



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

REPLY TO THE ATTENTION OF

DEC 02 2005

(AE-17J)

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

Stephen A. Newell, Plant Manager  
Continental Tire North America, Inc.  
927 South Union Street  
Bryan, Ohio 43506

Re: Notice of Violation  
Continental Tire - Bryan,  
Ohio

Dear Mr. Newell:

The United States Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Continental Tire North America, Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Ohio State Implementation Plan at your Bryan, Ohio 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.

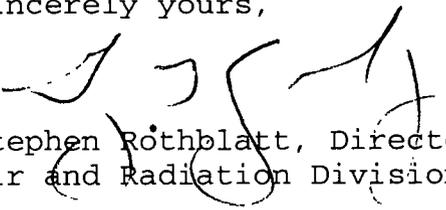
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

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 EPA contact in this matter is Brian Dickens. You may call him at (312) 886-6073 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,

  
Stephen Rothblatt, Director  
Air and Radiation Division

AJMK

cc: Don Waltermeyer, Supervisor  
Northwest District Office

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
 )  
Continental Tire North )  
America, Inc. )  
 )  
 )  
Proceedings Pursuant to )  
Section 113(a)(1) of the )  
Clean Air Act, 42 U.S.C. )  
§ 7413(a)(1) )

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NOTICE OF VIOLATION

EPA-5-06-OH-02

**NOTICE OF VIOLATION**

1. The United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Continental Tire North America, Inc. (Continental) violated the Ohio State Implementation Plan as follows:

**Statutory and Regulatory Background**

2. Section 110 of the Act, 42 U.S.C. §7410, requires each state to adopt and submit to U.S. EPA for approval a State Implementation Plan (SIP) that provides for the maintenance, implementation and enforcement of the National Ambient Air Quality Standards. Pursuant to Sections 113(a) and (b) of the Act, 42 U.S.C. §§7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113. 40 C.F.R. §52.23.
3. 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. Since then, U.S. EPA has approved several revisions to OAC 3745-31 into the federally enforceable SIP. The rules were substantially revised and approved as a revision to the SIP on September 8, 1993. 58 Fed. Reg. 47211.
4. OAC 3745-31-02(A) states that no person shall cause,

permit, or allow the installation of a new source of air pollutants or allow the modification of an air contaminant source without first obtaining a permit to install (PTI) from the director of the Ohio Environmental Protection Agency (Ohio EPA).

5. OAC 3745-31-05(A)(3) states that the director of the Ohio EPA will issue a PTI only if the director determines that the installation or modification and operation of the air contaminant source will employ best available technology (BAT).
6. From October 1980 to September 1993, OAC 3745-31-01 defined modification as any physical change in, or change in the method of operation of, any air contaminant source that results in an increase in the amount of air pollutants emitted.
7. An existing source is defined by OAC 3745-15-01 as "any source the construction of which was commenced prior to February 15, 1972."
8. "New source" is defined in OAC 3745-31-01 as "any air contaminant source and/or disposal system for which an owner or operator undertakes a continuing program of installation or modification or enters into a binding contractual obligation to undertake and complete, within a reasonable time, a continuing program of installation or modification, after January 1, 1974, and that at the time of installation or modification, would have otherwise been subject to the provisions of this chapter."
9. "Air Contaminant" is defined in OAC 3745-31-01 as "particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor or odorous substances, or any combination thereof."
10. "Best Available Technology" is defined in OAC 3745-31-01 as "any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of air pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with

similar air quality on substantially similar air pollution sources."

### Facts and Discussion

11. Continental owns and operates a rubber tire manufacturing facility located at 927 South Union Street in Bryan, Ohio. The facility was previously owned by General Tire and Rubber Company (General). Continental purchased General in or around 1988.
12. Continental (d/b/a General) received a permit to operate the Tire Assembly Area on September 20, 1991. The permit application submitted by Continental for this permit stated that the year of construction for the Tire Assembly Area was 1967. Accordingly, Ohio EPA issued the permit stating the Tire Assembly Area was an "existing source."
13. The following activity took place at the Bryan plant:
  - a. On October 1, 1983, General installed bias tire building machines 1 and 10 as part of project 2415-200-001;
  - b. On June 1, 1988, Continental or General installed bias tire building machine 24 as part of project 7415-001;
  - c. On August 1, 1990, Continental installed bias tire building machines 36, 37, and 38 as part of project 8415-004-023;
  - d. On September 1, 1990, Continental installed bias tire building machines 20 and 35 as part of project 8415-004-021;
  - e. On December 1, 1999 Continental installed radial tire building machine 301 as part of project 8415-024-007;
  - f. On October 1, 2001, Continental installed radial tire building machine 302 as part of project 9415-024-004.

Continental did not apply for a permit to install under OAC 3745-31 for these projects.

14. The quantity of emissions of naphtha, an air contaminant, at the facility is directly related to the number and the weight of tires produced.
15. In 1984, the year after machines 1 and 10 were installed, the number of tires produced was higher than

any previous years' annual production.

16. The addition of machines 1 and 10 increased naphtha emissions from the tire assembly area and is a modification of the Tire Assembly Area source.
17. In 1988, the year that machine 24 was installed, the number of tires produced was higher than any previous years' annual production.
18. The addition of machine 24 increased naphtha emissions from the tire assembly area and is a modification of the Tire Assembly Area source.
19. In 1990, the year machines 20, 35, 36, 37, and 38 were added, the number of tires produced was higher than any previous years' annual production.
20. The Capital Request for project 8415-004-021 to install machines 20 and 35 provides for the "expansion" of the Bryan plant in order to "meet additional demand for giant tires."
21. The Capital Request for project 8415-004-023 to install machines 36, 37, and 38 states that Continental will "increase the capacity in the tire building area by the purchase of three tire building machines..."
22. The addition of machines 20, 35, 36, 37, and 38 increased naphtha emissions from the Tire Assembly Area and is a modification to the Tire Assembly Area source.
23. Continental installed two machines to produce radial tires in 1999 and 2001. These tire building machines are inherently different from the bias tire building machines. This project constitutes a new source of an air contaminant.

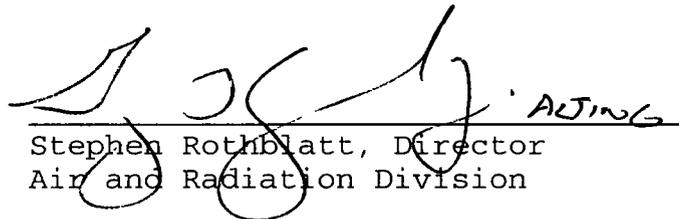
#### **Violations**

24. General modified an air contaminant source by installing machines 1 and 10 as part of project 2415-200-01 without applying for a permit in violation of Ohio SIP rule OAC 3745-31-02(A).
25. Continental modified an air contaminant source by installing machine 24 as part of project 7415-001 without applying for a permit in violation of Ohio SIP

rule OAC 3745-31-02(A).

- 26. Continental modified an air contaminant source by installing machines 36, 37, and 38 as part of project 8415-004-023, without applying for a permit in violation of Ohio SIP rule OAC 3745-31-02(A).
- 27. Continental modified an air contaminant source by installing machines 20 and 35 as part of project 8415-004-021, without applying for a permit in violation of Ohio SIP rule OAC 3745-31-02(A).
- 28. Continental modified an air contaminant source by installing machine 301 as part of project 8415-024-007, without applying for a permit in violation of Ohio SIP rule OAC 3745-31-02(A).
- 29. Continental modified an air contaminant source by installing machine 302 as part of project 9415-024-004, without applying for a permit in violation of Ohio SIP rule OAC 3745-31-02(A).

12/2/05  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-06-OH-02, by Certified Mail, Return Receipt Requested, to:

Stephen A. Newell, Plant Manager  
Continental Tire North America, Inc.  
927 South Union Street  
Bryan, Ohio 43506

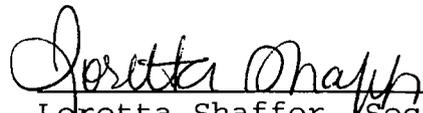
I also certify that I sent copies of the Notice of Violation by first class mail to:

Don Watermeyer, APC Supervisor  
Northwest District Office  
Ohio Environmental Protection Agency  
347 North Dunbridge Road  
Bowling Green, Ohio 43402

and

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

on the 5<sup>th</sup> day of December, 2005.

  
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Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 9025 6411