



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

June 20, 2019

CERTIFIED MAIL

Mr. James Goryance
Mar-Bal Pultrusion, Inc.
38310 Apollo Pkwy
Willoughby, Ohio 44094

Re: Final Findings and Orders for air pollution
violations

Dear Mr. Goryance,

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,



James Kavalec, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

ec: Tim Fischer, DAPC-NEDO
Brandon Schwendeman, DAPC
Tan Tran, DAPC
Kim Rhoads, Legal Office
Lee Tullis, DAPC

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Mar-Bal Pultrusion, Inc.
38310 Apollo Pkwy
Willoughby, Ohio 44094

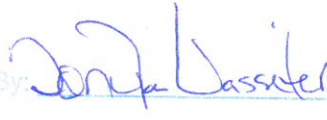
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**Director's Final Findings
and Orders**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By:  Date: 6/20/19

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Mar-Bal Pultrusion, Inc., ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates reinforced plastic composites production operations at its plant (Facility ID#0243162011) located at 38310 Apollo Parkway, in Willoughby, Ohio (Lake County). The reinforced plastic composites production operations began operation in 1986.

2. ORC § 3704.05(G) states that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Chapter 3745-21-25 was adopted by the Director pursuant to ORC Chapter 3704.

3. ORC § 3704.05(J)(1) states that no person shall operate a Title V source without paying fees required under ORC § 3745.11.

4. ORC § 3704.05(K) states that no person shall operate a Title V source without first timely obtaining a Title V permit under ORC § 3704.036.

5. OAC Rule 3745-21-25 requires any facility that has reinforced plastic composites production operations to be subject to the requirements under this rule.

6. OAC Rule 3745-21-25(D)(1), in part, requires the owner or operator of a reinforced plastic composites production operation to comply with the work practice standards and volatile organic compound ("VOC") emissions limits in tables 1 and 2 of this rule by the compliance date of December 14, 2010.

7. OAC Rule 3745-21-25(S)(1), in part, requires the owner or operator of a reinforced plastic composites production operation with a startup date before December 14, 2009 to notify the appropriate Ohio EPA district office or local air agency in writing that such operation is subject to this rule no later than February 12, 2010.

8. OAC Rule 3745-21-25(F)(4), in part, requires the owner or operator of the affected source to perform the calculation of its facility's VOC emissions threshold and include this information in the applicability notification.

9. OAC Rule 3745-21-25(Q)(1), in part, requires the owner or operator of a reinforced plastic composites production operation to submit semiannual compliance status reports containing the information specified in paragraphs (Q)(3)(a) to (Q)(3)(h) of this rule.

10. OAC Rule 3745-31-02(A) states that no person shall cause, permit, or allow the installation, or modification, and subsequent operation of any new source without first obtaining a permit-to-install and operate ("PTIO") from the Director of Ohio EPA.

11. OAC Rule 3745-77-04(D), in part, requires the owner of the affected operation to submit a Title V permit application within twelve months after the source becomes subject to the Title V permit program.

12. On November 7, 2018, the Ohio EPA, Northeast District Office ("NEDO") performed an inspection of Respondent's facility based on an odor complaint. During this inspection, NEDO discovered that the reinforced plastic composites production operation had never been permitted since installation and start-up of operation, in violation of OAC Rule 3745-31-02(A) and ORC § 3704.05(G). Since the facility had not submitted the applicability notification by February 12, 2010, including an identification of the applicable requirements and the means of compliance, Respondent was also in violation of OAC Rule 3745-21-25(S)(1) and ORC § 3704.05(G). Further, Respondent failed to perform the calculation for its VOC emissions threshold and to include this information in the applicability notification, in violation of OAC Rule 3745-21-25(F)(4) and ORC § 3704.05(G).

13. On November 28, 2018, NEDO issued Respondent a notice of violation ("NOV") letter for the violations outlined in Finding #12.

14. On December 21, 2018, NEDO received an email from Respondent as a response to the November 28, 2018 NOV letter. Information from the email indicated that the potential emissions exceeded the Title V threshold values and the applicability threshold for OAC Rule 3745-21-25. After a telephone call with NEDO on January 2, 2019, Respondent submitted a Notification of Applicability for OAC Rule 3745-21-25 on January 4, 2019.

15. Based on the information in Respondent's December 21, 2018 email, the potential emissions for hazardous air pollutants ("HAPs") for Respondent's facility exceeded the Title V threshold and Respondent did not apply for a Title V permit by the required deadline, in violation of OAC Rule 3745-77-04(D) and ORC § 3704.05(K). Respondent also failed to submit the Title V fee emissions reports and pay the Title V emissions fees from 2014 through 2018, in violation of OAC Rule 3745-78-02(A) and ORC § 3704.05(J)(1). In addition, Respondent failed to comply with the work practice standards for reinforced plastic composites production operations, in violation of OAC Rule 3745-21-25(D)(1) and ORC § 3704.05(G).

16. Based on Respondent's Notification of Applicability, Respondent failed to meet the sixty percent VOC reduction requirements for the pultrusion lines by the compliance date of December 14, 2010, in violation of OAC Rule 3745-21-25(D)(1) and ORC § 3704.05(G). Respondent also failed to submit the semiannual compliance status reports for its reinforced plastic composites production operation beginning on January 31, 2011, in violation of OAC Rule 3745-21-25(Q)(1) and ORC § 3704.05(G).

17. On January 18, 2019, Ohio EPA sent a NOV letter to Respondent for the violations referenced in Findings #15 and #16.

18. According to NEDO, as of April 19, 2019, Respondent has submitted all the requested documents, including fee emissions reports, semiannual reports, and the FEPTIO application. In addition, Respondent has also met the work practice and VOC reduction requirements of OAC Rule 3745-21-25 through installation of the covers for the VOC-containing materials storage operations, the pultrusion line enclosures and new stack for the room containing its reinforced plastic composites production operation.

19. The Director has given consideration to, and based her determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of twenty-six thousand five hundred dollars (\$26,500) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these

Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" twenty-six thousand five hundred dollars (\$26,500). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio EPA – Northeast District Office
Air Pollution Control Division
2110 East Aurora Road
Twinsburg, Ohio 44087-1924
Attention: Tim Fischer

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Jim Kavalec, Manager
Compliance and Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Jim Kavalec, Manager
Compliance and Enforcement Section

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XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



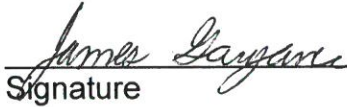
Laurie A. Stevenson
Director

6/18/19

Date

AGREED:

Mar-Bal Pultrusion, Inc.



Signature

6-7-19

Date

JAMES GORYANCE
Printed or Typed Name