



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

MAR 23 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Greg Burns
Environmental Manager
Morton Salt, Inc.
151 South Industrial Street
Rittman, Ohio 44270

Re: Finding of Violation
Morton Salt, Inc., Rittman, Ohio

Dear Mr. Burns:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Morton Salt, Inc., (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you are violating the New Source Performance Standards for Nonmetallic Mineral Processing Plants at 40 C.F.R. Part 60, Subpart OOO, Section 111 of the CAA, and Title V of the CAA.

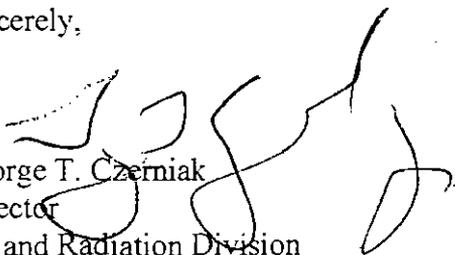
Section 113 of the Clean Air Act gives us several enforcement options: These options include issuing an *administrative compliance order*, *issuing an administrative penalty order* and *bringing a judicial civil or criminal action*.

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

The EPA contact in this matter is Virginia Galinsky, Environmental Engineer. You may call her at (312) 353-2089 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,


George T. Czerniak
Director
Air and Radiation Division

cc: Bob Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
1800 WaterMark Drive
Columbus, Ohio 43266-1049

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Morton Salt, Inc.
Rittman, Ohio

Proceedings Pursuant to the Clean Air Act,
42 U.S.C. § 7401 *et seq.*

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FINDING OF VIOLATION
EPA-5-15-OH-15

FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Finding of Violation (FOV or Notice) to Morton Salt, Inc. (Morton Salt) for violations of the Clean Air Act (the CAA), 42 U.S.C. § 7401 *et seq.*, at the facility located at 151 South Industrial Street in Rittman, Ohio.

Terms used in this FOV that are defined in the CAA and regulations promulgated pursuant to the CAA have the meanings assigned to them in the CAA or such regulations, unless otherwise provided in this FOV.

Statutory and Regulatory Background

New Source Performance Standards

1. Section 111(b) of the Act, 42 U.S.C. § 7411(b), requires EPA to publish a list of categories of sources, which, in EPA's judgment, cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare, and to promulgate standards of performance for new stationary sources within these categories. These standards are known as "new source performance standards" or "NSPS." EPA promulgates NSPS for categories of sources and codifies those requirements at 40 C.F.R. Part 60.

2. The NSPS are national technology-based performance standards for air pollutant sources constructed or modified after a specified date. The purpose of the standards is to ensure that all new or modified sources of air pollutants will be designed to meet emission limitations achievable through the application of the best demonstrated system for emission reduction considering the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements. *See* Section 111(a)(1) of the Act, 42 U.S.C. § 7411(a)(1).

3. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits the owner or operator of any new source from operating such source in violation of any standard of performance applicable to such source.

4. 40 C.F.R. Part 60, Subpart A (NSPS Subpart A) contains general provisions applicable to the owner or operator of any stationary source which contains an affected facility

compliance and maintenance requirements at 40 C.F.R. § 60.11, reporting requirements at 40 C.F.R. § 60.7 and performance testing requirements at 40 C.F.R. § 60.8.

5. Section 111(a)(4) of the CAA, 42 U.S.C. § 7411(a)(4), and NSPS Subpart A, at 40 C.F.R. §§ 60.2 and 60.14(a), define a "modification" as any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted. 40 C.F.R. § 60.14(g) provides that within 180 days of the completion of a modification, compliance with all applicable standards must be achieved.

6. NSPS Subpart A, at 40 C.F.R. § 60.7(a)(3), requires owners or operators subject to NSPS to furnish EPA with a notification of the actual date of initial startup of an affected facility postmarked within 15 days of the startup date. *See also* NSPS Subpart OOO at 40 C.F.R. § 60.676(i).

7. NSPS Subpart A, at 40 C.F.R. § 60.8(a), provides that within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not more than 180 days after initial startup of the facility, the owner or operator of a facility subject to any NSPS shall conduct a performance test(s) and furnish EPA a written report of the results of the performance test(s).

8. NSPS Subpart A, at 40 C.F.R. § 60.11(d), provides that at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. 40 C.F.R. § 60.11(d) further provides that determination of whether acceptable operating and maintenance procedures are being used will be based on information available to EPA which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

9. On August 1, 1985, EPA promulgated Standards of Performance for Nonmetallic Mineral Processing Plants, codified at 40 C.F.R. Part 60, Subpart OOO (NSPS Subpart OOO), which applies to affected facilities that commenced construction, modification or reconstruction after August 31, 1983. *See* 50 Fed. Reg. 31328. On April 28, 2009, EPA amended NSPS Subpart OOO to include, among other things, revised emission limits and additional testing and monitoring requirements for affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008. *See* 74 Fed. Reg. 19294.

10. NSPS Subpart OOO applies to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. *See* 40 C.F.R. § 60.670(a)(1).

11. NSPS Subpart OOO, at 40 C.F.R. § 60.670(d)(1), provides that when an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, and there is no increase in the amount of

emissions, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in paragraph (d)(3) of §60.670.

12. NSPS Subpart OOO, at 40 C.F.R. § 60.672(a), provides that “[a]ffected facilities must meet the stack emission limits and compliance requirements in Table 2 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.8. The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device.”

13. NSPS Subpart OOO, at 40 C.F.R. § 60.672(b), provides that “[a]ffected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.”

14. NSPS Subpart OOO, at 40 C.F.R. § 60.675, requires that the owner or operator shall determine compliance with the PM and opacity standards in §60.672(a) using the methods described in 60.675(b), including Reference Methods 5 and 9.

16. NSPS Subpart OOO, at 40 C.F.R. § 60.675, requires that the owner or operator shall determine compliance with the opacity standards in §60.672(b) using the methods described in 60.675(b), including Reference Method 9.

17. Table 2 to Subpart OOO identifies a PM limit of 0.05 g/dscm (0.022 gr/dscf) for affected facilities that commenced construction, modification, or reconstruction on or after August 31, 1983 but before April 22, 2008. Affected facilities that commenced construction, modification, or reconstruction on or after April 22, 2008 must meet a PM limit of 0.032 g/dscm (0.014 gr/dscf).

18. Table 3 to Subpart OOO identifies a fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§ 60.670 and 60.671) of 10% opacity for affected facilities that commenced construction, modification, or reconstruction on or after August 31, 1983 but before April 22, 2008. Affected facilities that commenced construction, modification, or reconstruction on or after April 22, 2008 must meet a fugitive emission limit of 7% opacity.

19. NSPS Subpart OOO, at 40 C.F.R. § 60.674, provides monitoring requirements for the owners and operators of any affected facility that commenced construction, modification or reconstruction on or after April 22, 2008.

Title V Requirements

20. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that no source may operate without a Title V permit after the effective date of any permit program approved or

promulgated under Title V of the Act. EPA codifies regulations governing the federal operating permit program at 40 C.F.R. Part 70. Effective October 1, 1995, EPA approved Ohio's Title V operating permit program. *See* 60 Fed. Reg. 42045; 40 C.F.R. Part 70, App. A. Ohio's Title V operating permit regulations are codified at OAC Chapter 3745-77.

21. Section 503 of the CAA, 42 U.S.C. § 7661b, sets forth the requirement to submit a timely, accurate, and complete application for a permit, including information required to be submitted with the application. 40 C.F.R. § 70.5(a) and (c) require timely and complete permit applications for Title V permits with required information that must be submitted and 40 C.F.R. § 70.6 specifies required permit content. *See also* OAC rule 3745-77-02 and 3745-77-03.

22. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements. 42 U.S.C. § 7661c(a). *See also* OAC rule 3745-77-07.

23. 40 C.F.R. § 70.5(b) provides that: "Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit." *See also* OAC rule 3745-77-03(F).

Relevant Factual Background and Alleged Violations

24. Morton Salt owns and operates a salt processing facility located at 151 South Industrial Street, Rittman, Ohio (the facility). Emission sources at the facility include storage bins, belt conveyors, feeders and screens for processing salt. Particulate matter emissions from these sources are controlled by baghouses and wet scrubbers.

25. Morton Salt is a "major source" subject to Title V of the CAA, 42 U.S.C. § 7661 *et seq.* Effective October 24, 2001, the Ohio Environmental Protection Agency (OEPA) issued Morton Salt a Title V permit for the facility (Facility ID: 02-85-02-0059).

26. Morton Salt submitted a timely renewal application on April 17, 2006, and submitted updates to the renewal application on November 10, 2011 and January 4, 2014. OEPA has not yet issued a Title V renewal permit. Consistent with the Title V permit and OAC rule 3745-77-04(A), Morton Salt may continue to operate in accordance with the terms of the 2001 Title V permit until a renewal permit is issued.

27. Morton Salt operates "affected facilities" that are subject to NSPS Subpart OOO.

28. On January 30, 2012, EPA conducted an inspection of the facility.

29. On April 29, 2013, EPA issued an information request to Morton Salt under Section 114 of the Act, 42 U.S.C. § 7414 (April 2013 Information Request). On June 5, 2013,

July 2, 2013, and March 17, 2014, Morton Salt submitted responses to the April 2013 Information Request.

30. On February 7, 2014, EPA issued a second information request to Morton Salt under Section 114 of the Act, 42 U.S.C. § 7414 (February 2014 Information Request). On March 17, 2014, and April 17, 2014, Morton Salt submitted responses to the February 2014 Information Request.

Emission Unit P003

31. Emission Unit P003 is identified as the bulk loading area and contains elevators, belt conveyors and screens. Morton Salt uses a wet scrubber to control emissions from P003.

32. Based on the response to the April 2013 information request, Morton Salt most recently conducted a stack test at P003 in 2002.

33. Morton Salt's Title V permit provides that P003 is subject to an emission limit of 0.02 grain of particulate emissions per dry standard of cubic foot (gr/dscf) of exhaust gases and 20% opacity over a 6-minute average.

34. Information provided in response to the April 2013 Information Request showed that Morton Salt completed the replacement of an 18-inch wide belt conveyor with a 24-inch wide belt conveyor at P003 around February of 2010.

35. The replacement of the belt conveyor at P003 constitutes a "modification" under NSPS Subpart OOO as defined in 40 C.F.R. §§ 60.2 and 60.14 and Section 111(a)(4) of the CAA, 42 U.S.C § 7411(a)(2).

36. Morton Salt failed to submit to EPA a notification of the actual date of initial startup within 15 days after startup of the 18-inch belt conveyor at P003, in violation of 40 C.F.R. §§ 60.7(a)(3), 60.676(i), and Section 111 of the CAA, 42 U.S.C. § 7411.

37. From at least February 2010 to the present, Morton Salt has failed to meet and demonstrate compliance with the NSPS Subpart OOO emission limits and monitoring requirements for affected facilities that commenced modification on or after April 22, 2008 within 180 days after startup of the 18-inch belt conveyor at P003, in violation of 40 C.F.R. §§ 60.8(a), 60.14(g), 60.672(a) 60.672(b), 60.674(b) and Section 111 of the CAA, 42 U.S.C. § 7411.

Emission Unit P045

38. Effective April 7, 2011, OEPA issued Permit-to-Install (PTI) #P0107900 to Morton Salt for Emission Unit P045. This PTI, which Morton Salt applied for and received after completing construction activities, permitted the installation of a hopper, feed screw and belt conveyor to load salt onto trucks from a bulk storage pile in the south storage building. The PTI

does not include any NSPS Subpart OOO requirements. Morton Salt does not use a capture system to route emissions from P045 to a control device.

39. Based on the response to the April 2013 Information Request, Morton Salt installed and began operating the belt conveyor at P045 no later than February 8, 2011.

40. The installation of the belt conveyor in 2011 constitutes "construction" under NSPS Subpart OOO as defined in 40 C.F.R. § 60.2, thus making the belt conveyor an affected facility under NSPS Subpart OOO. However, Morton Salt's permit application did not identify P045 as an affected facility under NSPS Subpart OOO.

41. Morton Salt failed to submit to EPA a notification of the actual date of initial startup within 15 days after startup of the belt conveyor at P045, in violation of 40 C.F.R. §§ 60.7(a)(3) and 60.676(i) and Section 111 of the CAA, 42 U.S.C. § 7411.

42. From 2011 to the present, Morton Salt has failed to meet and demonstrate compliance with the NSPS Subpart OOO emission limits for affected facilities that commenced construction on or after April 22, 2008 within 180 days after startup of the belt conveyor at P045, in violation of 40 C.F.R. §§ 60.8(a), 60.672(e) and Section 111 of the CAA, 42 U.S.C. § 7411.

Emission Unit P010 – Baghouse Overloading

43. Emission Unit P010 is identified as the 4th floor blended salt system and contains bulk storage of blended salt. To control emissions from P010, Morton Salt uses a baghouse with a maximum capacity of 15,000 actual cubic feet per minute of air flow.

44. The response to the February 7, 2014 Information Request showed that Morton Salt has set up the P010 baghouse to receive over 17,000 cubic feet per minute of air flow from emission sources.

45. By allowing the P010 baghouse to receive air flow in excess of the maximum design capacity of the baghouse, Morton Salt has failed to maintain and operate air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of 40 C.F.R. § 60.11(d) and Section 111 of the CAA, 42 U.S.C. § 7411.

Emission Unit P010 – Bin Replacement

46. On November 13, 2013, Morton Salt submitted to OEPA a notification pursuant to 40 C.F.R. § 60.676(a) stating that Morton Salt had replaced the #1 storage bin at P010 with a storage bin of smaller capacity. The notification further stated that Morton Salt began operating the new bin on November 1, 2013.

47. The response to the April 2013 Information Request showed that Morton Salt installed the replacement bin on December 30, 2011.

48. Morton Salt failed to submit to EPA a notification of the actual date of initial startup within 15 days after startup of the replacement bin at P010 in violation of 40 C.F.R. §§ 60.7(a)(3), 60.676(i) and Section 111 of the CAA, 42 U.S.C. § 7411.

Emission Unit P011

49. Emission Unit P011 is identified as the seasoned salt line, TM bagging, and meat cure product packaging. In the response to the Information Requests, Morton Salt provided information showing that on December 15, 2010, Morton Salt completed a project to install an iodized and free-running screen and replace three storage bins with storage bins of smaller capacity at P011.

50. Morton Salt failed to submit to EPA a notification of the actual date of initial startup within 15 days after startup of the screen and bins at P011, in violation of 40 C.F.R. §§ 60.7(a)(3) and 60.676(i) and Section 111 of the CAA, 42 U.S.C. § 7411.

Title V Permit

51. Morton Salt has failed and continues to fail to submit a timely and complete application for a Title V operating permit that: (i) identifies all applicable requirements including but not limited to the requirement to comply with lower emission limits and additional monitoring at several emission units; (ii) accurately certifies compliance with such requirements; and (iii) contains a compliance plan for all applicable requirements for which it is not in compliance, in violation of the Title V permitting requirements at Section 503 of the CAA, 42 U.S.C. § 7661 *et seq.* and 40 C.F.R. Part 70.

Environmental Impact of Violations

52. Particulate matter emissions, especially fine particulates, contain microscopic solids or liquid droplets which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to: irritation of the airways; coughing and difficulty breathing; decreased lung function; aggravated asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease.

Date

3/23/15

George T. Czerniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

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

Greg Burns
Environmental Manager
Morton Salt, Inc.
151 South Industrial Street
Rittman, Ohio 44270

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

Bob Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
1800 WaterMark Drive
Columbus, Ohio 43266-1049

Ed Fasko
APC Manager
Northeast District Office
Ohio Environmental Protection Agency
2110 E. Aurora Road
Twinsburg, OH 44087

On the 23rd day of March 2015.

CERTIFIED MAIL RECEIPT NUMBER:

7011 1150 0000 2640 6233

Loretta Shaffer
for Loretta Shaffer, Program Technician
Planning and Administration Section