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

JAN 8 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert J. Cebuhar
Manager - Environmental, Health, Safety & Security
Evonik Corporation
8300 West U.S. Route 24
Mapleton, Illinois 61547

Re: Finding of Violation
Evonik Corporation
Mapleton, Illinois

Dear Mr. Cebuhar:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Evonik Corporation (Evonik or you) under Section 113(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3). We find that you have violated or are violating the National Emission Standards for Hazardous Air Pollutants Miscellaneous Organic Chemical Manufacturing at your Mapleton, Illinois facility.

Section 113 of the CAA, U.S.C. § 7413, 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 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 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.

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (100% Post-Consumer)

You may contact Dakota Prentice at (312) 866-6761 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: Eric Jones, Illinois EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Evonik Corporation	)	**FINDING OF VIOLATION**
Mapleton, Illinois	)	
	)	
	)	**EPA-5-16-IL-01**
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 *et seq.*	)	
	)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Finding of Violation (FOV) to Evonik Corporation (Evonik or you) to notify you that we have found violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401-7671q, and its implementing regulations at your facility located at 8300 West U.S. Route 24 in Mapleton, Illinois (the Facility). The relevant statutory and regulatory background, factual background, finding of violations, and environmental impact of these violations are set forth in detail below.

This FOV is issued in accordance with Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), which authorizes the Administrator to take certain enforcement actions after notifying a person that it is in violation of the CAA. The authority to issue this FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Statutory and Regulatory Background

1. The CAA is designed to, among other things, protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

National Emission Standards for Hazardous Air Pollutants

2. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAPs) and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP).

3. 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 HAPs that EPA determines is achievable for each source category.

4. 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.

5. Section 112(a) of the CAA, 42 U.S.C. § 7412(a), 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 single HAP or 25 tpy or more of any combination of HAPs.

6. 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 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 general provisions 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, 68 Fed. Reg. 63888, EPA promulgated the NESHAP for Miscellaneous Organic Chemical Manufacturing (Miscellaneous Organic NESHAP or MON), codified at 40 C.F.R. Part 63, Subpart FFFF. 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.

12. 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. 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. 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 is used to produce a product or isolated intermediate.

15. 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 CAA. 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 NAICS code listed in 40 C.F.R. § 63.2435(b)(1)(ii).

16. 40 C.F.R. § 63.2435(b)(1)(ii) provides the relevant NAICS code for MON applicability as code 325.

Relevant Factual Background

17. Evonik operates a manufacturing facility at 8300 West U.S. Route 24 in Mapleton, Illinois.

18. At the Facility, Evonik processes animal fats and vegetable oils to produce surfactants. Evonik uses solvents, including methyl chloride (chloromethane), which is a HAP, in the processing of raw material to produce surfactants.

19. Evonik's operations at the Facility fall under NAICS Code 325 for Chemical Manufacturing.

20. The Illinois Environmental Protection Agency (Illinois EPA) issued a Clean Air Act Permit Program Permit (Title V Permit), Application No. 96030145, to Evonik on May 9, 2003. This permit remains in effect.

21. Conditions 5.1.1 and 5.5.2 of the Title V Permit state that the Facility is major source of HAPs.

22. Evonik has not obtained a permit from Illinois EPA limiting HAP emissions from the Facility to less than 10 tpy for individual HAPs and less than 25 tpy for total HAPs.

23. Section 4.0 of the Title V Permit provides the construction date of all significant emission units at the Facility. No significant emission units were constructed at the Facility after 1993.

24. All emission units listed in Section 4.0 of the Title V Permit are considered "existing" for MON applicability.

25. MCPUs at the Facility include those process units that utilize methyl chloride, including but not limited to methyl chloride storage tanks, and emission units Quat 1, Quat 2, Quat 3, and Quat 4.

26. EPA conducted a Clean Air Act inspection of the Facility on October 30, 2015.

27. During the Inspection, Evonik personnel acknowledged that the Facility was subject to the MON. Evonik personnel also stated that the Facility had initiated a process to bring the facility into compliance with the MON, but that neither Illinois EPA nor EPA had been notified of Evonik's failure to comply with the MON.

Finding of Violation

28. The production of surfactants at the Facility is a miscellaneous organic chemical manufacturing process as defined at 40 C.F.R. § 63.2550.

29. Pursuant to 40 C.F.R. § 63.2445(b), the Facility is considered an existing source with a compliance date of no later than May 10, 2008.

30. Since May 10, 2008, Evonik has failed to comply with applicable requirements of the MON, including 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 a violation of the CAA.

Environmental Impact of Violation

31. The violations cited above may have resulted in elevated emissions of methyl chloride.

32. Acute exposure to methyl chloride at high concentrations may cause neurological effects in humans. Methyl chloride has also caused effects on the heart rate, blood pressure, liver, and kidneys in humans.

1/8/16
Date

George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Finding of Violation, No. EPA-5-16-IL-01, by Certified Mail, Return Receipt Requested, to:

Robert J. Cebuhar
Manager - Environmental, Health, Safety & Security
Evonik Corporation
8300 West U.S. Route 24
Mapleton, Illinois 61547

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

Eric Jones, Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 8th day of January 2016.

for

Kathy Jones, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9581 4779