

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Degussa Engineered) **NOTICE OF VIOLATION AND**
Carbons, LP) **FINDING OF VIOLATION**
Belpre, Ohio)
)
) **EPA-5-04-OH-06**
)
Proceedings Pursuant to)
Section 113(a)(1) and)
(3) of the Clean Air)
Act, 42 U.S.C)
§§ 7413(a)(1) and (3))

NOTICE OF VIOLATION/FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S EPA) is issuing this Notice of Violation and Finding of Violation under Section 113(a)(1) and 113(a)(3) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1) and 7413(a)(3). U.S EPA finds that Degussa Engineered Carbons, LP (Degussa) violated the Ohio State Implementation Plan and Title V operating permit program, as follows:

Statutory and Regulatory Background

1. On October 31, 1980, U.S. EPA approved Ohio Administrative Code (OAC) Rule 3745-31, permit to install regulations, as part of the federally enforceable SIP for Ohio. 45 Fed Reg. 72146.
2. OAC Rule 3745-31-05(C) states that the director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality
3. 40 C.F.R. part 52.23 states, in part, that failure to comply with any permit condition issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources, renders a person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan

and subject to an enforcement action under section 113 of the Clean Air Act.

4. The regulations at 40 C.F.R. Part 70, require states to implement a major source ("Title V") operating permit program.
5. The State of Ohio Title V operating permit program found at Ohio Administrative Code 3745-77 was granted approval on August 15, 1995, with an effective date of October 1, 1995 60 Fed. Reg. 42045.
6. The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator of U.S. EPA under the Act.
4. Degussa owns and operates a carbon black facility at 11135 State Route 7 in Belpre, Ohio.
5. Emissions from Degussa's Carbon Black Process Unit #1, Carbon Black Process Unit #2, Unit #1 Dryer, and Unit #2 Dryer are subject to permit to install regulations in the Ohio SIP at OAC 3745-31 and the Ohio Title V permit program at OAC 3745-77.
6. Degussa was issued Permit to Install (PTI) 06-4927 on October 24, 1997.
7. Degussa was issued Title V permit number 06-84-01-0049 from the State of Ohio on December 23, 2002. This Title V permit incorporates provisions from PTI 06-4927.
8. For the purposes of the Permit to Install and the Title V permit, Carbon Black Process Unit #1 was assigned emission unit P001, Carbon Black Process Unit #2 was assigned emission unit P002, Unit #1 Dryer was assigned emission unit P005, and Unit #2 Dryer was assigned emission unit P006.
9. PTI 06-4927 and Part III, Section A(I)(1) of Title V Operating Permit No. 06-84-01-0049 limit sulfur dioxide emissions from Unit P001 to 288.8 lbs/hr.
10. PTI 06-4927 and Part III, Section A(I)(1) of Title V Operating Permit No. 06-84-01-0049 limit sulfur dioxide emissions from Unit P002 to 255.5 lbs/hr.

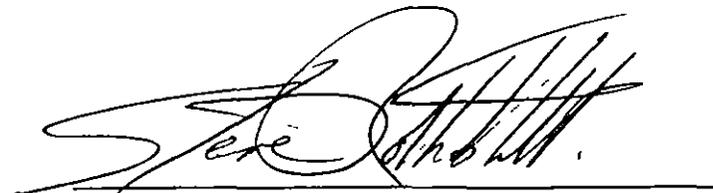
11. PTI 06-4927 and Part III, Section A(I)(1) of Title V Operating Permit No. 06-84-01-0049 limit sulfur dioxide emissions from Unit P005 to 154.1 lbs/hr
12. PTI 06-4927 and Part III, Section A(I)(1) of Title V Operating Permit No. 06-84-01-0049 limit sulfur dioxide emissions from Unit P006 to 136.3 lbs/hr
13. PTI 06-4927 and Part III, Unit P001, Section A(II)(1)(a) of Title V Operating Permit No. 06-84-01-0049 require Degussa to utilize feedstock oil in Unit P001 that contains less than 2.0 percent sulfur
14. PTI 06-4927 and Part III, Unit P002, Section A(II)(1)(a) of Title V Operating Permit No. 06-84-01-0049 require Degussa to utilize feedstock oil in Unit P002 that contains less than 2.0 percent sulfur.
15. Part A(1)(c) of the Additional Special Terms and Conditions of PTI 06-4927, and Part I(A)(1)(c)(11) of Title V Operating Permit No. 06-84-01-0049 require quarterly reports of deviations from federally enforceable emission limitations. These reports, certified by a responsible official, must include the probable cause of the deviation and the corrective action taken.

Violations

16. Degussa violated PTI 06-4927 and Part III, Unit P001, Section A(I)(1) of Title V Operating Permit No. 06-84-01-0049 by failing to limit sulfur dioxide emissions to 288.8 lbs/hr on 94 days from December 2001 to August 2003.
17. Degussa violated PTI 06-4927 and Part III, Unit P002, Section A(I)(1) of Title V Operating Permit No. 06-84-01-0049 by failing to limit sulfur dioxide emissions to 255.5 lbs/hr on 47 days from December 2001 to August 2003.
18. Degussa violated PTI 06-4927 and Part III, Unit P005, Section A(I)(1) of Title V Operating Permit No. 06-84-01-0049 by failing to limit sulfur dioxide emissions to 154.1 lbs/hr on 55 days from December 2001 to August 2003.

19. Degussa violated PTI 06-4927 and Part III, Unit P006, Section A(I)(1) of Title V Operating Permit No 06-84-01-0049 by failing to limit sulfur dioxide emissions to 136.3 lbs/hr on 30 days from December 2001 to August 2003.
20. Degussa violated PTI 06-4927 and Part III, Unit P001, Section A(II)(1)(a) of Title V Operating Permit No 06-84-01-0049 by failing to utilize feedstock oil that contains less than 2.0 percent sulfur on 403 days from December 2001 to August 2003.
21. Degussa violated PTI 06-4927 and Part III, Unit P002, Section A(II)(1)(a) of Title V Operating Permit No 06-84-01-0049 by failing to utilize feedstock oil that contains less than 2.0 percent sulfur on 378 days from December 2001 to August 2003.
22. Degussa violated PTI 06-4927 and Title V Operating Permit No. 06-84-01-0049 by failing to submit quarterly deviation (excursion) reports that identify and provide information relating to each hour the sulfur dioxide emission rate was exceeded for the fourth quarter of 2001, the first three quarters of 2002, and the first three quarters of 2003.

4/6/2004
Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-04-OH-06, by Certified Mail, Return Receipt Requested, to:

J. Donald Loubiere
Degussa Engineered Carbons, LP
11135 State Route 7
Belpre, Ohio 45714-9496

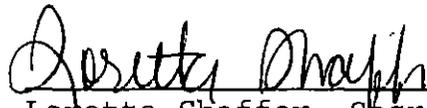
I also certify that I sent copies of the Finding of Violation by first class mail to:

Kay Gilmer, APC Supervisor
Southeast District Office
2195 Front Street
Logan, Ohio 43138

and

Robert Hodanbos1, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

on the 7th day of APRIL, 2004.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0004 1564 9310