



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

August 15, 2019

**CERTIFIED MAIL**

Mr. Mark Mroz  
United Initiators, Inc.  
555 Garden Street  
Elyria, Ohio 44035

Re: Final Findings and Orders for air pollution  
violations

Dear Mr. Mroz,

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,

A handwritten signature in black ink, appearing to read "James Kavalec", is written over a horizontal line.

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

cc: Patty Porter, DAPC  
John Paulian, DAPC  
Stephen Feldmann, Legal Office  
Jana Gannon/Tim Fischer, DAPC-NEDO  
Lee Tullis, DAPC  
Brad Mitchell/Mitch Mathews, DERR

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

United Initiators, Inc.  
555 Garden Street  
Elyria, Ohio 44035

:  
:  
:

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: *Jenifer Cassiter* Date: 8/15/2019

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to United Initiators, 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 the 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 a chemical manufacturing facility located at 555 Garden Street, Elyria, Ohio ("Elyria Plant") that manufactures liquid organic peroxides and peroxyesters. As a result of the facility's product purification process and cleaning between product production, an organic peroxide hazardous waste stream ("waste") is generated in relatively small quantities. The waste is highly reactive; therefore, Respondent mixes it with mineral spirits to assure safe storage and handling before the waste is thermally treated (i.e., combusted) for disposal in the facility's boiler 2 (identified by Ohio EPA as emissions unit B005). The air emissions generated during the waste disposal in the boiler are emitted directly to the atmosphere uncontrolled. Prior to 2004, Respondent operated an on-site incinerator for approximately twenty years to

treat the waste stream. The incinerator was subject to the National Emissions Standards for Hazardous Air Pollutants ("NESHAP") for Hazardous Waste Combustors codified as 40 CFR, Part 63, Subpart EEE ("Subpart EEE"). In accordance with Subpart EEE, Respondent submitted a comprehensive performance test ("CPT") plan for the on-site incinerator on or around March 2003. However, the incinerator shutdown in the fall of 2003 prior to completing the additional requirements of Subpart EEE, including conducting the CPT. In or around 2004, Respondent modified boiler 2 to burn the waste.

2. Subpart EEE exempts hazardous waste combustors that only burn waste exempt from the Resource Conservation and Recovery Act ("RCRA") hazardous waste rules. Historically, RCRA hazardous waste rules contained an exclusion for the combustion of fuels that were sufficiently comparable to commercial fossil fuels in regard to levels of hazardous constituents and physical properties, referred to as the "comparable fuels rule." The waste Respondent combusted in boiler 2 qualified for this exclusion; therefore, the combustion of the waste fuel in emissions unit B005 was exempt from the requirements of Subpart EEE. However, on June 27, 2014, the US Court of Appeals mandated that the "comparable fuels rule" be vacated. As a consequence, Respondent's waste was no longer exempt from RCRA rules and became classified as a hazardous waste combustor and subject to the applicable requirements of Subpart EEE for liquid fuel boilers ("LFB"). The Court, in response to US EPA's motion, granted a stay of the mandate through March 30, 2015. Sometime after this date, US EPA provided guidance for facilities previously exempt from Subpart EEE under the comparable fuels rule which required compliance with the applicable Subpart EEE standards by March 30, 2018 (i.e., three years for the Court's stay).

3. Prior to US EPA's guidance on the compliance date, there was uncertainty in when Respondent needed to comply with Subpart EEE because Subpart EEE's compliance dates for existing LFB had passed. As a result, Respondent, in conjunction with US EPA and Ohio EPA guidance, attempted to conduct "early initial comprehensive performance tests" for particulate, hydrochloric acid, dioxins and furans, carbon monoxide and volatile organic compounds emissions on March 26 and 27, 2015, and submitted the test results to Ohio EPA on May 5, 2015. On May 22, 2015, Ohio EPA sent a letter to Respondent accepting the tests as a compliance demonstration. Since May of 2015, Ohio EPA has had several telephone calls and shared emails with Respondent emphasizing the importance of reviewing Subpart EEE applicable requirements to assure the facility is in compliance with the requirements by the March 30, 2018 US EPA guidance compliance date, including sharing a working copy of the facility's draft Title V operating permit and issuing permit-to-install ("PTI") number P0122802 to Respondent on October 18, 2017, both incorporated the requirements of Subpart EEE.

4. Information gathered during Ohio EPA's on-site compliance inspection on September 21, 2018, an October 21, 2018 follow-up meeting, and a review of Respondent's records and reports, revealed that Respondent was not in compliance with the requirements of Subpart EEE and the terms and conditions of facility's permits.

5. ORC § 3704.05(C) prohibits any person from violating a term or condition of any permit issued by the Director of Ohio EPA. The specific violations are identified below.

6. On September 6, 2018 and November 2, 2018, Ohio EPA sent notice of violation ("NOV") letters to Respondent for the violations identified herein.

### **Subpart EEE and PTI P0122802 Violations**

#### **Subpart EEE Section 63.1207- Performance Testing Violations**

7. Subpart EEE Section 63.1207(b) requires the owners and operators of hazardous waste combustors (i.e., Respondent) to conduct CPTs to demonstrate compliance with the specified emission standards, to establish operating parameters limitations ("OPLs") as required by Subpart EEE Section 63.1209, and to demonstrate compliance with the performance specifications for continuous monitoring systems ("CMS"). Subpart EEE, Section 63.1217 specifies emissions standards for LFBs which include: dioxins and furans, mercury, cadmium and lead, chromium, either carbon monoxide or hydrocarbons, hydrogen chloride and chlorine, and particulate matter. Subpart EEE, Section 63.1217 also specifies a destruction and removal efficiency ("DRE") standard for each principle organic hazardous constituent ("POHC"). POHCs represent the most difficult to destroy organic compounds in the hazardous waste feed-stream.

8. Subpart EEE Section 63.1207(c) requires Respondent to commence an initial CPT no later than six (6) months after the applicable compliance date. Per US EPA's guidance, Respondent's compliance date was March 30, 2018; therefore, Respondent is required to have commenced the initial CPTs no later than September 30, 2018. Respondent failed to commence the initial CPTs to determine compliance with the mercury, cadmium and lead combined, chromium, and DRE standards by September 30, 2018.

9. Subpart EEE, Section 63.1207(m) states that hazardous waste combustors are deemed to be in compliance and not required to conduct performance tests (i.e., waiver of a performance test) to document compliance with the mercury, semivolatile metals, low volatile metals, or hydrogen chloride/chlorine gas emission standards if certain specified conditions are met. A statement of the intent to comply with the waiver of the performance test's provision and documentation of compliance with the provisions are required to be included in the site-specific test plan that is required to be submitted to Ohio EPA for review and approval. To document compliance with the waiver of a performance test provision, Subpart EEE Section 63.1207(m) requires Respondent to conduct and maintain specific monitoring and records.

10. On November 26, 2018, Respondent submitted a response to the NOV letters referenced in Finding 6 and committed to have the CPT test for DRE completed by the end of 2019. In accordance with Subpart EEE, Section 63.1207(m), on January 15, 2019, Respondent submitted a request/notice to Ohio EPA to waive the performance tests for mercury, semivolatile metals, low volatile metals, and hydrogen chloride/chlorine gas. Regardless, of Respondent's qualification or non-qualification for this waiver provision, Respondent failed to conduct and maintain the required monitoring and records to document compliance with the waiver and/or the mercury, semivolatile metals, low volatile metals, and hydrogen chloride/chlorine emissions standards. Therefore, Respondent failed to demonstrate compliance with these standards and the DRE by September 30, 2018, in violation of Subpart EEE Section 63.1207(d)(3) and PTI number P0122802.

11. Subpart EEE, Section 63.1207(d), requires Respondent to commence subsequent CPTs testing no later than 61 months after the date of commencing the previous comprehensive performance test used to show compliance with Section 63.1217. Respondent commenced the initial CPTs on March 26, 2015; therefore, Respondent is required to commence the subsequent CPTs no later than April 26, 2020. Respondent failed to timely submit a notification of the intention to conduct the subsequent CPTs and CMS performance evaluation and the subsequent site-specific test plan and CMS performance evaluation test plan at least one year before the subsequent performance tests and performance evaluations are required to be conducted (i.e., by April 26, 2019).

12. Subpart EEE Section 63.1207(e) requires that a notification of intention to conduct a CPT and a CMS performance evaluation and a site-specific test plan and a CMS performance evaluation test plan be submitted to the Administrator (i.e., Ohio EPA) at least one year before the performance test and performance evaluation are scheduled to begin. The site-specific test plan and CMS performance test plan are required to be submitted to Ohio EPA for approval and made available to the public for review no later than sixty (60) calendar days before initiation of the test.

13. Respondent violated the requirements of section 63.1207(e) when it failed to:

- timely submit a complete notification of the intention to conduct the initial CPTs and CMS performance evaluation and the initial site-specific test plan and CMS performance evaluation test plan at least one year before the initial performance tests and performance evaluations were required to be scheduled (i.e., due by September 30, 2017); and
- make the initial site-specific and CMS performance evaluation test plans available to the public for review no later than 60 calendar days before initiation of the test (i.e., due by August 1, 2018).

14. Subpart EEE Section 63.1207(f) specifies a detailed list of the required contents of the CPT plan. Respondent failed to include and/or submit all of the required information in the CPT plan, in violation of §63.1207(f).

15. Subpart EEE Sections 63.1207(j) and 63.1210(d) requires Respondent to submit a Notification of Compliance ("NOC") which documents compliance with the emission standards and the CMS requirements and identifies the OPLs that will be used to assure ongoing compliance with the applicable standards as required by Section 63.1209 (i.e., monitoring requirements). The NOC is required to be postmarked within ninety (90) days of completion of the CPTs or if the initial CPTs are conducted prior to the applicable compliance date (e.g., March 30, 2018), it is required to be postmarked within ninety (90) days of completion of the early performance test(s) or by the compliance date, whichever is later.

16. Respondent violated the requirements of Sections 63.1207(j) and 63.1210(d) when it failed to postmark a NOC documenting initial compliance with the emission standards and CMS requirements and identify the OPLs after the initial partial CPTs were completed. Specifically, Respondent failed to postmark the NOC for the March 26 and 27, 2015 tests by the applicable compliance date (i.e., by March 30, 2018).

#### **Subpart EEE Section 63.1206 - Compliance with the Standards and Operating Requirements Violations**

17. Subpart EEE Section 63.1206(b)(11), requires Respondent to calculate the hazardous waste residence time and include the calculation in the CPT test plan and the operating record. It also requires Respondent to provide the hazardous waste residence time in the Documentation of Compliance ("DOC") and the NOC.

18. Respondent failed to calculate the hazardous waste residence time and include the calculation in the CPT plan and the operating record, and to provide it in the DOC and the NOC. Respondent submitted the boiler's hazardous waste residence time and calculations to Ohio EPA on November 26, 2018 as part of its NOV response.

19. Section 63.1206(c)(2) requires Respondent to develop, by the applicable compliance date (i.e., March 30, 2018), a written startup, shutdown, and malfunction plan ("SSM Plan") as required by 63.6(e)(3) that describes in detail procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; and a program of corrective action for malfunctioning process, air pollution control, and monitoring equipment used to comply with the standards. Respondent failed to timely develop the SSM Plan; in violation of the requirements of Sections 63.1206(c)(2) and 63.6(e)(3).

20. Respondent submitted a copy of the SSM Plan to Ohio EPA on November 26, 2018.

21. Section 63.1206(c)(3)(i) requires Respondent, by the March 30, 2018 compliance date, to operate the combustor with a functioning system that immediately and automatically cuts off the hazardous waste feed (i.e., an automatic waste feed cutoff ("AWFCO") system) when certain conditions occur including when an emission standard monitored by a continuous emission monitor ("CEM") is exceeded. On May 9 and 10, 2018, after being serviced by the manufacturer, the boiler's damper or burner went out of adjustment causing excess carbon monoxide emissions. During this time, the carbon monoxide CEM measured emissions in excess of the carbon monoxide standard specified in Subpart EEE, Section 63.1217(a)(5)(i). However, the AWFCO failed to immediately cut the hazardous waste feed, in violation of Section 63.1206(c)(3)(i). An inspection revealed that the CEM system had not been properly setup to activate the AWFCO system. Once discovered, Respondent shutdown the boiler system until it was repaired and the AWFCO system was properly setup and tested. Prior to shutting down the system, Respondent failed to comply with the 100 parts per million by volume, dry basis corrected to seven percent oxygen, rolling hourly average carbon monoxide standard for sixteen hours, in violation of Section 63.1217(a)(5)(i).

22. Section 63.1206(c)(3)(vii) requires Respondent to test the automatic waste feed cutoff ("AWFCO") system and associated alarms at least weekly to verify operability, unless Respondent documents in the operating record that weekly inspections would unduly restrict or upset the facility's operations and that less frequent inspections would be adequate to assure compliance. However, at a minimum, it requires Respondent to conduct operability testing at least monthly. It also requires Respondent to document and record in the operating record the AWFCO operability test procedures and results.

23. Respondent failed to test the AWFCO system and the associated alarms at least weekly and/or failed to document in the operating record justification for a less frequent testing; Respondent also failed to document and record any AWFCO test procedures and results that were performed in the operating record. Subpart EEE, requires that compliance with the AWFCO system testing begin no later than the applicable compliance date (i.e., March 30, 2018). Respondent violated the requirements of Sections 1206(c)(3)(i) and (vii) and the terms and conditions of PTI number P0122802.

24. In response to the November 2, 2018 NOV letter, Respondent started to conduct the required AWFCO system and associated alarms tests on November 26, 2018.

25. Section 63.1206(c)(5)(ii) requires that Respondent specify in the CPT workplan and NOC the method that will be used to control combustion system leaks. Respondent failed to specify in the CPT workplan and NOC the method that will be used to control combustion system leaks. Respondent failed to comply with this requirement by the compliance date of March 30, 2018, in violation of Section 63.1206(c)(5)(ii) and the terms and conditions of PTI number P0122802.

26. Section 63.1206(c)(6) requires, by the March 30, 2018 compliance date, Respondent establish training programs for all categories of personnel whose activities may reasonably be expected to directly affect emissions of hazardous air pollutants from emissions unit B005. It requires the training program have an examination at the end of the training course and states that the personnel who pass the test would be deemed to have "certification", except for control room operators whose training and certification program have to meet the requirements specified in paragraphs 63.1206(c)(6)(iii) through (c)(6)(vi). It also requires that emissions unit B005 be maintained and operated by persons who are trained and certified to perform applicable duties that may affect the emissions of hazardous air pollutants and that a certified control room operator be on duty at the site at all times the boiler is in operation. Additionally, Section 63.1206(c)(6)(vii) requires that the records of the operator training and certification program be in the facility's operating record.

27. Respondent failed to establish, by the March 30, 2018 compliance date, training programs for all categories of personnel whose activities may reasonably be expected to directly affect emissions of hazardous air pollutants from emissions unit B005. Respondent also failed to record the training and certification program in the operating record. As a result, the boiler was not always operated and maintained by persons who are trained and certified, in violation of Section 63.1206(c)(6) and PTI number P0122802.

28. Respondent stated that on August 20, 2018, it had received certification for the applicable personnel but was revising the training program. On January 31, 2019, Respondent provided documentation of compliance of the training program requirements for Ohio EPA to review.

29. Section 63.1206(c)(7) requires Respondent, by the March 30, 2018 compliance date, to prepare an operation and maintenance plan ("O&M Plan") that describes in detail procedures for operation, inspection, maintenance, and corrective measures for all components of the LFB combustor that could affect emissions of regulated hazardous air pollutants. Section 63.1206(c)(iv) requires the O&M Plan be recorded in the operating record.

30. Respondent failed to prepare and operate according to an O&M Plan and failed to record the O&M Plan in the operating record. According to Respondent's reply to the November 26, 2018 NOV letter, an O&M Plan had been completed but was being revised. During a meeting with Ohio EPA on February 1, 2019, Respondent provided the revised O&M plan for Ohio EPA's review.

**Subpart EEE Section 63.1209- Monitoring Requirements Violations:**

31. Section 63.1209(c)(2) requires, by the March 30, 2018 compliance date, Respondent to develop and implement a feed-stream analysis plan that satisfies the specified minimum requirements and requires that the plan be recorded in the operating



record. It also requires an analysis of each feed-stream which is sufficient to document compliance with the applicable feed-rate limits be obtained prior to feeding the material.

32. Respondent failed to develop and implement a feed-stream analysis plan and to record it in the operating record, in violation of Section 63.1209(c)(2). Respondent stated in the NOV letter response that it would complete the analysis plan and submitted the plan to Ohio EPA in January 2019.

33. Sections 63.1209(j) and (m) require Respondent, in part, to establish specified operating limitations during the applicable CPT which assures the LFB remains in compliance with the DRE standard and the PM standard, respectively. These sections also required Respondent to monitor and comply with the established limits whenever hazardous waste remains in the combustion chamber (i.e., the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated).

34. Respondent failed to conduct the DRE test and therefore, failed to comply with the requirement to establish applicable operating limitations or manufacturer specifications, in violation of Section Sections 63.1209(j) and the terms and conditions of PTI number P0122802. As a result, Respondent failed to monitor either the applicable manufacturer's specifications and/or the specific monitoring parameters (e.g., minimum combustion temperature, maximum hazardous waste federate, operating parameters that assure good operation of the hazardous waste firing system, etc.). Similarly, Respondent failed to establish operating limits for particulate matter during the March 2015 CPT for particular emissions, in violation of the Sections 63.1209(m) and the terms and conditions of PTI number P0122802. As a result, Respondent failed to monitor the required operating parameters (e.g., manufacturer's specifications, maximum ash federate, etc.) that provide reasonable assurance of ongoing compliance with the particulate matter emission standard.

#### **Subpart EEE Section 63.1211 – Recordkeeping and Reporting Violations**

35. Section 63.1211(c) requires Respondent, by the March 30, 2018 compliance date, to develop and include in the operating record a DOC that identifies the applicable emission standards under Subpart EEE and the OPLs that ensure compliance with the emission standards. Respondent is required to include a signed and dated certification in the DOC that Respondent has complied and is in compliance with the specified applicable requirements. Section 63.1211(c) also states that the develop of the DOC is not required if a NOC is submitted prior to the compliance date. In other words, Respondent would not be subject to the requirements of Section 63.1211(c), if it had completed the CPTs and submitted the NOC prior to March 30, 2018. Although Respondent commenced the CPTs early, it did not conduct the DRE test and did not submit a NOC prior to the compliance date.

36. Respondent failed to develop and include in the operating record a DOC by the March 30, 2018 compliance date. However, on November 26, 2018, Respondent submitted to Ohio EPA a partial NOC for the March 2015 CPT in response to the NOV letter.

37. 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 the benefits to the people of the State to be derived from such compliance.

**V. ORDERS**

The Director hereby issues the following Orders:

1. Except as identified in Order 2, Respondent shall comply with all applicable requirements of Subpart EEE, including but not limited to: the emission standards, OPLs, monitoring and record-keeping requirements.

2. Immediately upon the effective date of these Orders, Respondent shall submit for Ohio EPA's review and approval a notification of its intention to conduct a CPT and CMS performance evaluation and a site-specific test plan and CMS performance evaluation test plan ("CPT Plan") as required by Subpart EEE Section 63.1207(e). The following table identifies the major milestones and the schedule/dates that Respondent shall complete the specified milestone.

Schedule	Milestones
Immediately upon the effective date of these Orders	Respondent shall submit a complete CPT plan to Ohio EPA that includes all the applicable contents specified in Subpart EEE Section 63.1207(f) and the general provisions requirements in Sections 63.7(c)(2)(i) to (iii) and (v).  On July 17, 2019, Respondent submitted the CPT plan which is currently under review by Ohio EPA for completeness and approval.
Within 7 calendar days after Ohio EPA's approval of the site-specific test plan and CMS performance evaluation test plan and at least 60 calendar days before initiation of the test.	In accordance with the requirements of Section 63.1207(e)(2), Respondent shall issue a public notice announcing the availability of the site-specific test plan and CMS performance evaluation test plan and the location where the test plans will be available for review. Respondent shall make the test plans available to the public for 60 calendar days, starting with the date of the announcement. Among other specified requirements, the public notice shall include an expected time period for the commencement and completion of the tests.
Within 7 calendar days after the public notice is issued	Respondent shall submit to Ohio EPA its intention to conduct the comprehensive performance tests. The tests shall commence no later than 60 calendar days

Schedule	Milestones
	after the intent to conduct the tests is submitted. If Respondent receives extensive public comments that significantly alter the test plans, Respondent may submit, for Ohio EPA's approval, a written request and justification for a 30-calendar day extension to commence the comprehensive performance testing.
Within 60 calendar days of the submittal of the intention to conduct the CPT or 90 calendar days if a 30-extension is granted.	Respondent shall commence to conduct the comprehensive performance and site-specific tests in accordance with the plans and the requirements of Subpart EEE. During the test Respondent shall operate the combustor under the applicable conditions specified in Subpart EEE and establish, among other requirements, the required OPLs. Respondent shall complete the CPTs no later than 60 calendar days after the commencement of the tests. <sup>^</sup>
Within 90 days of completion of a comprehensive performance test	Respondent shall postmark a NOC documenting compliance with the emissions standards and CMS requirements and identifying OPLs required by Section 63.1209. Following the postmark of the NOC, Respondent shall comply with all operating requirements specified in the NOC.

<sup>^</sup> In agreement with Ohio EPA and as stated in July 17, 2019 CPT Plan, Respondent has agreed to expedite the CPT schedule with the intent to perform the tests prior to the end of the 2019 calendar year.

3. Within fourteen (14) days after each listed completion date referenced in Order 2, Respondent shall submit progress reports that shall include a narrative description of whether the requirement has been completed and how they were accomplished, with any documentation necessary to demonstrate that the requirements were completed. If a requirement has not been completed, the report shall include an explanation of the reasons for the missed completion date, a description of all actions to be taken or have been taken to complete the requirement and a proposed schedule to complete the requirement for the Ohio EPA's approval. In the event of a missed completion date, a follow-up progress report shall be submitted every fourteen (14) days after the initial report of non-completion until the requirement is completed.

4. Unless otherwise specified, Respondent may request that adjustments be made to the requirements and schedules specified in Order 2 by submitting written justification for the Director's approval. The Director will provide written partial/full approval or denial of the request within 30 days of receipt of the request. Adjustments shall be effective on the date specified in the Director's response.

5. No requirement contained herein shall be construed to allow noncompliance or to supersede Respondent's responsibility to comply with Federal, State or local laws and/or regulations, including but not limited to, the all the applicable requirements of Subpart EEE not specified in Order 2.

6. Respondent shall pay the amount of twenty-five thousand dollars (\$25,000) 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" for twenty-five thousand dollars (\$25,000) of the total civil penalty. 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 when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall be signed by Respondent and contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be signed by a responsible official of Respondent and submitted by Respondent to Ohio EPA. For the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president, or his duly authorized representative.

#### **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, the operation of Respondent's facility.

#### **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**

Except as otherwise provided in these Orders, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
Attention: Timothy Fischer

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attention: Jim Kavalec

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 the 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 Respondent 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**

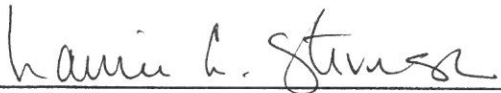
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

### **XIV. SIGNATORY AUTHORITY**

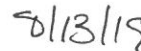
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

#### **ORDERED AND AGREED:**

#### **Ohio Environmental Protection Agency**



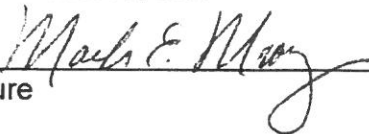
Laurie A. Stevenson  
Director



Date

#### **AGREED:**

#### **United Initiators, Inc.**



Signature

July 23, 2019

Date

Mark E. Mroz  
Printed or Typed Name

Vice President, Site Manager  
Title