

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Research Oil Company, Inc.) **NOTICE OF VIOLATION**
Cleveland, Ohio)
) **EPA-5-99-OH-28**
)
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act,)
42 U.S.C. § 7413(a)(1))

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act, 42 U.S.C. §7413(a)(1). U.S. EPA hereby notifies the State of Ohio and Research Oil Company, Inc. (Research Oil) that U.S. EPA finds Research Oil, located at 2655 Transport Road, Cleveland, Ohio, is in violation of the federally approved Ohio State Implementation Plan (Ohio SIP), as follows:

Statutory and Regulatory Background

1. On November 1, 1982, U.S. EPA approved Ohio Administrative Code (OAC) Rule 3745-15 as part of the Ohio SIP. 47 Fed. Reg. 43377 (49 Fed. Reg. 32182 - revision).
2. OAC Rule 3745-15 provides, among other things, that it is unlawful for any person to cause, permit, or maintain a public nuisance [3745-15-07(A)].
3. On October 23, 1980, U.S. EPA approved OAC Rule 3745-21 as part of the Ohio SIP. 45 Fed. Reg. 72140.
4. OAC Rule 3745-21 provides, among other things,
 - a. No person shall place, store, or hold in any stationary tank, reservoir or other container of more than sixty-five thousand gallons capacity any volatile photochemically reactive material unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of a

- list of designated loss control equipment [3745-21-07(D)(1)],
- b. No person shall place, store, or hold in any stationary storage vessel of more than five hundred gallons capacity any volatile photochemically reactive material unless such vessel is equipped with a permanent submerged fill pipe, is loaded through the use of a portable loading tube which can be inserted below the liquid level line during loading operations, or is a pressure tank as described in paragraph (D)(1) of this rule or is fitted with a vapor recovery system as described in paragraph (D)(1)(b) of this rule [3745-21-07(D)(2)], and
 - c. No person shall use any compartment of any vessel or device operated for the recovery of volatile photochemically reactive materials from an effluent water separator which recovers two hundred gallons a day or more of any volatile photochemically reactive material unless such compartment is equipped with one of a list of designated vapor loss control devices, properly installed and in good working order and in operation [3745-21-07(F)].
5. On October 23, 1980, U.S. EPA approved OAC Rule 3745-31 as part of the federally enforceable SIP for the State of Ohio. 45 Fed. Reg. 72122.
6. OAC Rule 3745-31 provides, among other things,
- a. No person shall allow the installation or modification of an air contaminant source without obtaining a permit to install [3745-31-02], and
 - b. The Director may issue a Permit-to-Install if it is determined that the installation, modification and operation of the air contaminant source will, among other things, employ the Best Available Technology (BAT), [3745-31-05].

Factual Background

7. Research Oil owns and operates a "source", as defined at OAC Rule 3745-15-01, located at 2655 Transport Road, Cleveland, Ohio.
8. Research Oil has been the subject of odor complaints citizens have submitted to Local, State and Federal Agencies since 1995.

- 9. The Research Oil facility is subject to the General Provisions and permitting regulations of the Ohio SIP at OAC Rule 3745-15, 3745-21 and 3745-31.
- 10. Research Oil's Permits to Install (PTIs) include, among other things, compliance with 3745-21 and a BAT requirement for ninety percent reduction in VOC emissions to the atmosphere.

Findings of Violation

- 11. In violation of OAC Rule 3745-15-07, Research Oil has been identified as a facility which causes or has caused a public nuisance for odors since 1995.
- 12. In violation of 3745-21-07, Research Oil failed to equip various processes or tanks (including, but not limited to, P007; P008; T001-T009; T013-T015; T018-T025; T026; T027; T028; T029; T034; T035; T036 and T037) with vapor loss control equipment which reduces emission of organic materials into the atmosphere by at least ninety percent by weight.
- 13. In violation of terms and conditions of permits issued in accordance with 3745-31-02 and 3745-31-05, Research Oil failed to employ Best Available Technology.

6/18/99
Date



Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

Jack Pekarek, Plant Manager
Research Oil Company, Inc.
2655 Transport Road
Cleveland, Ohio 44115

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

Dennis Strapko, Compliance Manager
Research Oil Company, Inc.
2655 Transport Road
Cleveland, Ohio 44115

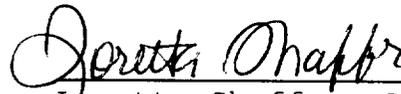
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Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049

on the 21st day of JUNE, 1999.



Loretta Shaffer, Secretary
AECAS, (OH/MN)

CERTIFIED MAIL RECEIPT NUMBER: P 140 777 311