



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

December 11, 2019

CERTIFIED MAIL

Ryan Donohue
Semco Ceramics Inc.
4778 Belden Drive
Uhrichsville, Ohio 44683

Re: Final Findings and Orders for air pollution
violations

Dear Mr. Donohue,

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", written over a horizontal line.

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

ec: Lee Tullis, DAPC
John Paulian, DAPC
Devan Roof, SEDO
Steve Feldmann, Legal Office

Sam Wilson 12/11/10

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Semco Ceramics Inc. : Director's Final Findings
4778 Belden Dr. SE : and Orders
Uhrichsville, Ohio :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Semco Ceramics 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. Nothing in these findings of the Director shall be considered to be an admission by Respondent of any matter of law or fact.

1. Respondent owns and operates a clay refractory manufacturing facility. The facility is located at 4778 Belden Dr. SE, Uhrichsville, Tuscarawas County, Ohio (facility ID: 0679030119) ("the Facility"). The Facility is a non-Title V source.

2. Emissions unit ("EU") P012 (Shuttle Kiln Brick Plant) at the Facility is the subject of these Orders and is subject to Ohio EPA rules and regulations. EU P012 was installed in January 1992, and it includes load-in of raw material into a hopper equipped with a vibrating feeder, one primary crusher, one dry pan grinding mill, two hummer screens, six storage bins, one batch weigh hopper, one sand muller, one hammermill, three brick presses, and ten conveyors. This emissions unit emits particulates and it is controlled by three fabric filter baghouses (AFF dust collector, Pangborn dust collector, and Torit dust collector). EU P012 is subject to PTIO P0108262 effective June 12, 2012.

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. ORC § 3704.05(G) prohibits a person from violating any order, rule, or determination of the Director that was issued, adopted, or made under ORC Chapter 3704.

5. The Standards of Performance for New Stationary Sources for Nonmetallic Mineral Processing Plants (40 CFR Part 60, Subpart OOO) require, in part, that particulates emissions from the stack serving the affected facility not to exceed 0.05 g/dscf (0.0218 gr/dscf). The requirements of 40 CFR Part 60, Subpart OOO are incorporated as applicable requirements in PTIO P0108262 for EU P012.

6. 40 CFR Part 60, Subpart OOO requires that emissions testing to be conducted within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup of the facility.

7. In 2017 while conducting an internal review, Ohio EPA Southeast Office ("SEDO") discovered that emission testing had never been conducted for EU P012.

8. On September 27, 2017, SEDO sent a notice of violation ("NOV") letter to Respondent for failing to complete the required emissions testing, in violation of 40 CFR Part 60, Subpart OOO, PTIO P0108262, and ORC § 3704.05(C). SEDO requested Respondent to submit a compliance plan within 30 days of receipt of the letter.

9. From March 20, 2018 to March 22, 2018, Respondent conducted emissions testing for EU P012.

10. On May 1, 2018, SEDO received the results of the emissions testing. It was determined that particulate emissions from the stack of the Pangborn dust collector serving EU P012 (0.15 gr/dscf) were in excess of the allowable emissions rate (0.0218 gr/dscf), in violation of 40 CFR Part 60, Subpart OOO, PTIO P0108262, and ORC § 3704.05(C).

11. On June 7, 2018, SEDO sent a NOV letter to Respondent for exceeding the particulate emissions limitation for EU P012. SEDO requested Respondent to promptly undertake the necessary measures to return to compliance.

12. On July 6, 2018, SEDO received Respondent's response to the NOV. Respondent indicated that the violation happened because the incorrectly-sized filter bags were used in the Pangborn dust collector at the time of testing. Respondent stated that replacement bags had been ordered and would be installed upon receipt.

13. On July 16, 2018, SEDO informed Respondent that conducting another stack test is the only way to demonstrate compliance. SEDO informed Respondent that an intent to test ("ITT") notification needed to be submitted.

14. On July 31, 2018, Respondent informed SEDO that there would be a delay in receiving the correctly-sized filter bags and that the correctly-sized filter bags were expected to arrive at the facility on August 6, 2018.

15. On September 20, 2018, SEDO sent another reminder to Respondent that testing needed to be conducted and an ITT submitted in order to resolve the emission violation.

16. On October 10, 2018, SEDO received the ITT from Respondent with a proposed testing date of November 9, 2018. The stack test was completed as planned.

17. On December 17, 2018, SEDO received the results of the emissions test of November 9, 2018. It was determined that particulate emissions from the stack of the Pangborn dust collector serving EU P012 (0.024 gr/dscf) were still in excess of the allowable emissions rate (0.0218 gr/dscf), in violation of 40 CFR Part 60, Subpart OOO, PTIO P0108262, and ORC § 3704.05(C).

18. On December 17, 2018, Respondent informed Ohio EPA that Respondent voluntarily stopped the grinding operation at the facility, and it is working on a compliance plan to address the particulate emissions violation.

19. On December 19, 2018, SEDO sent a NOV letter to Respondent for exceeding the particulate emissions limitation for EU P012. SEDO requested Respondent to promptly undertake the necessary measures to return to compliance.

20. On January 18, 2019, Ohio EPA received Respondent's response to the NOV dated December 19, 2018. Respondent indicated that Respondent was looking into purchasing a new dust collector in addition to halting the grinding operation at the facility.

21. On January 29, 2019, Respondent informed Ohio EPA that acquiring the new dust collector will take some time and it would like to work with Ohio EPA on a plan to resume the grinding operation at the facility.

22. On February 6, 2019, Ohio EPA and Respondent discussed Respondent's options in order to resume the grinding operation.

23. On February 12, 2019, Respondent provided Ohio EPA with its preliminary plan and operation schedule (not to exceed six hours per week) starting on March 12, 2019 until the new dust collector is installed.

24. On February 20, 2019, Ohio EPA acknowledged receiving Respondent's plan and requested Respondent to keep track of the hours of operation of EU P012 and perform daily visual emissions test of the Pangborn baghouse stack. Ohio EPA also requested Respondent to submit a final compliance plan.

25. On May 20, 2019, Respondent provided Ohio EPA with its final compliance plan, dated May 15, 2019. Respondent stated that the order for the new dust collector was placed on January 29, 2019 and it anticipated the new dust collector would be installed and operational in July 2019. The plan included completing a stack test after the new dust collector is installed to verify compliance. Respondent also provide its explanation to the discrepancy between Ohio EPA's and Respondent's calculation of the amount of emissions from the Pangborn baghouse.

26. On August 16, 2019, Respondent informed Ohio EPA that the installation of the new dust collector serving EU P012 has been completed.

27. On August 23, 2019, SEDO received the ITT from Respondent for EU P012 with a proposed testing date of September 6, 2019. The stack test was completed as planned.

28. On August 30, 2019, Respondent provided Ohio EPA with its progress report towards implementing the compliance plan.

29. On October 9, 2019, Ohio EPA received the results of the emissions test. It was determined that particulate emissions from the stack of the Pangborn dust collector serving EU P012 (0.0011 gr/dscf) was in compliance with the allowable emissions rate (0.0218 gr/dscf), Respondent also provided Ohio EPA with its progress report towards implementing the compliance plan.

30. On November 7, 2019, Respondent provided Ohio EPA with its final compliance report, dated November 7, 2019. The report summarized the actions taken by Respondent in furtherance of its compliance plan.

31. 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:

Respondent shall pay the amount of forty thousand dollars (\$40,000) 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 forty thousand dollars (\$40,000). 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 upon Ohio EPA's receipt of the official check 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 Respondent pursuant to these Orders shall be addressed to:

Ohio EPA
Southeast District Office
2195 Front Street
Logan, Ohio 43138
Attention: Devan Roof

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: 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 and all violations of ORC Chapter 3704 known to Ohio EPA or CDAQ 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.

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

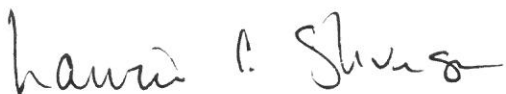
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



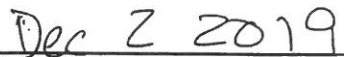
Date

AGREED:

Semco Ceramics Inc.



Signature



Date



Printed or Typed Name

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Semco Ceramics Inc.
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Operations And Purchasing Mgr.
Title