

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Tomen Agro, Inc.
Perry, Ohio

Proceedings Pursuant to
Section 113 (a) (3) of the
Clean Air Act,
42 U.S.C. § 7413(a) (3)

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) **FINDING OF VIOLATION**
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) **EPA-5-99-OH-13**
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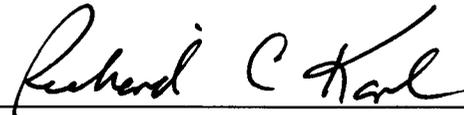
FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, hereby notifies the State of Ohio and Tomen Agro, Inc. (Tomen Agro) that U.S. EPA finds, pursuant to Section 113(a) (3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a) (3), that Tomen Agro's, located at 3647 Shepard Road, Perry, Ohio, is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations promulgated thereunder setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPS) from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, 40 C.F.R. §63.110 et seq., as well as the General Provisions of 40 CFR Part 63 as follows:

1. In violation of 40 CFR §63.152(b), Tomen Agro failed to demonstrate compliance within 150 days after the termination date of Tomen Agro's extension of compliance.
2. In violation of 40 CFR §63.6(e) (3) (ii), on October 10, 1998, November 22, 1998 and December 10, 1998, January 14, 1999, January 15, 1999 and January 16, 1999, Tomen Agro failed to operate and maintain the affected source in accordance with the procedures specified in the startup, shutdown and malfunction plan.

3-2-99

Date



Richard C. Karl, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shwanda Mayo, do hereby certify that a Notice of Violation and Finding of Violation, issued pursuant to the Clean Air Act, were sent by Certified Mail, Return Receipt Requested, to:

A.D. Stungys, Plant Manager
Tomen Agro, Inc.
3647 Shepard Road
Perry, Ohio 44081

I also certify that copies of the Notice of Violation and Finding 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. 1049
Columbus, Ohio 43216-1049

Dennis Bush, APC Supervisor
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087

on the 2nd day of March, 1999.

Shwanda Mayo
Shwanda Mayo, Secretary
AECAS, (OH/MN)

CERTIFIED MAIL RECEIPT NUMBER: P 300 759 715