in the Off-sites chemical process plant; and
 - b. Acrylonitrile loading rack scrubber (P050) located in the Off-sites chemical process plant.
89. BPC used the following test methods to demonstrate compliance with 40 CFR Part 63, Subpart G at the transfer racks
- a. Modified Method CTM008 at the Acrylonitrile loading rack scrubber (P050) located in the Off-sites chemical process plant.
 - b. No specified method, GC/FID at the Acetonitrile loading rack scrubber (P050) located in the Off-sites chemical process plant.
90. BPC failed to use the correct test method (i.e., Method 18 or 25A) to demonstrate compliance with 40 CFR Part 63, Subpart G, in violation of 40 CFR §§ 63.7(e)(2) and 63.128(a)(10) at the following transfer rack control devices:
- a. Acetonitrile loading rack scrubber (P050) located in the Off-sites chemical process plant; and
 - b. Acrylonitrile loading rack scrubber (P050) located in the Off-sites chemical process plant.

6/12/2002
Date



Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation issued pursuant to the Clean Air Act and a Finding of Violation, by Certified Mail, Return Receipt Requested, to:

Charles F. Treloar, Plant Manager
BP Chemicals, Inc.
Ft. Amanda Road
P.O. Box 628
Lima, Ohio 45802-0628

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

Don Waltermeyer, APC
Northwest District Office
347 Dunbridge Road
Bowling Green, Ohio 43402

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

David L. Bell, Senior Attorney
BP America Inc.
200 East Randolph Drive
Mail Code 2205
Chicago, IL 60601

on the 13th day of June, 2002

Betty Williams for Shanee Rucker
Shanee Rucker, Secretary
AECAB, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 709994000009586 8431