



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Bhajan Saluja
President
EnviroClean Services, Inc.
515 Industrial Boulevard
Wooster, Ohio 44691

Re: Notice of Violation
EnviroClean Services, Inc.
Wooster, OH

Dear Mr. Saluja:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to EnviroClean Services (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Ohio State Implementation Plan at your Wooster, Ohio, facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance and/or penalty order or requesting that the Department of Justice initiate a judicial civil or criminal action.

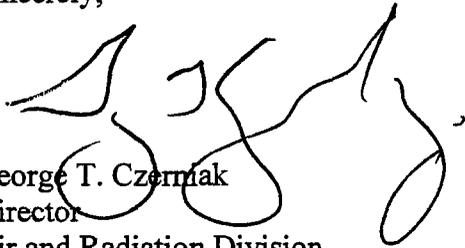
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

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 Charles Hall. You may contact him at (312) 353-3443 or hall.charles@epa.gov to request a conference. You should make the request within 10 calendar

days following receipt of this letter. We should hold any conference within 30 calendar days following your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Czerniak", written over the typed name.

George T. Czerniak
Director
Air and Radiation Division

Enclosures

cc: Robert Hodanbosi, Ohio Environmental Protection Agency
Ed Fasko, Ohio Environmental Protection Agency/Northeast District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	NOTICE OF VIOLATION
)	
EnviroClean Services)	EPA-5-15-OH-17
Wooster, Ohio)	
)	
Proceedings Pursuant to the)	
<u>Clean Air Act, 42 U.S.C. §§ 7401 et seq.</u>)	

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that EnviroClean Services (ECS) is violating the State Implementation Plan (SIP) for Ohio, as follows:

Statutory and Regulatory Background

1. Section 110 of the Clean Air Act, 42 U.S.C. 7410, requires each State to submit a plan (known as a State Implementation Plan (SIP)) which provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards to EPA.
2. On September 28, 1979, the Ohio Environmental Protection Agency (Ohio EPA) adopted Ohio Administrative Code (OAC) 3745-35-01 through 3745-35-04. They became effective in Ohio on November 7, 1979. On June 10, 1982, EPA approved these rules as part of a federally enforceable SIP. See 47 Fed. Reg. 25144 and 40 C.F.R. § 52.1870(c)(42).
3. OAC 3745-35-02(A) states, in part, that no person may cause, permit, or allow the operation or other uses of any air contaminant source without applying for and obtaining a permit-to-operate (PTO) from the Ohio EPA director. OAC 3745-35-02(A)(1) – (4) lists four categories of air contaminant sources that are exempt from the requirement to obtain a PTO, but none of those exemptions are applicable in this matter.
4. OAC 3745-35-01(B)(4) defines "air contaminant source" to mean each separate operation, or activity that results or may result in the emission of any air contaminant. This definition applies to operations or activities that emit air contaminants, whether regulated under Ohio law or regulated under the Clean Air Act.
5. OAC 3745-35-01(A) states that, except as otherwise provided in paragraph (B) of this rule, the definitions in rule 3745-15-01 of the OAC shall also apply to this chapter.
6. OAC 3745-15-01(C) defines "air contaminant" to include particulate matter, dust, fumes, gas, mist, smoke, vapor or odorous substances, or any combination thereof.

7. OAC Chapter 3745-35 was rescinded on June 30, 2008 and immediately replaced by a new "Permit-to-Install and Operate" (PTIO) Program in OAC Chapter 3745-31. See 40 C.F.R. § 52.1870(c)(156).
8. OAC Chapter 3745-31-02(A)(1)(b) states, in part, that no person shall cause, permit, or allow . . . the installation or modification, and subsequent operation of any new source . . . without first obtaining a PTIO from the Ohio EPA director.
9. OAC Chapter 3745-31-01(WWW) defines, in part, a "new source" as any air contaminant source for which an owner or operator undertakes 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.
10. OAC 3745-31-01(I)(1) defines "air contaminant source" to mean each separate operation, or activity that results or may result in the emission of . . . any air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the Clean Air Act.
11. OAC 3745-31-01(H) defines "air contaminant" to include particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor or odorous substances, or any combination thereof.

Findings of Fact

12. ECS owns and operates a wastewater pre-treatment facility at 515 Industrial Boulevard, Wooster, Ohio (the Facility), which began operating on December 22, 1995, or shortly thereafter.
13. On July 27, 1993, the Ohio EPA issued a Permit to Install (PTI) for wastewater and sludge treatment equipment at the Facility to ECS.
14. The Ohio EPA has not issued any PTIs, PTOs or PTIOs for air contaminant sources at the Facility to ECS.
15. ECS unloads wastewater at the Facility from tank trucks into the "Poly Tank", the "Black Box" (which is an oil-water separator), or into any of four roll-off boxes.
16. During a December 17, 2013 inspection of the Facility, an EPA inspector observed that all four roll-off boxes and the Black Box were located outside, and that the roll-off boxes were covered only with a fabric tarp but were not sealed, and that the Black Box did not have any type of cover.
17. During the December 17, 2013 inspection, the EPA inspector also observed that any emissions from the four roll-off boxes and the Black Box were not vented in any way to any type of control device before being released into the atmosphere.

18. On May 29, 2014, EPA issued a Clean Air Act Section 114 Request for Information (114 RFI) to ECS. Among other things, EPA requested that ECS: provide the maximum flow rate capacity of each process; provide a copy of all documents related to citizen complaints that ECS has received since January 1, 2000; and that ECS estimate and provide ECS's annual potential to emit (PTE) air emissions for the ninety-seven volatile organic hazardous air pollutants (VOHAP) listed at 40 C.F.R. Part 63, Subpart DD, Table 1.
19. On June 12 and November 4, 2014, ECS submitted responses to the 114 RFI.
20. In the June 12, 2014, response, ECS stated, "The wastewater treatment plant capacity and flow rate are based on processing capabilities of 50,000 gallons per day."
21. In the June 12, 2014, response, ECS provided records of forty-two (42) complaints regarding to odorous substances.
22. On August 1, August 20 and September 26, 2014, ECS collected one wastewater sample from the roll-off boxes and Black Box at the Facility (for a total of three samples) and analyzed those samples for thirteen of the VOHAPs listed at 40 C.F.R. Part 63, Subpart DD, Table 1.
23. On November 4, 2014, ECS submitted the analytical results for those three wastewater samples, in milligrams of VOHAP per liter of water (mg/L), to EPA. EPA used these analytical results and the maximum wastewater treatment plant capacity to calculate ECS's PTE air emissions for thirteen VOHAPs in tons per year (tons/yr) and pounds per day (lbs/day).
24. The Table below summarizes the results of these analyses and the PTE calculations.

Summary of Wastewater Sample Analyses and Potential to Emit Calculations						
VOHAP	Sample Date and Concentration (mg/L)			Maxima	PTE, lbs/day	PTE, tons/yr
	8/01/2014	8/20/2014	9/26/2014			
Benzene		0.20		0.20	10.083	0.015
Carbon Tetrachloride	4.90			4.90	12.045	0.373
Chloroform	14.20			14.20	15.925	1.081
Cumene	1.40			1.40	10.584	0.107
Ethyl Benzene	0.64	0.10	0.10	0.64	10.267	0.049
Methyl Chloride	12.00	0.80		12.00	15.007	0.914
Methyl Isobutyl Ketone	0.60			0.60	10.250	0.046
Naphthalene	0.92			0.92	10.384	0.070
Tetrachloroethylene	0.72			0.72	10.300	0.055
Toluene	3.80	0.60	1.00	3.80	11.586	0.289
Xylenes ¹	5.46	0.74	0.90	5.46	12.278	0.416

¹ Total concentration of o-xylene, m-xylene, and p-xylene.

				TOTAL	18.710	3.414
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- 25. EPA has determined that the volatile organic compounds in the wastewater in the roll-off boxes and Black Box at the Facility evaporate into the atmosphere.
- 26. Based upon the limited number of samples and analytical results for only thirteen of the ninety-seven VOHAPs, EPA has determined that ECS's Facility emits or has the potential to emit approximately 18.7 pounds per day and 3.4 tons per year of VOHAPs into the atmosphere.
- 27. EPA has determined that ECS is the owner and operator of an air contaminant source because the wastewater treatment operations at the Facility result or may result in the emission of air contaminants.
- 28. EPA has determined that ECS's Facility is a new air contaminant source because it was constructed after January 1, 1974.
- 29. EPA has determined that ECS did not apply for or obtain a PTO or a PTIO for the air contaminant sources at the Facility.

Violations

- 30. EPA alleges that ECS violated OAC 3745-35-02(A) and continues to violate OAC Chapter 3745-31-02(A)(1)(b) at the Facility by having installed and continuing to operate new sources of air pollutants without first obtaining from the Director of the Ohio EPA a PTO or a PTIO for these new sources of air pollutants.

Date

6/15/15

George T. Czerniak
 Director
 Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-15-OH-17, by Certified Mail, Return Receipt Requested, to:

Bhajan Saluja
President
EnviroClean Services, Inc.
515 Industrial Boulevard
Wooster, Ohio 44691

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

Ed Fasko, Supervisor
Division of Air Pollution Control
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, Ohio 43215

on the 17 day of June 2015



Loretta Shaffer
Program Technician
AECAB, PAS

Certified Mail Receipt Number: 701115000026405199