



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

DEC 30 2015

REPLY TO THE ATTENTION OF:

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

Patrick Adams  
President  
Joseph Adams Corporation  
5740 Grafton Road  
Valley City, Ohio 44280

**Re: Notice and Finding of Violation**  
Joseph Adams Corporation  
Valley City, Ohio 44280

Dear Mr. Adams:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Joseph Adams Corporation (you) under Section 113(a)(1) and (a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you are violating the National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing at your Valley City, Ohio facility.

Section 113 of the CAA gives EPA 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 either by telephone or in person 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 Luke Hullinger at (312) 866-3011 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  
Division of Air Pollution Control



3. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), EPA designates HAPs, which present or may present a threat of adverse effects to human health or the environment.
4. Pursuant to Section 112(c) of the CAA, EPA promulgated a list of categories and subcategories of major sources of the air pollutants listed pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b).
5. Pursuant to Section 112(d) of the CAA, EPA promulgated regulations implementing the NESHAP at 40 C.F.R. Part 63.
6. Pursuant to section 112(a) of the CAA, 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2 defines “major source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (TPY) or more of any HAP or 25 TPY or more of any combination of HAPs.
7. Pursuant to section 112(i)(3) of CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4 prohibit the owner or operator of any source from operating in violation of any NESHAP applicable to such source.
8. 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 general provisions include definitions at 40 C.F.R. § 63.2.
9. 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.
10. The NESHAP, at 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.
11. 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**

12. On November 10, 2003, EPA promulgated the NESHAP for Miscellaneous Organic Chemical Manufacturing (Miscellaneous Organic NESHAP or the MON), codified at 40 C.F.R. Part 63, Subpart FFFF. 68 *Fed. Reg.* 63888. The 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.

13. The 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.
14. The MON, at 40 C.F.R. § 63.2435(a), provides that owners and operators are subject 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.
15. The MON, at 40 C.F.R. § 63.2435(b), provides that an MCPU includes equipment necessary to operate a “miscellaneous organic chemical manufacturing process,” as defined in 40 C.F.R. § 63.2550, that satisfies all of the conditions specified in 40 C.F.R. § 63.2435(b)(1) through (3). 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 classified using the 1997 version of NAICS code 325, with exceptions not relevant in this case. 40 C.F.R. § 63.2435(b)(1)(ii).
16. The 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). For the purpose of the MON, this regulation defines “process” to include any, all, or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which is used to produce a product or isolated intermediate.
17. The MON, at 40 C.F.R. § 63.2550, provides that “[f]amily of materials means a grouping of materials with the same basic composition or the same basic end use or functionality produced using the same basic feedstocks with essentially identical HAP emission profiles (primary constituent and relative magnitude on a pound per product basis) and manufacturing equipment configuration. Examples of families of materials include multiple grades of the same product or different variations of a product (e.g., blue, black, and red resins).”

### **State Implementation Plan**

18. Effective May 29, 2013, EPA approved Ohio Administrative Code (OAC) 3745-21-21 as part of the federally enforceable Ohio State Implementation Plan (SIP). 78 Fed. Reg. 24990.
19. OAC Rule 3745-21-21 (C)(1) states that “no owner or operator of a fixed roof tank shall place, store, or hold any volatile organic liquid with a maximum true vapor pressure which is greater than 0.75 pounds per square inch absolute, but less than 11.1 pounds per square inch absolute, in any such tank is designed or equipped with one of the following vapor control systems:
  - (a) An internal floating roof tank meeting the requirements of paragraph (c)(3) of this rule; or

(b) A closed vent system and control device meeting the requirements of paragraph (c)(4) of this rule.”

20. Effective July 12, 1982, EPA approved 3745-35-02 as part of the federally enforceable Ohio SIP 47 Fed. Reg. 25144.
21. OAC Rule 3745-35-02 states that “no person may cause, permit or allow the operation or other use of any air contaminant source without applying for and obtaining a permit to operate from the Ohio Environmental Protection Agency in accordance with the requirements of this rule.”

### **Relevant Factual Background**

22. Joseph Adams operates a manufacturing facility at 5740 Grafton Road, Valley City, Ohio (the facility).
23. At the facility, Joseph Adams processes spices and herbs to produce oleoresins for use in the food and beverage industry. Joseph Adams uses the solvent hexane, which is a HAP, in solvent extraction and distillation processes to separate oleoresins from the raw materials.
24. “Essential oils” are classified under NAICS Code 325 as 325998H103.
25. Oleoresins and essential oils are both natural flavorings and have the same basic end use. Therefore, oleoresins are in the “family of materials” classified under NAICS Code 325 as 325998H103.
26. The Ohio Environmental Protection Agency issued a Part 70 Operating Permit, No. P0115513, to Joseph Adams on February 12, 2010 (Title V Permit). The permitted emission units are the grinders, extractors, and distillation units.

27. From 2008 to the 2013, Joseph Adams has reported the following actual HAP emissions in tons per year (TPY) from the facility:

Year	Hexane Fugitive (TPY)	Hexane Stack (TPY)	Total Reported HAPs (TPY)
2008	33.34	0.00	33.34
2009	30.42	0.00	30.42
2010	28.48	0.29	28.76
2011	22.57	0.23	22.80
2012	18.74	0.19	18.93
2013	18.74	0.19	18.93

28. Joseph Adams emitted hexane in an amount greater than 10 TPY.

29. On November 6, 2015, EPA conducted an inspection of the facility (the inspection).

30. During the inspection, EPA noted a 10,000-gallon hexane fixed roof storage tank and a separate intermediate storage tank. The Title V Permit does not list either of these tanks as an emission source.

31. In the 10,000-gallon hexane fixed roof storage tank the maximum vapor pressure for hexane is above 0.75 pounds per square inch at temperatures of 32 degrees Fahrenheit and greater.

### **Finding of Violation**

#### **NESHAP Violations**

32. Joseph Adams has been and continues to be a major source of HAPs, and since at least May 10, 2008, has been required to comply with the requirements of the MON. Joseph Adams has failed to comply with applicable requirements, 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 the MON.

**SIP Violations**

- 33. By failing to equip the 10,000 gallon hexane storage tank with either an internal floating roof or closed venting system and control device, Joseph Adams has violated and continues to violate the requirements at OAC Rule 3745-21-21.
- 34. By failing to obtain an operating permit for a 10,000 gallon storage tank and the intermediate tank, Joseph Adams has violated and continues to violate the permitting requirements at OAC Rule 3745-35-02.

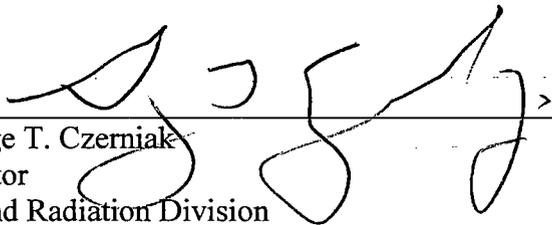
**Environmental Impact of Violation**

- 35. The violations cited above have resulted in elevated emissions of hexane. Acute exposure to hexane by inhalation causes mild central nervous system depression. Symptoms include dizziness, slight nausea, and headaches. Chronic inhalation exposure is associated with sensorimotor polyneuropathy, such as numbness in the extremities, muscular weakness, blurred vision, headache, and fatigue.

\_\_\_\_\_  
Date

12/30/15

\_\_\_\_\_  
George T. Czerniak  
Director  
Air and Radiation Division



## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-16-OH-04, by Certified Mail, Return Receipt Requested, to:

Patrick Adams, President  
Joseph Adams Corporation  
5740 Grafton Road  
Valley City, Ohio 44280

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

Ed Fasko, APC Manager  
Northeast District Office  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
2110 East Aurora Road  
Twinsburg, OH 44087

On the 30 day of December 2015.



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Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2876 0001 9581 4700