



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

MAR 11 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert A Gray
President
Maverick Corporation
11359 Grooms Road
Blue Ash, Ohio 45242

Re: Notice and Finding of Violation
Maverick Corporation
Blue Ash, Ohio

Dear Mr. Gray:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Maverick Corporation (Maverick or you), for violations identified at the Blue Ash Plant, located at 11359 Grooms Road, Blue Ash, Ohio (the facility). This NOV/FOV is issued in accordance with Section 113(a) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a).

EPA has determined that Maverick is violating the Ohio State Implementation Plan, 42 U.S.C. § 7401 *et seq.* Additionally, EPA has determined that Maverick is violating Section 112 of the Act, 42 U.S.C. § 7412, the applicable implementing regulations, and Title V of the Act, 42 U.S.C. § 7661 *et seq.*

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. 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/FOV 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.

You may contact Alexandra Letuchy at (312) 866-6035 to request a conference. You should make the request for a conference no later than 10 calendar days after receipt of this letter, and we should hold any conference within 30 calendar days after receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Tom Schneider, Ohio EPA.DAPC
Brad Miller, Southwest Ohio Air Quality Agency

4. Sections 112(c) and (d) of CAA, 42 U.S.C. § 7412(c) and (d), require EPA to publish a list of categories of sources that EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAP, and to promulgate emission standards for each source category. These standards are known as “national emission standards for hazardous air pollutants” or “NESHAPs.” EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.
5. The NESHAPs in 40 C.F.R. Part 63 are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAP that EPA determines is achievable for each source category.
6. Section 112(i)(3) of CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
7. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected source subject to the NESHAP at Part 63. These include definitions at 40 C.F.R. § 63.2.
8. The NESHAP, at 40 C.F.R. § 63.2, defines “affected source” as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a CAA Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of CAA.
9. The NESHAP, at 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.
10. The NESHAP, at 40 C.F.R. § 63.2, defines “new source” as any affected source the construction or reconstruction of which is commenced after EPA first proposes a relevant emission standard under 40 C.F.R. Part 63 establishing an emission standard applicable to such source.

NESHAP for Miscellaneous Organic Chemical Manufacturing at 40 C.F.R. Part 63, Subpart FFFF

11. On November 10, 2003, EPA promulgated the NESHAP for Miscellaneous Organic Chemical Manufacturing (MON), codified at 40 C.F.R. Part 63, Subpart FFFF. 68 Fed. Reg. 63888. The NESHAP for MON establishes emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements associated with miscellaneous organic chemical manufacturing. See 40 C.F.R. § 63.2430.

12. The NESHAP for MON, at 40 C.F.R. § 63.2445(b), provides that owners and operators of existing sources subject to the MON must comply with the requirements for existing sources no later than May 10, 2008.
13. The NESHAP for MON, at 40 C.F.R. § 63.2435(a), provides that owners and operators are subject to the MON if they operate miscellaneous organic chemical manufacturing process units (MCPU) that are located at, or are part of, a major source of HAP emissions as defined in Section 112(a) of the CAA.
14. The NESHAP for MON, at 40 C.F.R. § 63.2550, defines "miscellaneous organic chemical manufacturing process" as all equipment which collectively functions to produce a product or isolated intermediate that is "material" described in 40 C.F.R. § 63.2435(b). Process includes any, all, or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which are used to produce a product or isolated intermediate.
15. The NESHAP for MON, at 40 C.F.R. § 63.2435(b), provides that an MCPU includes equipment necessary to operate a miscellaneous organic chemical manufacturing process that, among other things, processes, uses or generates any of the organic HAPs listed in Section 112(b) of the Act. An MCPU also includes any assigned storage tanks and transfer racks; equipment in open systems that is used to convey or store water having the same concentration and flow characteristics as wastewater; and components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, and instrumentation systems that are used to manufacture any material or family of materials, including but not limited to, an organic chemical with an SIC code listed in 40 C.F.R. § 63.2435(b)(1)(i).

Permit to Install

16. Effective March 10, 2003, EPA approved Ohio Administrative Code (OAC) 3745-31-02 as part of the federally-enforceable Ohio State Implementation Plan (SIP). 68 Fed. Reg. 29009.
17. OAC Rule 3745-31-02(a)(1) states that "[e]xcept as provided in rule 3745-31-03 of the Administrative Code, no person shall cause, permit, or allow the installation of a new source of air pollutants [...] or cause, permit, or allow the modification of an air contaminant source or a disposal system [...] without first obtaining a permit to install from the director [...]."

De minimis Exemption

18. Effective July 9, 2010, EPA approved OAC Rule 3745-15-05 as part of the federally-enforceable Ohio SIP. 75 Fed. Reg. 25770.
19. OAC Rule 3745-15-05 (B) ("de minimis" exemption) states that "[e]xcept as provided in paragraphs (C), (D) and (H) of this rule and division (B) of section 3704.011 of the Revised Code, any air contaminant source is exempt from Chapter 3704 of the Revised

Revised Code, any air contaminant source is exempt from Chapter 3704 of the Revised Code and rules adopted thereunder, unless the potential emissions of any one of the following exceeds ten pounds per day: particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead, or any other air contaminant."

20. OAC Rule 3745-15-05 (C)(4) states that "[t]he exemption contained in paragraph (B) of this rule shall not apply to a source if [...] "[t]he source alone or in combination with similar sources at the same facility, would result in potential emissions of any air pollutant in excess of twenty-five tons per year. [...]"
21. OAC Rule 3745-15-05 (C)(5) states that "[t]he exemption contained in paragraph (B) of this rule shall not apply to a source if [...] [t]he source emits more than one ton per year of any hazardous air pollutants or combination of hazardous air pollutants."

Title V Permit

22. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. 57 Fed. Reg. 32295; 40 C.F.R. Part 70.
23. On August 15, 1995, EPA approved the State of Ohio operating permit program (Ohio Administrative Code (OAC) Rule 3745-77) with an effective date of October 1, 1995. 60 Fed. Reg. 42045.
24. 40 C.F.R. § 70.2 defines "major source," in pertinent part as any stationary source (or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that directly emits or has the potential to emit greater than 10 TPY of a single HAP, or 25 TPY of two or more HAPs combined.
25. 40 C.F.R. § 70.7(b) provides that no source subject to 40 C.F.R. Part 70 requirements may operate without a permit as specified in the CAA.
26. 40 C.F.R. § 70.1(b) provides that all sources subject to Title V shall have a permit to operate that assures compliance by the source with all applicable requirements.
27. Section 503 of the C.A.A. 42 U.S.C. § 7661b. and 40 C.F.R. § 70.5(a), set forth the requirement to submit a timely and complete permit application for a permit, including information required to be submitted with the application.

RELEVANT FACTUAL BACKGROUND

28. Maverick operates a manufacturing facility (facility) at 11359 Grooms Road in Blue Ash, Ohio and has been operating at this location since 2000.

29. At the facility, Maverick produces synthetic organic resins. The chemicals that Maverick processes, uses, or generates at the facility include a hazardous air pollutant, methanol.
30. In February 2009, Maverick installed and began operating a 200 gallon reactor. From February 2009 to the present, the facility has operated at a minimum two reactors and a compounding unit.
31. On December 11, 2014, EPA conducted an inspection of the facility (the inspection).
32. As of December 11, 2014, Maverick had not submitted an application for a construction permit or operating permit to Ohio EPA for the chemical manufacturing operation at the facility.
33. Maverick submitted actual emissions data to the Toxic Release Inventory (TRI) for 2012. Reported methanol stack emissions were 14,300 lbs and fugitive emissions were 2,700 lbs.
34. During the inspection, Maverick shared emission calculations for 2013 demonstrating that methanol stack emissions were 12,610 lbs and fugitive emissions were 2,358 tons.
35. Following the inspection, Maverick provided information demonstrating that the potential to emit methanol from this facility is greater than 25 TPY.
36. Based on the information Maverick submitted to the TRI and the information Maverick provided to EPA following the inspection, the facility has a potential to emit methanol greater than 25 TPY.
37. The de minimis exemption does not apply to Maverick, because the facility:
 - a. had the potential to emit of over 25 TPY, since at least February 2009, and
 - b. emitted more than one ton per year of methanol, since at least 2012.

FINDING OF VIOLATION

NESHAP Violations

38. Maverick has been a major source of HAP and therefore required to comply with the requirements of the NESHAP for MON at 40 C.F.R. Part 63, Subpart FFFF since at least February 2009. Maverick has failed to comply with the requirements of the NESHAP for MON, which include emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements associated with miscellaneous organic chemical manufacturing, in violation of 40 C.F.R. Part 63, Subpart FFFF and Section 112 of the Act, 42 U.S.C. § 7412.

Title V Violations

- 39. By failing to submit a timely Title V permit application to the State of Ohio, Maverick has violated 40 C.F.R. § 70.5(a) and Section 503 of the CAA.
- 40. By having operated and continuing to operate without a Title V permit issued by the State of Ohio, Maverick has violated 40 C.F.R. § 70.1(b) and 70.7(b) and Section 502 of the CAA.

SIP Violations

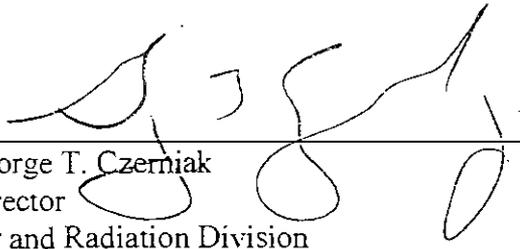
- 41. By failing to obtain a construction permit prior to installing the 200 gallon reactor in February 2009, Maverick violated the permitting requirements at OAC Rule 3734-31-02(A)(1).

ENVIRONMENTAL IMPACT OF VIOLATION

- 42. The violations cited above demonstrate elevated emissions of methanol.
- 43. Acute exposure to methanol by inhalation may result in visual disturbances, such as blurred or dimness of vision, and neurological damage, specifically permanent motor dysfunction. Chronic inhalation may result in headache, insomnia, conjunctivitis, visual disturbances, and blindness.

3/11/13

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-15-OH-14, by Certified Mail, Return Receipt Requested, to:

Robert A Gray
President
Maverick Corporation
11359 Grooms Road
Blue Ash, Ohio 45242

Steve Gronauer
Maverick Corporation
11359 Grooms Road
Blue Ash, Ohio 45242

7011 1150 0000 2640 6271

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

Tom Schneider
Ohio EPA.DAPC
Southwest District Office
401 East Fifth Street
Dayton, Ohio 45402

Brad Miller
Assistant Director
Hamilton County Department of Environmental Services
Southwest Ohio Air Quality Agency
250 William Howard Taft Road
Cincinnati, Ohio 45219

On the 13th day of March 2015.

Loretta Shaffer
for Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 6264