



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

November 13, 2019

CERTIFIED MAIL

Tom James
Liberty Castings Company, LLC
550 Liberty Road
Delaware, Ohio 43015

Re: Final Findings and Orders for air pollution
violations

Dear Mr. James,

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: Lee Tullis, DAPC
Tan Tran DAPC
Steve Feldmann, Legal Office
Adam Novak/Kelly Saavedra/Kelly Toth, CDO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Liberty Castings Company, LLC
550 Liberty Road
Delaware, Ohio 43015**

**Director's Final Findings
and Orders**

*This is 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:

Sam Wilson Date 11/13/19

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Liberty Castings Company, LLC, ("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 a facility (Facility ID#0121010003) located at 550 Liberty Road, in Delaware, Ohio (Delaware County). At this facility, among other emissions units, Respondent operates emissions unit ("EU") P107 (saw and grinding), EU P104, EU P105, and EU P106 (the three tumbleblast units), EU P058, EU P059, EU P060, EU P061, EU P062 and P063 (Sand Reclamation System). EU's P104, P105, P106 and P107 began operation in 2015. EU's P058, P061 and P062 began operation in 2003. EU's P059 and P060 began operations in 2006. The Title V permit to operate ("TV PTO") P0110641 for these EU's was effective on June 12, 2018.

2. ORC § 3704.05(J) states, in part, that no person shall violate any applicable requirement of a Title V permit or any permit condition.

3. Term A.21 of the TV Permit P0110641 states that the air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC Rule 3745-15-07.
4. Term C.26.b)(1)a. of the TV Permit P0110641 states that there shall be no visible particulate emissions ("PE") from the stacks (identified as LRDC 1 and LRDC 2) for EUs P058, P061, and P062.
5. Term C.26.d)(3) of the TV Permit P0110641 requires Respondent to perform daily visible PE checks and record in an operations log.
6. CFR Part 63, Subpart EEEEE Section 63.7710(b) and terms and conditions of the TV Permit P0110641 require Respondent to have a written operation and maintenance plan for each capture and collection system and control device available on-site at all times for an emission source subject to a particulate matter (PM), metal hazardous air pollutant (HAP), triethylamine (TEA), or volatile organic HAP (VOHAP) emissions limit..
7. OAC Rule 3745-15-07(A) prohibits, in part, any person from causing a public nuisance by emitting excessive fugitive dust.
8. On May 25, 2018, Ohio EPA, Central District Office ("CDO") conducted a complaint investigation in Delaware as a result of receiving citizen complaints of odors which CDO personnel determined were originating from Respondent's facility. A site visit was conducted that same day and CDO documented the following: (1) visible PE were observed from the LRDC2 Baghouse exhaust stack for a continuous 13-minute period, in violation of the terms and conditions of the PTI P0105263, PTI 01-12033, and ORC 3704.05(C); (2) molds stored outside near the LRDC1 and LRDC2 Baghouses; and (3) fugitive emissions generated from piles of foundry sand on the grounds near the LRDC1 and LRDC2 Baghouses, in violation of OAC 3745-31-02(A) and ORC 3704.05(A). On June 6, 2018, Ohio EPA, CDO sent a notice of violation ("NOV") letter to Respondent for the violations of the terms and conditions of PTIs P0105236 and P0118338, ORC 3704.05(C), OAC 3745-31-02(A), and ORC 3704.05(A).
9. On June 7, 2018, CDO received Respondent's initial response to the NOV. Respondent stated that it (1) repaired the LRDC2 Baghouse and replaced the bags in the LRDC2 Baghouse; (2) retrained employees on proper storage procedures for mold cooling; and (3) cleaned the area around LRDC1 and LRDC2 Baghouses and instituted a daily cleaning regime. CDO noted in a letter dated November 30, 2018, to Respondent, the resolution of issues (1) and (2); however, despite the cleaning regime, the buildup of sand near the LRDC1 and LRDC2 Baghouses still results in fugitive particulate emissions that Ohio EPA does not consider acceptable, as noted in an October 10, 2018 site visit. This violation remains outstanding.
10. On August 16, 17, 20 and 22, 2018, CDO received citizen complaints of property damage occurring at the Henderson Trucking Inc property, located at 124 Henderson Court, Delaware, Ohio, caused by particulate emissions from Respondent's facility. On August 23, 2018, Ohio EPA conducted a complaint investigation and determined that these above-referenced complaints were justified and that the particulate emissions from the baghouse serving the Liberty Tech finishing process (emission units P104-P107) at Respondent's facility caused property damage at the neighboring facility and thus caused a public

nuisance. Therefore, Respondent was in violation of the terms and conditions of the TV PTO, OAC Rule 3745-15-07(A) and ORC § 3704.05(J).

11. On September 4, 2018, Ohio EPA, CDO sent a NOV letter to Respondent for the violations of the terms and conditions of the TV PTO, OAC Rule 3745-15-07(A) and ORC § 3704.05(J).

12. On July 31, 2018, August 6, 2018, August 22, 2018, August 28, 2018 and September 7, 2018, CDO inspected Respondent's facility and documented the following: (1) visible PE were observed from the LRDC 1 Baghouse exhaust stack for a continuous 13-minute period, in violation of the terms and conditions of the TV PTO and ORC § 3704.05(J); (2) there were no records of daily visible PE checks completed by Respondent for July 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, and 30, 2018, for the sand reclamation system (sources P058, P059, P060, P061, P062, and P063) exhausting to LRDC 1 and LRDC 2 Baghouses in violation of the terms and conditions of the TV PTO and ORC § 3704.05(J); and (3) there was no operation and maintenance plan available during these inspections, in violation of the terms and conditions of the TV PTO, CFR Part 63, Subpart EEEEE Section 63.7710(b) and ORC § 3704.05(J).

13. On November 30, 2018, Ohio EPA, CDO sent a NOV letter to Respondent for the violations identified in Finding No.10 of these Orders.

14. On January 7, 2019, Respondent submitted to Ohio EPA the operation and maintenance plan referenced in Finding Nos. 6 and 12 of these Orders, which the Ohio EPA determined was deficient and needed to be revised. On September 13, 2019 Respondent submitted an acceptable operation and maintenance plan meeting the requirements of CFR Part 63, Subpart EEEEE Section 63.7710(b) and the terms and conditions of the TV Permit P0110641.

15. On February 7, 2019, Ohio EPA receive a complaint regarding excess emissions coming from the facility. Upon investigation, Ohio EPA discovered that the baghouse serving the Liberty Tech finishing process (emission units P104-P107) was not operating properly and causing excessive emissions to be vented and not properly captured causing a nuisance in violation of TV PTO, OAC Rule 3745-15-07(A) and ORC § 3704.05(J). By letter dated February 11, 2019, Ohio EPA notified Respondent of these violations.

16. Between May of 2018 and February 11, 2019, Ohio EPA has received twenty-three complaints from seven different residences regarding odors associated with the Facility. Thirteen of these odor complaints have been received in 2019. In a letter dated January 4, 2019, Respondent indicated that it planned on building a structure to contain the cooling molds before they are shaken out in order to prevent sand from shaken out castings from being deposited outside of the building as the castings are transferred to roll off bins prior to transport to finishing operations. Currently, foundry sand from cooling and breakout operations is being deposited outside of the building and is a contributing source of odors from the facility. Respondent submitted plans to construct the enclosure with the City of Delaware in February of 2019.

17. 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. Within sixty (60) days from the effective date of these Orders, Respondent shall have the manufacturer of the baghouse serving the Liberty Tech finishing process (emission units P104-P107) or a third-party engineering firm conduct an overall evaluation of the baghouse and a root cause analysis of the baghouse failure and make any repairs or improvements deemed necessary. Within fourteen (14) days after the evaluation of the baghouses and any repairs or improvements are made, Respondent shall submit a report to Ohio EPA explaining how the root cause analysis was performed, what issues were identified and what repairs or improvements were deemed necessary and the dates those repairs or improvements were completed.
2. Within thirty (60) days after completing any baghouse repairs or improvements referenced in Order 1, Respondent shall conduct or have conducted performance stack tests to determine compliance with the emissions limitations established in the Title V PTO.
3. Respondent shall submit a performance Intent-To-Test ("ITT") notification to CDO for approval fourteen (14) days prior to the test. Respondent shall specify in ITT notice the proposed test methods and production rates to be used to determine the concentration and emissions rates. Test methods must use US EPA reference methods or procedures or approved alternative methods and are subject to Ohio EPA approval.
4. Within thirty (30) after the completion of the tests, Respondent shall submit, via Stars2, a report of the result of the stack tests to Ohio EPA.
5. By December 31, 2019, Respondent shall have a building enclosure, as referenced in Finding No. 16 of these Orders, constructed to contain the cooling molds before they are shaken out. The building enclosure shall be constructed in a manner which will prevent foundry sand from being deposited outside of the building and which meets the fugitive emissions limitations for buildings or structures housing iron foundry emissions sources contained within 40 CFR Part 63, Subpart EEEEE.
6. In the event that Ohio EPA continues to receive and verify odor complaints regarding the Facility more than two months after the enclosure referenced in Order 5 is completed, Respondent shall submit a detailed plan of action to address odors to Ohio EPA within thirty (30) days following receipt of a written request from Ohio EPA.
7. Respondent shall pay the amount of seventh-five thousand dollars (\$75,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within forty-five (45) 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 fifteen thousand dollars (\$15,000). 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

8. In lieu of paying the remaining sixty thousand dollars (\$60,000) Respondent shall perform the following Supplemental Environmental Project (SEP) valued at no less than two hundred and fifty thousand dollars (\$250,000) in accordance with the schedule outlined below. Pursuant to this paragraph, Respondent shall undertake the installation of new particulate control on EUs P060, P061, P062 and P063 that will reduce emissions by increasing the control equipment air volume from approximately 50,000 to 100,000 cfm to improve capture efficiency.

The SEP shall be accomplished in accordance with the following control plan and schedule:

- a. Within 30 days of the effective date of these Orders, Respondent shall issue a purchase order for the design of additional control of P060-P063 (SEP Project);
- b. Within 60 days of the effective date of these Orders, Respondent shall receive and review the engineering design and issue requests for proposal for installation;
- c. Within 90 days of the effective date of these Orders, Respondent shall award contracts for the SEP Project installation;
- d. Within 120 days of the effective date of these Orders, Respondent shall submit a permit application that incorporates the installation of the new particulate control with increased capture and control efficiencies.
- e. Within 240 days of the effective date of these Orders, Respondent shall initiate installation of additional controls on EU P060-P063;
- f. No later than August 1, 2020, Respondent shall complete installation of additional controls on EU P060-P063;
- g. Respondent shall submit a performance Intent-To-Test ("ITT") notification to CDO for approval fourteen (14) days prior to the test. Respondent shall specify in ITT notice the proposed test methods and production rates to be used to determine the concentration and emissions rates. Test methods must use US EPA reference methods or procedures or approved alternative methods and are subject to Ohio EPA approval.
- h. Within thirty (30) after the completion of the tests, Respondent shall submit, via Air Services (E-Business Center), a report of the result of the stack tests to Ohio EPA.
- i. By October 15, 2020, Respondent shall provide Ohio EPA a SEP Project Completion Report that demonstrates that new particulate controls have been successfully installed to increase the air volume from approximately 50,000 cfm to 100,000 cfm in order to increase the capture of emissions and control efficiencies from EUs P060, P061, P062 and P063. The SEP Project Completion Report shall provide detail on the method(s) used to demonstrate the improvements installed pursuant to Paragraph 8.

9. Should respondent fail to complete the SEP pursuant to paragraph 8 above, no later than February 1, 2020 Respondent shall pay to the Ohio EPA the remaining \$60,000 of the civil penalty in accordance with the procedure in Order 7.

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, these obligations have been embedded in operation permits where appropriate, 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 contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-77-01 (JJ) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

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
Central District Office
Air Pollution Control Division
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Kelly Toth

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 agree 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

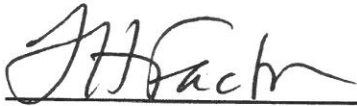
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



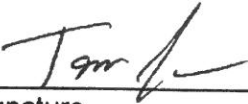
Laurie A. Stevenson
Director

11/12/17

Date

AGREED:

Liberty Castings Company, LLC



Signature

Tom James

Printed or Typed Name

11-6-17

Date