



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

December 10, 2019

CERTIFIED MAIL

Mr. James B. Melton
Universal Plating, Inc.
478 Morgan Avenue
Akron, Ohio 44311

Re: Final Findings and Orders for air pollution
violations

Dear Mr. Melton,

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". The signature is written over a diagonal line that extends from the "Sincerely," text.

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

ec: Lee Tullis, DAPC
John Paulian, DAPC
Duane LaClair/Sam Rubens, Akron
Kimberly Rhoads, Legal Office

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

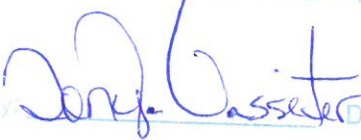
In the Matter of:

**Universal Plating, Inc.
478 Morgan Avenue
Akron, Ohio 44311**

:
:
:

**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.

By:  Date: 12-10-19

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Universal Plating, 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 facilities (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 located on 478 Morgan Avenue, in Akron, Summit County, Ohio. This facility is an electroplating plant and it is identified by Ohio EPA facility ID 1677010293. Emission unit ("EU") P001 (hard chromium electroplating tank No. 1) and P004 (hard chromium electroplating tank No. 2) are the subject of these Orders and they are subject to Ohio EPA rules and regulations.

2. Akron Regional Air Quality Management District ("ARAQMD") is the contractual agent for Ohio EPA on air quality matters within Summit County.

3. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions.

4. EU P001 was installed on June 1, 1969 while P004 was installed on July 1, 1982. Permit-to-install and operate ("PTIO") P0113585 covering both of these units was issued on April 4, 2013.

5. The National Emissions Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 CFR Part 63, Subpart N) is applicable to this facility. The requirements of 40 CFR Part 63, Subpart N, are incorporated as applicable requirements in the PTIO for EUs P001 and P004.

6. 40 CFR Part 63, Subpart N requires, in part, that total chromium emissions in the exhaust gas stream discharged to the atmosphere not to exceed 0.011 milligrams per dry standard cubic meter (mg/dscm) of ventilation air for all open surface hard chromium electroplating tanks.

7. The PTIO required Respondent, in part, to prepare an operation and maintenance ("O&M") plan to be implemented no later than the startup of the unit or the compliance date. The PTIO also required Respondent to perform several monitoring and/or recordkeeping requirements in order to demonstrate compliance.

8. On March 4, 2019, ARAQMD visited the facility to complete a Full Compliance Evaluation ("FCE").

9. Respondent failed to prepare and implement an O&M plan for EUs P001 and P004, in violation of the terms and conditions of PTIO P0113585 and ORC § 3704.05(C).

10. Respondent failed to maintain the following records for EUs P001 and P004, in violation of the terms and conditions of PTIO P0113585 and ORC § 3704.05(C):

- a) inspection records for the add-on air pollution control device and monitoring equipment, to document that the inspection and maintenance required by the work practice standards of 40 CFR 63.342(f) and Table 1 of 40 CFR 63.342 have been performed. The record can take the form of a checklist and should identify the device inspected, the date of inspection, a brief description of the working condition of the device during the inspection, and any actions taken to correct deficiencies found during the inspection;
- b) records of all maintenance performed on the tank(s), add-on air pollution control device, and monitoring equipment, except routine housekeeping practices;

- c) records of the occurrence, duration, and cause (if known) of each malfunction of process, add-on air pollution control device, and monitoring equipment;
- d) records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.342(a)(1), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation;
- e) other records, which may take the form of checklists, necessary to demonstrate consistency with the provisions of the operation and maintenance plan required by 40 CFR 63.342(f)(3);
- f) test reports documenting results of all performance tests;
- g) all measurements as may be necessary to determine the conditions of performance tests, including measurements necessary to determine compliance for multiple sources controlled by a common add-on air pollution control device in accordance with the special compliance procedures of 40 CFR 63.344(e);
- h) records of monitoring data, required by 40 CFR 63.343(c) that are used to demonstrate compliance with the standard including the date and time the data are collected;
- i) the specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions, as indicated by monitoring data, that occurs during malfunction of the process, add-on air pollution control device, or monitoring equipment;
- j) the specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions, as indicated by monitoring data, that occurs during periods other than malfunction of the process, add-on air pollution control device, or monitoring equipment;
- k) the total process operating time of the chromium electroplating tank(s) during the reporting period; and
- l) all documentation supporting the notifications and reports as outlined in the "Reporting Requirements" section of this permit and the general reporting requirements in 40 CFR 63.9 and 40 CFR 63.10, from Subpart A and 40 CFR 63.347.

11. On April 9, 2019, ARAQMD sent a notice of violation ("NOV") letter to Respondent for the violations listed above and requested Respondent to submit a compliance plan and schedule.

12. On April 24, 2019, Respondent completed the performance test for the concentration of total chromium from EUs P001 and P004. The report of the test results was received by ARAQMD on June 3, 2019. Total chromium concentrations from EUs P001 and P004 were 0.091 mg/dscm and 0.0143 mg/dscm, respectively. Total chromium concentrations for EUs P001 and P004 exceeded the 0.011 mg/dscm limit, in violation of the terms and conditions of PTIO P0113585, ORC § 3704.05(C), and 40 CFR Part 63, Subpart N.

13. In a letter dated May 31, 2019, Respondent informed ARAQMD that new mesh pads had been ordered for EUs P001 and P004 in order to help pass the performance test for total chromium. Respondent requested ARAQMD to approve a repeat performance test on June 4, 2019. It was also stated that Respondent contracted HZW Environmental to complete the O&M Plan.

14. On June 4, 2019, Respondent completed another performance test for the concentration of total chromium from EUs P001 and P004. The report of the test results was received by ARAQMD on July 25, 2019. Total chromium concentrations from EUs P001 and P004 were 0.059 mg/dscm and 0.0106 mg/dscm. Total chromium concentrations for EU P001 exceeded the 0.011 mg/dscm limit, in violation of the terms and conditions of PTIO P0113585, ORC § 3704.05(C), and 40 CFR Part 63, Subpart N.

15. On June 20, 2019, Respondent completed a third performance test for the concentration of total chromium from EU P001. The report of the test results was received by ARAQMD on July 25, 2019. The total chromium concentration from EU P001 was 0.05928 mg/dscm. Total chromium concentration from EUs P001 exceeded the 0.011 mg/dscm limit, in violation of the terms and conditions of PTIO P0113585, ORC § 3704.05(C), and 40 CFR Part 63, Subpart N.

16. On July 17, 2019 and August 7, 2019, ARAQMD sent NOV letters to Respondent for the performance tests violations listed above and requested Respondent to submit a compliance plan and schedule.

17. On August 9, 2019, Respondent completed a fourth performance test for the concentration of total chromium from EUs P001. The test results for EU P001 were received by ARAQMD on September 30, 2019, with a passing result of 0.010 mg/dscm total chromium concentration.

18. 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 thirty (30) days after the effective date of these Orders, Respondent shall complete the O& M Plan for EUs P001 and P004 and submit it to ARAQMD for their approval.

2. Respondent shall pay the amount of twenty thousand dollars (\$20,000) 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 thousand dollars (\$20,000). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the 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, 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) and for a corporation it is 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 Respondent pursuant to these Orders shall be addressed to:

Akron Regional Air Quality Management District
1867 West Market Street
Akron, Ohio 44313
Attn: Duane LaClair

Ohio EPA
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.

RECEIVED

2019 NOV 25 AM 9:41

DEPA / OPA
DIVISION FISCAL SECTION

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 and all violations of ORC Chapter 3704 known to Ohio EPA or ARAQMD up through the effective date of these Orders.

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.

ORA# 815390

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

Laurie A. Stevenson
Director

12/9/19

Date

AGREED:

Universal Plating, Inc.

James B. Melton
Signature

11-21-19

Date

James B. Melton G.M.
Printed or Typed Name and Title