

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>Advanced Organics, Inc.</b>	)	<b>NOTICE OF VIOLATION</b>
<b>Upper Sandusky, Ohio</b>	)	
	)	<b>EPA-5-99-OH-38</b>
<b>Proceeding Pursuant to the</b>	)	
<b>Clean Air Act, as amended.</b>	)	
	)	

**STATUTORY AUTHORITY**

This Notice of Violation is issued pursuant to Section 113(a) of the Clean Air Act (Act), 42 U.S.C. § 7413(a). You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly and lawfully delegated to Margaret M. Guerriero, Acting Director of Air and Radiation Division, hereby finds Advanced Organics, Inc. (AOI), in violation of 40 C.F.R. § 52.21 and the Ohio State Implementation Plan (SIP) adopted pursuant to Section 110 of the Act, 42 U.S.C. § 7410, for failure to comply with the requirements of the Prevention of Significant deterioration ("PSD") regulations and their State of Ohio's permit to install.

**STATUTORY AND REGULATORY BACKGROUND**

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a plan which provides for the implementation, maintenance, and enforcement of any National Ambient Air Quality Standards ("NAAQS") established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. These plans are required to include enforceable emission limitations, control measures, schedules for compliance, and permit programs for new sources. U.S. EPA has promulgated NAAQS for, among other pollutants, ozone (volatile organic compounds (VOC)).
2. Section 110(n)(1) of the Act, 42 U.S.C. § 7410(n)(1), provides that any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to Section 110 as in effect prior to November 15, 1990, shall remain in effect as part of such applicable implementation plan.

3. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved Ohio Administrative Code (OAC) Chapter 3745-31 as part of the federally enforceable SIP on October 31, 1980 (45 Fed. Reg. 72119). This approval became effective on October 23, 1980. This includes OAC 3745-31-05, which establishes criteria for issuing a permit to install.
4. OAC 3745-31-05 (c) provides that the Director of the Ohio Environmental Protection Agency (OEPA) may impose special terms and conditions in the permits to install as appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.
5. Part C of the Act, 42 U.S.C. §§ 7470-7491, requires the Administrator to promulgate regulations to prevent the significant deterioration of air quality in areas designated as attainment or unclassifiable in accordance with Section 107(d) of the Act, 42 U.S.C. § 7407(d). In accordance with this Statute, the Administrator promulgated regulations at 40 C.F.R. § 51.166 setting forth State Implementation Plan ("SIP") approval requirements for the prevention of significant deterioration of air quality.
6. Section 161 of the Act, 42 U.S.C. § 7471, and 40 C.F.R. § 51.166(a)(1) require the States to submit SIPs containing emission limitations and other measures necessary to prevent the significant deterioration of air quality. Pursuant to Section 110(a) of the Act, 42 U.S.C. § 7410(a), the Administrator 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 disapproved the PSD portion of the Ohio SIP, 40 C.F.R. § 52.1884(a).
7. In accordance with Section 110(c) of the Act, 42 U.S.C. § 7410(c) and 40 C.F.R. § 52.21(a), the Administrator incorporated the provisions of 40 C.F.R. § 52.21(b) through (w) [PSD Regulations] as part of the Ohio SIP, 40 C.F.R. § 52.1884(b) on August 7, 1980 (45 Fed. Reg. 52741) and again on January 29, 1981 (46 Fed. Reg. 9584).
8. "Major stationary source" is defined at 40 C.F.R. § 52.21(b)(1)(i)(b) as any stationary source that emits or has the potential to emit 250 tons per year (tpy) or more of any air pollutant subject to regulation under the Act.

**FACTUAL BACKGROUND**

9. Advanced Organics, Inc., (AOI), is a "facility" as that term is defined at OAC 3745-17-01(B)(3). It is located at 7148 State Route 199, Upper Sandusky, Ohio, in Wyandot County. AOI acquired the facility in May 1997 from former owner/operator Kalmbach Feed Ingredients, Inc.
10. AOI uses the facility to recycle waste food products into ingredients used in the manufacture of animal feeds.
11. On March 26, 1997, the Director of the OEPA issued a synthetic minor permit to install to former owner/operator Kalmbach Feed Ingredients, Inc. This Permit to Install was transferred to AOI May 10, 1997. Under the authority of OAC 3745-31-05(c), the Director of the OEPA included special terms and conditions in the Permit to Install with regard to the two feed ingredient dryer lines with wood burners (P001 and P002).
12. On January 22, 1999, U.S. EPA issued a 114 Request for Information (Request) to AOI. The Request required AOI to conduct performance tests on P001 and P002.

**FINDING OF VIOLATION**

13. Under the special terms and conditions of the Permit to Install, issued pursuant to OAC 3745-31-05, P001 and P002 had emission limits. On January 22, 1999, U.S. EPA issued a Section 114 Request for Information to AOI requiring AOI to conduct performance tests. Two month-long extensions were granted to allow AOI to install new cyclones and drop boxes. On May 26 and 27, 1999, AOI conducted the performance tests. On June 28 and July 27, 1999, U.S. EPA received the performance test results. The results showed actual emission values in excess of the allowed emission limits for PM, CO, NO<sub>x</sub>, and VOC. AOI's actual emissions that exceed the allowed emission limits, as provided for in the Permit to Install, constitute a violation of OAC 3745-31-05(c).
14. On May 26 and 27, 1999, AOI conducted performance tests on P001 and P002. The results showed actual emission values for, in particular, VOC as 508 tpy for P001 and 521 tpy for P002. Because AOI emits more than 250 tpy, they are subject to the requirements of 40 C.F.R. § 52.21 as incorporated and made a part of the applicable SIP for the State of Ohio.

**NOTICE OF VIOLATION**

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, hereby notifies Advanced Organics, Inc., and the State of Ohio that Advanced Organics, Inc., is in violation of the Ohio State Implementation Plan and 40 C.F.R. § 52.21 as set forth in this Notice of Violation.

Date: 8/19/99



Margaret M. Guerriero, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, do hereby certify that a Notice of Violation issued pursuant to the Clean Air Act, was sent by Certified Mail, Return Receipt Requested, to:

Jeffrey D. Newell, Plant Manager  
Advanced Organics Inc.  
7148 State Route 199  
Upper Sandusky, Ohio 43351

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

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

Gerald Rich, APC Supervisor  
Northwest District Office  
347 North Dunbridge Road  
Bowling Green, Ohio 43402

on the 20<sup>th</sup> day of August 1999.

*Loretta Shaffer for Loretta Shaffer*  
Loretta Shaffer, Secretary  
AECAS (MN/OH)

P 140 777 340  
CERTIFIED MAIL RECEIPT NUMBER