



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

NOV 20 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Kellie J. Marler
HSE Manager
Emerald Performance Materials, LLC
1550 County Road 1450 N
Henry, Illinois 61537

Re: Notice of Violation
Emerald Performance Materials, LLC
Henry, Illinois 61537

Dear Ms Marler:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Emerald Performance Materials, LLC (you or Emerald) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan at your Henry, Illinois facility.

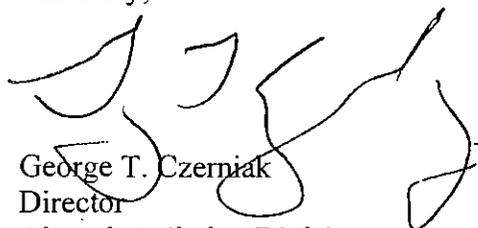
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

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 Shilpa Patel. You may call her at 312.886.0120 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 receipt of this letter.

Sincerely,

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

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager, Illinois EPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Emerald Performance Materials, LLC
Henry, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

)
)
) **NOTICE OF VIOLATION**

) **EPA-5-13-IL-4**
)
)
)

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 (Act), 42 U.S.C. § 7413(a)(1). EPA finds that Emerald Performance Materials, LLC (Emerald) is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On February 21, 1980, EPA approved 35 Illinois Administrative Code (IAC) Part 215.301 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11472 (February 21, 1980).
2. 35 IAC Part 215.301 states no person shall cause or allow the discharge of more than 8 pounds per hour of organic material into the atmosphere from any emission source. If no odor nuisance exists, the limitation of this Subpart shall apply only to photochemically reactive material.
3. Sections 501 through 507 of the Act, 42 U.S.C. §§ 7661 through 7661f, establish an operating permit program for major stationary sources and other sources made subject to Section 502(a) of the Act, 42 U.S.C. § 7661a(a).
4. Section 502(a) of the Act provides that after the effective date of any permit program approved or promulgated under this subchapter, "it shall be unlawful for any person to violate any requirement of a permit issued under this subchapter. . ."
5. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295 (July 21, 1992). These regulations are codified at 40 C.F.R. Part 70.
6. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires that each State develop and submit for EPA's approval a permit program under State law.

7. On December 4, 2001, EPA granted Illinois full approval of its Clean Air Act Permit Program. 66 Fed. Reg. 62946 (December 4, 2001). The program became effective on November 30, 2001.

Emerald's Facility

8. Emerald owns and operates a wastewater treatment plant at 1550 County Road 1450N, Henry, Illinois 61537.
9. Emissions from Emerald's wastewater treatment plant are subject to the rule prohibiting the discharge of more than 8 pounds per hour of photochemically reactive organic material into the atmosphere from any emission source in the Illinois SIP at 35 IAC Part 215.301.
10. Emerald's wastewater treatment plant emits toluene which is a photochemically reactive organic material as defined by 35 IAC 211.4690.
11. Illinois Environmental Protection Agency issued Emerald a Title V permit, No. 123803AAD, on September 17, 2003.
12. Section 7.8.3.c. of Emerald's Title V permit states that Emerald's wastewater treatment facility is subject to 35 IAC 215.301.

Violations

13. Based on the Emerald's July 30, 2012 response to EPA's information request dated June 22, 2012, Emerald stated that its wastewater treatment plant's toluene emissions were as follows:

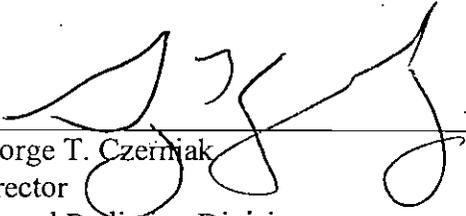
MONTH, YEAR	TOLUENE EMISSION RATE (LBS/HR)
January 2012	11
May 2009	9
June 2007	10

Environmental Impact of Violations

14. These violations have caused or can cause excess emissions of toluene. Exposure to toluene may cause central nervous system dysfunction, irritation of the upper respiratory tract and eyes, sore throat, dizziness or headaches.

11/20/12

Date


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-13-IL-4, by

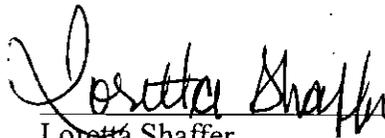
Certified Mail, Return Receipt Requested, to:

Kellie J. Marler
HSE Manager
Emerald Performance Materials, LLC
1550 County Road 1450 N
Henry, Illinois 61537

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

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois

On the 21 day of November 2012.



Loretta Shaffer
APA
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 76674966