



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

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

James Hanna, Regional Vice President of Operations – Midwest Region
Valicor Environmental Services, LLC
jhanna@valicor.com

Re: Finding of Violation
Valicor Environmental Services, LLC
Dayton, Ohio

Dear James Hanna:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Valicor Environmental Services, LLC (you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations at your Dayton, Ohio facility.

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. Additionally, any violations alleged in the FOV that also constitute violations of the 2018 Amended Consent Decree may also be subject to stipulated penalties.

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 David Sutlin. You may call him at (312) 353-8990 or email him at sutlin.david@epa.gov 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,

Brian Dickens
Supervisor, Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

cc: James Kavalec, Manager
Division of Air Pollution Control
Ohio Environmental Protection Agency

Eileen Moran, Unit Manager
Regional Air Pollution Control Agency
Public Health - Dayton & Montgomery County

3. The NESHAP, at 40 C.F.R. § 63.685(g)(1)(ii), requires, in part, that for an owner or operator who controls tank air emissions by venting to a control device, the tank shall be covered by a

fixed roof, and “[e]ach opening in the fixed roof not vented to the control device shall be equipped with a closure device.”

4. The NESHAP, at 40 C.F.R. § 63.685(g)(1)(iii), requires, in part, that for an owner or operator who controls tank air emissions by venting to a control device, the tank shall be covered by a fixed roof, and “[t]he fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the off-site material to the atmosphere, to the extent practical, and will maintain the integrity of the equipment throughout its intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include: organic vapor permeability, the effects of any contact with the liquid and its vapor managed in the tank [...]”

5. The NESHAP, at 40 C.F.R. § 63.685(g)(2), requires, in part, that “[w]henever an off-site material is in the tank, the fixed roof shall be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device [...]”

6. The NESHAP, at 40 C.F.R. § 63.688(b)(3)(i) states, in part, that for a container having a design capacity greater than 0.46 m³ and the container is in light-material service, the owner or operator must control air emissions from the container in accordance with the standards for Container Level 2 controls as specified in subpart PP of this part - National Emission Standards for Containers.

7. The NESHAP, at 40 C.F.R. § 63.693(b)(3), requires, in part, that whenever gases or vapors containing HAP are routed from a tank through a closed-vent system connected to a control device used to meet Tank Level 2 controls, the control device must be operating except for routine maintenance.

8. The NESHAP, at 40 C.F.R. § 63.693(b)(4)(i), requires the Facility to inspect and monitor the closed-vent system in accordance with the requirements specified in 40 C.F.R. § 63.695(c).

9. The NESHAP, at 40 C.F.R. § 63.693(f)(1)(ii)(A), requires, in part, that the RTO destroy the HAP listed in Subpart DD contained in the vent stream entering the vapor incinerator by 95 percent or more, on a weight-basis.

10. The NESHAP, at 40 C.F.R. § 63.695(c)(1)(ii)(C), requires the continuous monitoring system to monitor and record either an instantaneous data value at least once every 15 minutes or an average value for intervals of 15 minutes or less.

11. The NESHAP, at 40 C.F.R. § 63.695(e)(1)(ii), requires that the continuous monitoring system must be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications or other written procedures that provide reasonable assurance that the monitoring equipment is operating properly.

12. The NESHAP, at 40 C.F.R. § 63.695(e)(5), states, in part, that for each deviation from the minimum operating parameter limit established for the operating parameter, “the owner or operator shall be deemed to have failed to have applied control in a manner that achieves the required operating parameter limits. Failure to achieve the required operating parameter limits is a violation of this standard.”

13. The NESHAP, at 40 C.F.R. § 63.923(d) requires that whenever a regulated-material is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure

devices for the container, and secure and maintain each closure device in the closed position except under specified conditions while adding material to the container or removing material from the container, or as needed to perform routine activities other than transfer of regulated-material.

Title V Permit

14. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, and its implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for major sources of air pollution.

15. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to violate any requirement of an issued Title V permit.

16. All terms and conditions in a Title V permit are enforceable by EPA. See 40 C.F.R. § 70.6(b)(1).

17. On April 30, 2020, Ohio EPA issued a Title V permit to the Facility (the Permit).

18. Permit Condition B.6 incorporates the requirements of 40 C.F.R. § 63.693(f)(1)(ii)(A).

19. Permit Condition B.6 requires that the Facility install and operate a closed-vent system and a regenerative thermal oxidizer (RTO) at all times, including periods of startup, shutdown, and malfunction and achieve a destruction efficiency of 95% or greater of total organic compounds (TOC), less methane and ethane, and hazardous air pollutants (HAPs) on a dry weight basis.

20. Permit Condition B.8. requires that the Facility remove adequate moisture from the closed-vent system and other RTO related components to minimize or eliminate operational problems associated with moisture that could impact the continuous and proper operation of the RTO.

21. Permit Condition B.10 incorporates the requirements of 40 C.F.R. § 63.695(c)(1)(ii)(C).

22. Permit Condition B.10 requires that the permittee install, calibrate, maintain, and continuously operate at least one pressure monitoring device capable of measuring and recording the pressure within the closed-vent system no less than once every 15 minutes as required by Subpart DD.

23. Permit Condition B.11 incorporates the requirements of 40 C.F.R. § 63.695(e)(5), as they pertain to the pressure for the closed-vent system.

24. Permit Condition B.11 requires that the daily average pressure measured for the closed-vent system, when emissions units controlled by the RTO are in operation, shall not be less than the minimum pressure established during the most recent emissions test.

25. Permit Condition B.12 requires that the permittee install, calibrate, maintain, and continuously operate a pressure monitoring device at the end of each vent line of the closed-vent system if there is more than one line leading to the RTO.

26. Permit Condition B.12 further states that “These monitors shall be used in order to demonstrate that a negative pressure is maintained within the closed-vent system at all times one or more processes tied into the closed-vent system are operating [...]”.

27. Permit Condition C.10.c.1 states that, for Level 2 Tanks including the VDR (Emissions Unit T107), the permittee shall comply with the applicable restrictions required under 40 C.F.R. Part 63, Subpart DD, specifically standards for tanks and operation of tanks using level 2 control under 40 C.F.R. 63.685(d)(3) and (g).

28. Permit Condition C.2.c.1 incorporates the requirements of 40 C.F.R. § 63.923(d).

29. Permit Condition C.2.c.1 states that, for the Building G Sludge Press Roll-Off container (P040), the permittee shall comply with the applicable restrictions under 40 CFR Part 63, Subpart DD, which also references 40 CFR Part 63, Subpart PP, including 40 C.F.R. § 63.923(d) of Subpart PP.

30. Permit Conditions C.3.c.1, C.8.c.1, and C.10.c.1 incorporate the requirements of 40 C.F.R. § 63.693(b)(3).

31. Permit Conditions C.3.c.3 and C.8.c.1 incorporate the requirements of 40 C.F.R. § 63.685(d)(3) and (g), for the DAF Flash and Effluent Tanks and Tank T118, respectively.

32. Permit Condition C.3.d.2, C.4.d.2, C.6.d.2, C.7.d.2, C.8.d.2, and C.10.d.2 incorporate the requirements of 40 C.F.R. § 63.695(e)(5), as they pertain to the RTO combustion temperature.

33. Permit Conditions C.3.d.2, C.4.d.2, C.6.d.2, C.7.d.2, C.8.d.2, and C.10.d.2 require that the combustion temperature measured within the RTO, when emissions units controlled by the RTO are in operation, shall not be less than average minimum temperature established during the most recent emissions test.

Factual Background

34. Valicor owns and operates an off-site waste and recovery operation located at 300 Cherokee Drive, Dayton, Ohio (the Facility).

35. At the Facility, Valicor operates the Building G Filter Press Feed Tank (T118).

36. At the Facility, Valicor operates the dissolved air filtration (DAF) system (P041) that includes, among other subunits, the DAF flash tank and the DAF effluent tank.

37. The DAF flash tank and the DAF effluent tank are both covered by a fixed roof.

38. The DAF flash tank is vented to a control device and is thus subject to 40 C.F.R. § 63.685(g)(1)(ii).

39. The DAF effluent tank is vented to a control device and is thus subject to 40 C.F.R. § 63.685(g)(1)(iii).

40. At the Facility, Valicor operates a closed vent system (CVS) routed to a regenerative thermal oxidizer (RTO), in order to control emissions from multiple tanks and other emissions units.

41. At the Facility, Valicor employs the Building G Sludge Press Roll-Off container to store sludge generated by the sludge press in Building G.

42. At the Facility, Valicor operates the Building B Sludge Settling Tank, Tank T-2 (T069). Valicor operates a pressure monitoring device along the CVS vent line leading to Tank T-2, in order to demonstrate negative pressure in compliance with Permit Condition B.12.

43. At the Facility, Valicor operates the Sequencing Batch Reactor (SBR) and Variable Depth Reactor (VDR) as part of a bioplant. Valicor operates a pressure monitoring device along the CVS vent line leading to the SBR (SBR Gauge), in order to demonstrate negative pressure in compliance with Permit Condition B.12.

44. On May 3, 2023, EPA conducted an inspection of the Facility (May 3, 2023 Inspection).

45. At the May 3, 2023 Inspection, EPA conducted onsite monitoring using an optical gas imaging camera (FLIR) to detect potential emissions of organic air pollutants, and a Toxic Vapor Analyzer (TVA) to measure emissions of total organic compounds, as methane, at potential leak points.

Tank T118

46. At the May 3, 2023 Inspection, Valicor personnel stated that Tank T118 (referred to by staff as the Building G Day Tank) is not connected to pollution controls.

47. Tank T118 is required to vent emissions through the CVS to the RTO, in accordance with Permit Condition C.8.c.1.

48. At the May 3, 2023 Inspection, EPA observed hydrocarbon emissions escaping from Tank T118 using FLIR technology. Upon further investigation, it became clear that there was an open hatch atop Tank T118. Facility representatives stated that they would work to close the open hatch.

49. In the May 17, 2023 Letter, Valicor stated that the hatch was properly closed after EPA's departure on May 3, 2023.

DAF Flash Tank

50. At the May 3, 2023 Inspection, on the fixed roof of the DAF Flash Tank, EPA observed an approximate 3-inch opening that was not equipped with a closure device.

51. Using the TVA, EPA recorded an organic vapor reading above 500 ppm as methane directly above the hole.

52. On May 17, 2023 Valicor sent EPA a letter summarizing follow-up items from the May 3, 2023 Inspection (May 17, 2023 Letter).

53. The May 17, 2023 Letter stated, "Valicor has since patched the hole and subsequent PID readings taken were observed at 0.1 ppm."

DAF Effluent Tank

54. At the May 3, 2023 Inspection, EPA observed that a significant portion of the fixed roof of the DAF Effluent Tank was covered with a thin rubber mat to cover an opening above the tank pump well, with visible gaps along the edges of the mat.

55. Using the TVA, EPA recorded an organic vapor reading of 282 ppm as methane near the gaps along the edges of the mat.

56. In a May 11, 2023 email, as a follow-up to the inspection, Valicor stated it had modified the mat on the DAF Effluent Tank and provided a photo confirming that the mat was still in place.

57. In the May 17, 2023 Letter, Valicor stated that it had installed a new cover on the tank, had sealed around the sump pump discharge pipe of the tank, and taken a follow up reading with a photo ionization detector, that measured 2.3 ppm. No photo or additional details of the new cover were provided.

Damage to CVS due to flash-back event

58. On April 17, 2023, and through a subsequent update on April 22, 2023 (April 22nd Deviation Report), Valicor reported a high temperature event that led to the destruction of a significant portion of the CVS ductwork, rendering the CVS inoperable, and requiring the shutdown of the RTO while several emission units continued to emit pollution.

59. The April 22nd Deviation Report described two critical incidents in the chain of events that ultimately lead to the damage to the CVS, both of which involved excess condensate buildup in the CVS and RTO:

- a. “Condensate with elevated LELs entered the inlet plenum of the RTO unit where the poppet valves are located. The condensate reached an elevation in the inlet plenum above the bottom of the poppet valves allowing this material to transfer to the outlet plenum side of the RTO, which has elevated temperatures coming off the media beds of the RTO Unit. This caused the stack temperature to increase and shut down the RTO unit.”
- b. While the RTO was shut down, and “[u]nknown to the personnel restarting the unit, the R1/R2 Tanks were being filled causing increased LEL conditions in the CVS that was blocked off due to the RTO shutdown closing the plant air damper from the CVS into the RTO.”

60. The April 22nd Deviation Report stated that several emission sources normally controlled by the RTO continued to emit during the time the RTO was shut down, and that the Bioplant tanks continued to be supplied with air during the time the RTO was shut down.

61. By virtue of these emission sources continuing to emit while the RTO was shut down, zero percent of the HAP contained in the vent stream routed to the RTO was destroyed.

62. Valicor submitted its 2023 2nd quarter deviation report on July 31, 2023 (2nd Quarter Report).

63. The 2nd Quarter Report states that the RTO was shut down from April 10, 2023 until April 25, 2023.

64. The 2nd Quarter Report indicates that Valicor did not achieve its required 24-hour average RTO minimum combustion temperature and CVS vacuum pressure between April 10, 2023 and April 25, 2023.

Failure and miscalibration of primary pressure transmitter

65. On June 14, 2023 Valicor reported that the “failure of a pressure transmitter” led to the shutdown of the RTO on June 9, 2023. (June 14th Deviation Report)

66. The June 14th Deviation Report listed several emission sources normally controlled by the RTO that continued to emit during the time the RTO was shut down.

67. The June 14th Deviation Report states that Valicor did not achieve its required 24-hour average RTO minimum combustion temperature for 382 minutes on June 9, 2023.

68. On July 14, 2023, Valicor provided an addendum to the June 14th Deviation Report (July 14th Addendum Report), stating that after replacing the failed pressure transmitter, the new pressure transmitter was miscalibrated. The miscalibration caused four of the CVS pressure gauges at the ends of vent lines to display positive pressure and the CVS pressure at the RTO to be an estimated -0.35 inches of water column, thus not meeting the minimum vacuum pressure, from June 10, 2023 to June 16, 2023.

69. On August 15, 2023, Valicor provided another addendum to the July 14th Addendum Report (August 15th Addendum Report). The August 15th Addendum Report indicated Valicor was changing the standard operation procedure of the RTO and CVS to include checking for negative pressure when the bioplant blowers are operating.

Failure of Tank T-2 gauge and failure to demonstrate negative pressure

70. During the May 3, 2023 Inspection, EPA observed pressure gauges used to check for negative pressure at the end of each vent line of the closed-vent system. The Tank T-2 gauge was broken. At another gauge in Building B, the needle was near zero, and it was difficult to determine if pressure was slightly negative or slightly positive.

71. In the May 17, 2023 Letter, Valicor confirmed that that a faulty gauge was discovered on May 2, 2023, resulting in the installation of new gauges on May 3, 2023.

Open sludge press roll-off container

72. During the May 3, 2023 Inspection, EPA observed sludge placed on top of the temporary liner/cover of the Building G Sludge Press Roll-Off container. The sludge was, thus, exposed to the ambient air inside Building G.

Failure of a gas safety shutoff valve

73. On August 17, 2023, Valicor reported that on August 7, 2023, a failed natural gas safety valve on the RTO caused the failure of the RTO to maintain its minimum combustion temperature and ultimately led to the shutdown of the RTO for approximately 4.25 hours.

74. The Deviation Report listed several emission sources normally controlled by the RTO that continued to emit during the time the RTO was shut down.

75. The Deviation Report states that Valicor did not achieve its required 24-hour average RTO minimum combustion temperature for 255 minutes on August 7, 2023.

Improper Adjustment of SBR Gauge and Failure to Complete Quarterly Calibrations

76. On August 25, 2023, Valicor sent EPA a letter (August 25, 2023 Letter) notifying EPA that all CVS pressure gauges have not been calibrated on a quarterly basis, as required by the Facility's Preventative Maintenance and Operation Plan (PMOP).

77. The Facility's PMOP, including the requirement to calibrate the CVS pressure gauges on a quarterly basis, first became effective upon EPA approval on April 26, 2019.

78. In the August 25, 2023 Letter, Valicor also notified EPA that in 2017 or 2018, facility staff improperly adjusted the SBR Gauge to show a negative pressure reading, such that the gauge was effectively taken out of calibration and would not accurately show the pressure at the location of the gauge. The notification further states that no known changes were made to the SBR Gauge from the time of the improper adjustment until the time the gauge was replaced, a few weeks prior to August 25, 2023, and that the current SBR Gauge was believed to be providing accurate pressure readings.

Leaking PRV on VDR (Bioplant)

79. During the May 3, 2023 Inspection, EPA observed hydrocarbon emissions from the VDR pressure relief poppet valve using FLIR technology.

80. Valicor did not indicate that the bioplant was experiencing an over-pressurization event.

81. The May 17, 2023 Letter stated that the Facility measured hydrocarbon emissions from the VDR and SBR vent stacks, presumably after the May 3, 2023 Inspection, and that the readings were 43.5 ppm and 41.7 ppm, respectively.

Violations

Tank T118

82. By failing to control emissions from Tank T118, since at least May 3, 2023, Valicor is in violation of Permit Condition C.8.c.1 and 40 C.F.R. § 63.685(d)(3).

83. By failing to secure a closure device in the closed position and vent the vapor headspace to the control device at Tank T118, on May 3, 2023 and possibly earlier, Valicor is in violation of Permit Condition C.8.c.1 and 40 C.F.R. § 63.685(g)(2).

DAF Flash Tank

84. By failing to equip an opening in the fixed roof of the DAF Flash Tank with a closure device, from at least May 3, 2023 until as late as May 17, 2023, Valicor is in violation of 40 C.F.R. § 63.685(g)(1)(ii) and Permit Condition C.3.c.3.

DAF Effluent Tank

85. By failing to maintain a fixed roof made of suitable materials which would be expected to maintain the integrity of the equipment through its intended service life, on the DAF Effluent Tank, since at least May 3, 2023, Valicor is in violation of 40 C.F.R. § 63.685(g)(1)(iii) and Permit Condition C.3.c.3.

Damage to CVS due to flash-back event

86. By failing to operate a closed-vent system and a regenerative thermal oxidizer (RTO) at all times, including periods of startup, shutdown, and malfunction and achieve a destruction efficiency of 95% or greater of total organic compounds (TOC), less methane and ethane, and hazardous air pollutants (HAPs) on a dry weight basis, from April 10, 2023 until April 25, 2023, Valicor is in violation of Permit Condition B.6 and 40 C.F.R. § 63.693(f)(1)(ii)(A).

87. By failing to remove adequate moisture from the closed-vent system and other RTO related components to minimize or eliminate operational problems associated with moisture that could impact the continuous and proper operation of the RTO, Valicor is in violation of Permit Condition B.8.

88. By failing to operate the RTO at all times gases or vapors containing HAP are routed through the closed-vent system connected to the RTO, from April 10, 2023 until April 25, 2023, Valicor is in violation of Permit Conditions C.3.c.1, C.8.c.1, and C.10.c.1, and 40 C.F.R. § 63.693(b)(3).

89. By failing to meet the 24-hour minimum CVS vacuum pressure, from April 10, 2023 until April 25, 2023, Valicor is in violation of Permit Condition B.11 and 40 C.F.R. § 63.695(e)(5).

90. By failing to meet the 24-hour minimum RTO combustion temperature, from April 10, 2023 until April 25, 2023, Valicor is in violation of Permit Conditions C.3.d.2, C.4.d.2, C.6.d.2, C.7.d.2, C.8.d.2, and C.10.d.2, and 40 C.F.R. § 63.695(e)(5).

Failure and miscalibration of primary pressure transmitter

91. By failing to properly install, calibrate, maintain, and continuously operate at least one pressure monitoring device capable of measuring and recording the pressure within the closed-vent system no less than once every 15 minutes, from June 9, 2023 until June 16, 2023, Valicor is in violation of Permit Condition B.10 and 40 C.F.R. § 63.695(c)(1)(ii)(C).

92. By failing to operate the CVS and RTO at all times, including periods of startup, shutdown, and malfunction and achieve a destruction efficiency of 95% or greater of total organic compounds (TOC), less methane and ethane, and hazardous air pollutants (HAPs) on a dry weight basis, on June 9, 2023, Valicor is in violation of Permit Condition B.6 and 40 C.F.R. § 63.693(f)(1)(ii)(A).

93. By failing to operate the RTO at all times gases or vapors containing HAP are routed through the closed-vent system connected to the RTO, on June 9, 2023, Valicor is in violation of Permit Conditions C.3.c.1, C.8.c.1, and C.10.c.1, and 40 C.F.R. § 63.693(b)(3).

94. By failing to meet the 24-hour minimum RTO combustion temperature, for 382 minutes on June 9, 2023, Valicor is in violation of Permit Conditions C.3.d.2, C.4.d.2, C.6.d.2, C.7.d.2, C.8.d.2, and C.10.d.2, and 40 C.F.R. § 63.695(e)(5).

95. By failing to meet the 24-hour minimum CVS vacuum pressure, from June 10, 2023 until June 16, 2023, Valicor is in violation of Permit Condition B.11 and 40 C.F.R. § 63.695(e)(5).

96. By failing to demonstrate, based on the end-of-vent-line pressure gauge readings, that a negative pressure was maintained within the CVS, from June 10, 2023 until June 16, 2023, Valicor is in violation of Permit Condition B.12.

Failure of Tank T-2 gauge and failure to demonstrate negative pressure

97. By failing to properly to install, calibrate, maintain and continuously operate a pressure monitoring device at the end of the vent line of the CVS leading to Tank T-2, from at least May 2, 2023 until May 3, 2023, Valicor is in violation of Permit Condition B.12.

98. By failing to demonstrate, based on the end-of-vent-line pressure gauge readings, that a negative pressure was maintained within the CVS since at least May 3, 2023, Valicor is in violation of Permit Condition B.12.

Open sludge press roll-off container

99. By failing to secure and maintain a closure device over the Building G Sludge Press Roll-Off container, on at least May 3, 2023, Valicor is in violation of the NESHAP, at 40 C.F.R. § 63.923(d) and Permit Condition C.2.c.1.

Failure of a gas safety shutoff valve

100. By failing to operate the RTO at all times gases or vapors containing HAP are routed through the closed-vent system connected to the RTO, on August 7, 2023, Valicor is in violation of Permit Conditions C.3.c.1, C.8.c.1, and C.10.c.1 and 40 C.F.R. § 63.693(b)(3).

101. By failing to meet the 24-hour minimum RTO combustion temperature, on August 7, 2023, Valicor is in violation of Permit Conditions C.3.d.2, C.4.d.2, C.6.d.2, C.7.d.2, C.8.d.2, and C.10.d.2, and 40 C.F.R. § 63.695(e)(5).

102. By failing to operate the CVS and RTO at all times, including periods of startup, shutdown, and malfunction and achieve a destruction efficiency of 95% or greater of TOC, less methane and ethane, and HAPs on a dry weight basis, on August 7, 2023, Valicor is in violation of Permit Condition B.6 and 40 C.F.R. § 63.693(f)(1)(ii)(A).

Improper Adjustment of SBR Gauge and Failure to Complete Quarterly Calibrations

103. By failing to complete quarterly calibrations of all CVS pressure gauges from April 26, 2019 until approximately August, 2023, Valicor is in violation of Permit Conditions B.10 and B.12 and 40 C.F.R. § 63.695(e)(1)(ii).

104. By failing to demonstrate that a negative pressure was maintained within the CVS at the SBR Gauge, from at least 2018 until approximately August, 2023, Valicor is in violation of Permit Condition B.12.

Leaking PRV on VDR (Bioplant)

105. By failing to operate the VDR according to Level 2 Tanks controls, as evidenced via a leaking PRV atop the VDR, on at least May 3, 2023, Valicor failed to send emissions through a closed-vent system to a control device in violation of 40 C.F.R. § 63.685(d)(3) and (g)(2) and Permit Condition C.10.c.1.

Environmental Impact of Violations

106. These violations have caused or can cause excess emissions of volatile organic hazardous air pollutants (VOHAPs). VOHAPs include a variety of chemicals, some of which may have short- and long-term adverse health effects. Exposure to VOHAP vapors can cause a variety of health effects, including eye, nose, and throat irritation; headaches and loss of coordination; nausea; and damage to the liver, kidneys, or central nervous system. Some VOHAPs are suspected or proven carcinogens.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division