



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

REPLY TO THE ATTENTION OF
(AE-17J)

FEB 08 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Erfman, Mix and Melt Manager
Anchor Glass Container Corporation
200 West Belleview Drive
Lawrenceburg, Indiana 47025

Re: Notice of Violation/
Finding of Violation
Anchor Glass Container
Corporation
Lawrenceburg, Indiana

Dear Mr. Erfman:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV) and Finding of Violation (FOV) to Anchor Glass Container Corporation ("Anchor" or "you") under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating several conditions of your Title V operating permit and the Indiana State Implementation Plan (SIP) at your Lawrenceburg, Indiana facility.

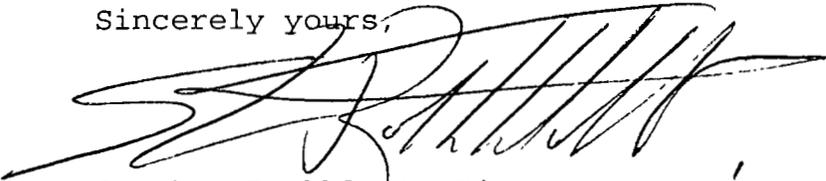
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, 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 attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Daniel Schaufelberger. You may call him at (312) 886-6814 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

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

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: David McIver, Chief
Office of Enforcement, Air Section

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Anchor Glass Container Corp.) **NOTICE OF VIOLATION AND**
Lawrenceburg, Indiana) **FINDING OF VIOLATION**
)
) **EPA-05-05-07-IN**
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) is issuing this Notice and Finding of Violation under Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Anchor Glass Container Corporation (Anchor) is violating the Indiana State Implementation Plan (SIP), and conditions of its Part 70 Operating Permit as follows:

Statutory and Regulatory Background

Title V Operating Permit¹

1. Section 502 of the Act, 42 U.S.C. §7661a(a), and 40 C.F.R. . § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
2. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued, or approved under Title V of the Act.

¹ Although the Clean Air Act does not require U.S. EPA to issue a FOV for purposes of alleging violations of Title V requirements, U.S. EPA wants to ensure that the source is comprehensively notified of all significant Clean Air Act violations known to U.S. EPA at this time.

3. The U.S. EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995 (60 Fed. Reg. 57191), and the program became effective on that date.
4. The permittee must comply with all conditions of its Title V/Part 70 operating permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. 40 C.F.R. § 70.6(a)(6)(i).

Indiana State Implementation Plan

5. 326 Indiana Administrative Code (IAC) 6-1-2 requires that the particulate matter (PM) emissions from the raw materials batch storage process and the raw materials batch silo not exceed 0.03 grains per dry standard cubic foot of exhaust air.

Anchor's Facility

6. Anchor Glass owns and operates a glass container manufacturing facility at 200 West Belleview Drive, Lawrenceburg, Indiana.
7. Anchor Glass is located in Dearborn County, Indiana, an area designated as unclassifiable/attainment for the National Ambient Air Quality Standards (NAAQS) for PM₁₀. 40 C.F.R. § 81.315.
8. Anchor Glass owns and operates a glass furnace (Furnace #2), constructed in 1959, that exhausts, uncontrolled, to stack ST2.
9. Anchor Glass owns and operates a raw materials batch storage process, constructed in 1951, and controlled by baghouses ST6, ST7, ST8, and ST9. According to available information and discussions with plant personnel during a November 4, 2004 compliance inspection, the baghouses were rendered inoperable one or more years ago.
10. Anchor Glass owns and operates a raw materials batch weighing and mixing process, constructed in 1951, and controlled by baghouses ST10, ST11, and ST12.
11. Anchor Glass owns and operates a raw materials batch silo, constructed in 1951, and controlled by baghouses ST4 and

ST5.

12. Anchor Glass owns and operates an underground conveyor which is controlled by baghouse ST3.
13. Indiana Department of Environmental Management (IDEM) issued to Anchor Glass a Part 70 Title V Operating Permit No. T029-6043-00007, which became effective on December 29, 1999.
14. Conditions D.6.5(a), D.5.5(a), D.4.5(a), D.3.5(a), and D.2.8(a) of Anchor's Part 70 Operating Permit require daily visible emissions notations for units ST3, ST4, ST5, ST10, ST11, ST12, ST6, ST7, ST8, ST9, and ST2.
15. Conditions D.6.8, D.5.8, D.4.8, and D.3.8 of Anchor's Part 70 Operating Permit require that Anchor record the total static pressure drop across baghouses ST3, ST4, ST5, ST10, ST11, ST12, ST6, ST7, ST8, and ST9 at least once daily while the associated emission units are in operation. Further, the pressure drop across these baghouses must be maintained within the range of 2.0 and 5.0 inches of water.
16. Conditions D.6.9(a), D.5.9(a), D.4.9(a), D.3.9(a), and D.2.9(b) of Anchor's Part 70 Operating Permit require that Anchor maintain records of daily visible emissions at exhaust locations ST3, ST4, ST5, ST10, ST11, ST12, ST6, ST7, ST8, ST9, and ST2.
17. Conditions D.6.9(b)(1)(A), D.5.9(b)(1)(A), D.4.9(b)(1)(A), and D.3.9(b)(1)(A) of Anchor's Part 70 Operating Permit require that Anchor maintain daily records of inlet and outlet differential static pressure at baghouses ST3, ST4, ST5, ST10, ST11, ST12, ST6, ST7, ST8, and ST9 during normal operations when venting to the atmosphere.
18. Conditions D.3.1 and D.5.1 of Anchor's Part 70 Operating Permit and 326 IAC 6-1-2 of Indiana's SIP require that particulate matter emissions from the raw materials batch storage process and the raw materials batch silo not exceed 0.03 grains per dry standard cubic foot of exhaust air.
19. Conditions D.3.4 and D.5.4 of Anchor's Part 70 Operating Permit require that Anchor operate baghouse ST4 for the raw materials batch silo and baghouses ST6, ST7, ST8, and ST9 for the raw materials batch storage process. These baghouses must be operated at all times that the aforementioned emission units are operating, in order to comply with the limit in Anchor's Part 70 Operating Permit

conditions D.3.1 and D.5.1.

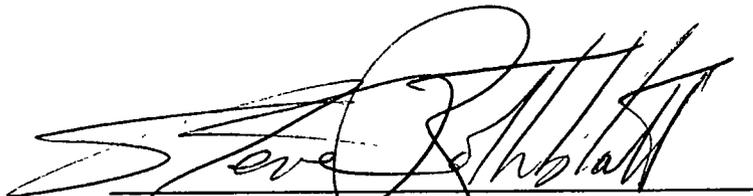
20. On November 4, 2004, U.S. EPA and IDEM conducted a Clean Air Act compliance inspection at the Lawrenceburg, Indiana facility.

Violations

21. During the November 4, 2004 inspection, U.S. EPA reviewed records of visual emissions and baghouse pressure drop measurements from July 1, 2004 through November 3, 2004. Numerous violations were discovered from these records for this time period.
22. Anchor maintained incomplete visible emission notations for units ST3, ST4, ST5, ST10, ST11, and ST12 and no visible emission notations for units ST6, ST7, ST8, ST9, and ST2, in violation of Permit conditions D.6.5(a), D.5.5(a), D.4.5(a), D.3.5(a), and D.2.8(a).
23. Anchor maintained incomplete daily static pressure drop records for units ST3, ST5, ST10, ST11, and ST12 and no static pressure drop records for units ST4, ST6, ST7, ST8, and ST9, in violation of Permit conditions D.6.8, D.5.8, D.4.8, and D.3.8. Also, in violation of these permit conditions, recorded pressure drop readings were above the allowable maximum of 5.0 inches of water.
24. Anchor maintained incomplete daily visible emissions records for units ST3, ST5, ST10, ST11, and ST12 and no daily visible emissions records for units ST2, ST4, ST6, ST7, ST8, and ST9, in violation of Permit conditions D.6.9(a), D.5.9(a), D.4.9(a), D.3.9(a), and D.2.9(b).
25. Anchor maintained incomplete daily differential static pressure records for units ST3, ST5, ST10, ST11, and ST10 and no daily differential static pressure records for units ST4, ST6, ST7, ST8, and ST9, in violation of Permit conditions D.6.9(b) (1) (A), D.5.9(b) (1) (A), D.4.9(b) (1) (A), and D.3.9(b) (1) (A).
26. Anchor is not operating the baghouses ST6, ST7, ST8, and ST9 for the raw materials batch storage process and baghouse ST4 associated with the raw materials batch silo as a means of complying with its PM emission limitation of 0.03 grains per dry standard cubic foot of exhaust air (Condition D.3.4 and D.5.4), in violation of Permit conditions D.3.1 and D.5.1 and SIP violations at 326 IAC 6-1-2.

- 27. Anchor is not operating the baghouses ST4, ST6, ST7, ST8, and ST9, and therefore is violating Permit conditions D.3.4 and D.5.4.
- 28. Anchor's operation in violation of its Part 70 operating permit as listed above constitutes violations of Section 502 of the Act, 40 C.F.R. § 70.7(b) and the Indiana SIP at 326 IAC 6-1-2.

2/8/2005
Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice and Finding of Violation, No. EPA-5-05-07-IN by Certified Mail, Return Receipt Requested, to:

John Erfman
Mix and Melt Manager
Anchor Glass Container Corporation
200 West Belleview Drive
Lawrenceburg, Indiana 47025

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

David McIver, Chief
Office of Enforcement Air Section
Indiana Department of Environmental Management
100 North Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

on the 9th day of February, 2005.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320060589097438