



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

REPLY TO THE ATTENTION OF

FEB 15 2005

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Greg Traczek, Plant Manager  
Koppers Inc.  
3900 South Laramie Avenue  
Stickney, Illinois 60804

Re: Notice of Violation  
Finding of Violation  
Koppers Inc.  
Stickney, Illinois

Dear Mr. Traczek:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV) / and Finding of Violation (FOV) to Koppers Inc. ("Koppers" or "you"). The NOV/FOV is being issued under Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). We find that, at your Stickney, Illinois facility, you are in violation of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) From the Synthetic Organic Chemical Manufacturing Industry at 40 C.F.R. part 63, subpart F, and the National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks, 40 C.F.R. part 63, subpart H, along with EPA Reference Method 21 (40 C.F.R. part 60 Appendix A), 42 U.S.C. § 7412, the New Source Performance Standards (NSPS) for Equipment Leaks of Volatile Organic Chemicals in the Synthetic Organic Chemicals Manufacturing Industry, the terms of your Title V permit, and the Illinois State Implementation Plan (SIP).

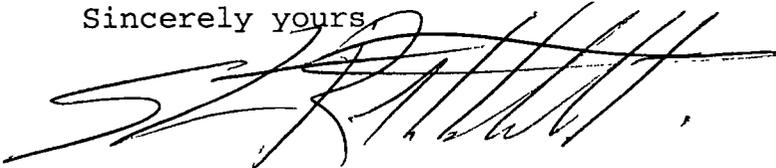
We have several enforcement options under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select 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 the opportunity to present information on the specific findings of violation, the 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 technical contact in this matter is Joseph Ulfing. You may call him at (312) 353-8205 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: Julie Armitage, Section Manager  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency

**United States Environmental Protection Agency  
Region 5**

**IN THE MATTER OF:** )  
 )  
Koppers Inc. ) **NOTICE OF VIOLATION AND**  
Stickney, Illinois ) **FINDING OF VIOLATION**  
 )  
 ) **EPA-5-05-04-IL**  
 )  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )

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**NOTICE OF VIOLATION AND FINDING OF VIOLATION**

The United States Environmental Protection Agency (U.S. EPA) finds that Koppers Inc. (Koppers) is in violation of Section 112 of the Clean Air Act, 42 U.S.C. § 7412 (the Act). Specifically, Koppers is in violation of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) From the Synthetic Organic Chemical Manufacturing Industry, 40 C.F.R. part 63, subpart F (subpart F), the National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks, 40 C.F.R. part 63, subpart H (subpart H), along with EPA Reference Method 21 (40 C.F.R. part 60 Appendix A), the New Source Performance Standards (NSPS) for Equipment Leaks of Volatile Organic Chemicals in the Synthetic Organic Chemicals Manufacturing Industry, its Title V Operating Permit, and the Illinois State Implementation Plan (SIP) as follows:

**Regulatory Authority**

1. Section 113(a) of the CAA, 42 U.S.C. § 7413(a), 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 a SIP, permit, or any other rule promulgated, issued or approved under the CAA.
2. Per 40 C.F.R. § 63.100(b), subparts F and H apply to the owner or operator of a chemical manufacturing process unit (CMPU) that:
  - (A) Manufactures as a primary product one or more of the chemicals listed in table 1 of subpart F.

- (B) Uses as a reactant or manufactures as a product, or co-product, one ore more of the organic hazardous air pollutants listed in table 2 of subpart F.
- (C) Is located at a plant site that is a major source as defined in section 112(a) of the Act.
3. Title V of the Act, 42 U.S.C. §§ 7661 et seq., established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator of U.S. EPA a permit program meeting the requirements of Title V.
  4. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations, subsequently codified at 40 C.F.R. part 70, providing for the establishment of Title V permitting programs.
  5. The regulation at 40 C.F.R. § 70.7(b) prohibits a source, which is subject to 40 C.F.R. part 70, from operating except in compliance with a permit issued under a 40 C.F.R. part 70 program.
  6. U.S. EPA promulgated final approval of the Illinois Title V program on December 4, 2001 (66 Fed. Reg. 62946), and the program became effective on that date.
  7. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to violate any requirement of a permit issued under Title V of the Act.
  8. The provisions of the IAC identified above were approved as part of the Illinois State Implementation Plan on February 21, 1980 (45 Fed. Reg. 11472).
  9. The Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry (40.C.F.R. 60.480, et seq., subpart VV) were proposed on January 5, 1981, and were made both final and effective on October 18, 1983 (48 Fed. Reg. 48335).

#### **Koppers' Facility**

10. Koppers owns and operates a facility at 3900 South Laramie Avenue, Stickney, Illinois ("the Facility"). This Facility is a major source as defined in Section 112(a) of the Act.

11. At the Facility, a CMPU manufactures chemical oils, coal tar distillates, creosotes, coal tar pitches and phthalic anhydride (PA) using ortho-xylene (o-xylene) as a reactant.
12. PA is a product listed in Table 1 of subpart F with a Group III designation. O-xylene is a reactant listed in Table 2 of subpart F. Therefore, subparts F and H apply to the PA CMPU at the Facility.
13. The o-xylene CMPU is an existing source. Per 40 C.F.R. § 63.100(k)(3), this PA CMPU which is designated Group III must comply with the provisions of subparts F and H no later than April 24, 1995.
14. The PA CMPU is subject to EPA Reference Method 21 Leak Detection and Repair monitoring (40 C.F.R. part 60 Appendix A). See 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1), and 40 C.F.R. § 63.180(b)(1).
15. During an inspection of the Facility on October 5-6 and 8, 2004, U.S. EPA conducted "leak detection and repair" (LDAR) monitoring on the PA CMPU equipment and components per EPA Reference Method 21 (40 C.F.R. part 60 Appendix A).
16. Illinois Environmental Protection Agency (IEPA) last issued a Title V permit [No. 96030134] for the Facility on July 20, 2004.

### Violations

#### **Calibration (equal to or less than 10 percent)**

17. Under the regulation at 40 C.F.R. part 60, Appendix A - Method 21 (8.1.2.2), the monitoring device's calibration should be equal to or less than 10 percent of the calibration gas value.
18. U.S. EPA has found that Kopper's monitoring device was reading 16 and 19 percent lower than the known value of the calibration gas.
19. By using at the Facility a leak monitoring device that read 16 and 19 percent lower than the known value of the calibration gas, Koppers violated Method 21 of 40 C.F.R. part 60 Appendix A (8.1.2.2).

**Calibration (close to regulated level)**

20. The regulation at 40 C.F.R. § 63.180(b)(4)(ii)(C) specifies requirements for the calibration gas that is to be used for calibrating the Facility's monitoring device.
21. U.S. EPA has found that Koppers calibrates only with 100 ppm calibration gas, while most of the Facility's components fall under a 500 ppm leak level concentration rule. This is not in compliance with the requirements at 40 C.F.R. § 63.180(b)(4)(ii)(C).
22. By not calibrating the Facility's monitoring instrument using a calibration gas as specified in 40 C.F.R. § 63.180(b)(4)(ii)(C), Koppers violated 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1).

**Identify Subject Equipment**

23. Under the regulation at 40 C.F.R. § 63.162(c), Koppers was required to clearly identify equipment at the Facility subject to the monitoring rule.
24. U.S. EPA has found that Koppers has not adequately established (either physically, or on paper) which components at the Facility are subject to monitoring requirements.
25. By not clearly establishing what components are subject to 40 C.F.R. 63 subpart H, either physically or in a plant site plan, Koppers is in violation of 40 C.F.R. § 63.162(c); section 5.4.2 (C) of its Title V operating permit; and the Illinois SIP requirements at IAC 218.422.

**Identify Leaking Components**

26. Under the regulation at 40 C.F.R. § 63.162 (f), Koppers was required to physically identify leaking components at the Facility as they were found.
27. Based on the October 2004 inspection and personnel interviews, U.S. EPA has found that Koppers has not identified leaking components as they are found at the Facility.
28. By not physically identifying leaking components as they were found to be leaking, Koppers violated 40 C.F.R.

§ 63.162(f); section 5.4.2 (f)(i) of its Title V operating permit; and the Illinois SIP requirements at IAC 218.423(i).

#### **Find Maximum Leak**

29. Leak detection monitoring of components must follow the requirements of Method 21. 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1), 40 C.F.R. § 63.180(b)(1).
30. U.S. EPA has found that Koppers has failed to monitor components at the Facility in accordance with Method 21, and failed to find the maximum leak during LDAR monitoring of valves and connectors for the period of 1996 (when initial monitoring was required under the regulations at issue) to the present.
31. These failures are violations of 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1), 40 C.F.R. § 63.180(b)(1), Method 21 of 40 C.F.R. part 60 Appendix A, and 40 C.F.R. § 63.4(a)(1); sections 5.4.8(b)(i), 5.4.14(a)(i), and 5.9.6(b) of Koppers' Title V operating permit; and the Illinois SIP requirements at IAC 218.423.

#### **Open Line**

32. Under the regulation at 40 C.F.R. § 63.167(a)(1), open ended lines/valves at the Facility are to be plugged or double blocked.
33. U.S. EPA has found that the Facility had an open-ended line/valve, as well as an additional process area with insufficient double blocking.
34. This is a violation of 40 C.F.R. § 63.167(a)(1); section 5.4.20 (a) and (b) of Kopper's Title V operating permit; and the Illinois SIP requirements at IAC 218.428.

#### **Report Number of Leaking Components**

35. Under the regulation at 40 C.F.R. § 60.487(c)(2) (subpart VV), for each month during the semiannual reporting period, the Facility must report the number of components for which leaks were detected.
36. U.S. EPA has found that Koppers' semi-annual reports to IEPA for the Facility under subpart VV do not accurately

summarize the number of leaks detected in the subpart H regulated train of equipment.

37. By submitting semi-annual reports to Illinois EPA that do not accurately summarize the number of leaks detected in subpart H monitored equipment at the Facility, Koppers violated 40 C.F.R. § 60.487(c)(2); the NSPS for Equipment Leaks of Volatile Organic Chemicals in the Synthetic Organic Chemicals Manufacturing Industry; sections 5.7.6 (a) of its Title V operating permit; and the Illinois SIP requirements at IAC 218.426(a).

2/15/2005  
Date

  
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Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, do hereby certify that a Notice of Violation and Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Greg Traczek, Plant Manager  
Koppers Inc.  
3900 South Laramie Avenue  
Stickney, Illinois 60804

I also certify that I sent copies of the Request for Information by first class mail to:

Julie Armitage, Acting Manager  
Compliance and Enforcement Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794

Harish Narayen, Acting Regional Manager  
Region I  
Illinois Environmental Protection Agency  
9511 West Harrison Street  
Des Plaines, IL 60016

on the 16<sup>th</sup> day of February, 2005.

  
Betty Williams, Secretary  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0005 8909 7469