



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

August 4, 2015

**CERTIFIED MAIL**

Bradly Duguay  
Business Unit Manager  
Custom Pultrusions, Inc.  
1331 South Chillicothe Road  
Aurora, Ohio 44202


Re: Final Findings and Orders for violations of  
air pollution regulations at 1331 South  
Chillicothe Road in Aurora, Ohio.

Dear Mr. Duguay:

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

xc: Heidi Griesmer, PIC  
Stephan Feldmann, Legal Office  
Lee Tullis, DAPC  
Sam Rubens, ARAQMD

OHIO E.P.A.

AUG -4 2015

BEFORE THE

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

Rec'd by DAPC, OEPA  
2015 JUL 17 PM 2:09

In the Matter of:

Custom Pultrusions, Inc.  
1331 South Chillicothe Road  
Aurora, Ohio 44202

:  
:  
:

Director's Final Findings  
and Orders

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Custom Pultrusions, 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 Respondent's 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 which is located at 1331 South Chillicothe Road, in Aurora (Portage County), Ohio ("Facility"). The Facility is a subsidiary of Andersen Corp. based in Oak Park Heights in Minnesota. At the Facility, Respondent manufactures pultruded composite profiles primarily for windows.

2. The Facility is classified as a major source as defined in Ohio Administrative Code ("OAC") Rule 3745-77-01(X) and identified by Ohio EPA facility identification number 1667020035.

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: [Signature] Date: 8-4-15

3. On July 6, 2005, Ohio EPA issued a Title V permit for the Facility to Omega Pultrusions Inc ("Omega"). On October 24, 2006, Composite Technologies of America ("CTA") purchased Omega. On June 23, 2009, CTA transferred ownership of the Facility to Respondent who is the current responsible party.

4. At the Facility, Respondent operates the following Emissions Units ("EUs"): a cold cleaner (EU L004), 4 Resin/Styrene storage tanks (EUs T004 through T007), 21 pultrusion lines (EUs P901, P904, P905, P907 through P915, P922 through P926 and P932 through P935), 3 Resin batch mixers (EUs P929, P930, and P931) and general fabrication machines (EU P919). EUs P927 and P928 were permanently shut down on December 30, 2009. EU L002 was permanently shut down on March 3, 2010. EU T002 was permanently shut down on June 24, 2009. EU T003 was permanently shut down on August 1, 2012. EU P902 was permanently shut down on August 1, 2013. EU P903 was permanently shut down on October 1, 2013. These EUs are "air contaminant sources," as defined in OAC Rule 3745-15-01(C) and (X).

5. On July 9, 1997, Ohio EPA issued permit to install ("PTI") 16-980 to Omega for the installation of the following EUs: L001 through L003, P901 through P919, P922 through P928 and T001 through T003. PTI 16-980 was modified on January 28, 1998 to increase the allowable mass volatile organic compound ("VOC") emissions for EUs L001-L003. On September 10, 1998, Ohio EPA issued the Final Title V permit to Omega. On July 6, 2005, Ohio EPA issued the Final Title V Permit renewal P0102001 to Omega which contained the requirements of 40 CFR Part 63, Subpart WWWW. All permits issued after this Title V Permit contained the requirements of 40 CFR Part 63, Subpart WWWW. On August 26, 2010, Ohio EPA issued PTI P0106296 which superseded PTI 16-980. PTI P0106296 split EU P916 into EUs P929, P930 and P931 and EU T001 into EUs T004, T005, T006 and T007. The modifications were incorporated into the Title V Permit (P0105694) which was effective on February 17, 2011. On June 14, 2011, Ohio EPA issued PTI P0108268 which superseded PTI P0106296. On August 2, 2011, Ohio EPA issued the final Title V Permit (P0108204) for this facility.

6. ORC § 3704.05(J)(2) prohibits any person from violating the terms and conditions of any Title V permit issued by the Director of Ohio EPA or any rule adopted by the Director of Ohio EPA pursuant to the Title V permit program. ORC § 3704.05(C) prohibits any person from violating the terms and conditions of any permit issued by the Director of Ohio EPA. ORC § 3704.05(G) prohibits any person from violating any order, rule, or determination of the director issued, adopted, or made under this chapter.

7. From January 31, 2011 through February 16, 2011, Akron Regional Air Quality Management District ("ARAQMD"), a contractual representative of Ohio EPA in Portage County, conducted an inspection at the Facility and determined that Respondent had, *inter alia*:

a. failed to keep a certified statement that Respondent is in compliance with the work practices for EUs P901 through P905; P907 through P915; P922 through P926; P929 through P930; and T003 through T007, in violation of OAC Rule 3745-21-25(P)(1)(e), the terms and conditions of PTI P0106296 and the Title V Permit, 40 CFR Part 63, Subpart WWWW, and ORC § 3704.05(C) and (G), and (J)(2);

b. failed to keep a copy of each notification and report submitted for EUs L004, P901 through P905; P907 through P915-P922 through P926; P929 through P930; and T003 through T007, in violation of OAC Rule 3745-21-25(P)(1)(a), the terms and conditions of PTI P0106296 and the Title V Permit, 40 CFR Part 63, Subpart WWWW, and ORC § 3704.05(C), (G), and (J)(2). These notifications and reports were to contain all documentation supporting any applicability or compliance status determination;

c. failed to timely submit the semiannual compliance reports for EUs P901 through P905, P907 through P915, P922 through P926, P929 through P930 and T003 through T007, in violation of 40 CFR Part 63, Subparts A and WWWW. In addition, the semiannual compliance report did not contain a statement that there were no deviations from the emission limitation or work practice standards, if no deviations occurred during that reporting period, in violation of the terms and conditions PTI P0106296 and the Title V Permit, 40 CFR Part 63, Subpart WWWW, OAC Rule 3745-21-25, and ORC § 3704.05(C), (G), and (J)(2);

d. failed to submit in writing to ARAQMD, that the operation of EUs L004, P901 through P905, P907 through P915, P922 through P926, P929 through P930 and T003 through T007 were subject to OAC Rule 3745-21-25, in violation of OAC Rule 3745-21-25(S)(1) and ORC § 3704.05(G);

e. failed to keep records of all data, assumptions and calculations used to determine the VOC and/or HAP emission reductions for EUs P901 through P905, P907 through P915 and P922 through P926, in violation of OAC Rule 3745-21-25(P)(1)(c), 40 CFR Part 63, Subpart WWWW, the terms and conditions of PTIs P0106296 and Title V Permit, and ORC § 3704.05(C), (G), and (J)(2);

f. failed to record the actual hours of operation for EUs P901 through P905, P907 through P915, and P922 through P926, in violation of the terms and conditions of Title V Permit and ORC § 3704.05 (J)(2). Respondent was using 24 hours per day for calculating the average hourly emissions which would underestimate the hourly emissions.

g. failed to properly calculate annual emissions, in violation of the terms and conditions of the Title V Permit and ORC § 3704.05 (J)(2). Respondent was calculating the rolling 365-day summation of the daily emissions as a rolling 52-week



summation and on the weeks that there was no operation, no calculation was performed;

h. failed to maintain the pressure drop across the baghouse within the range of 2 to 5 inches of water while the pultrusion lines (EUs P901 through P905, P907 through P915, P922 through P926) and the general fabrication machines (EU P919) were in operation, in violation of the terms and conditions of the Title V Permit and ORC § 3704.05 (J)(2). Records indicated nine deviations of the pressure drop range for the pultrusion lines and 24 deviations of the pressure drop range for general fabrication machines. During the inspection, dust collection system #1 was operating outside the allowable pressure drop range;

i. for EU P902 and P923, failed to report the deviations of the 8 pounds of OC/hr limitation, in violation of the terms and conditions of Title V Permit and ORC § 3704.05 (J)(2). In addition, Respondent failed to report the deviations for the 40 pounds of OC/day limitation for EUs P901 through P905, P907 through P915 and P922 through P926, in violation of terms and conditions of Title V Permit and ORC § 3704.05 (J)(2);

j. failed to record, on a monthly basis, the total throughput of solvent and the VOC, OC and styrene emission rates for EUs P929, P930 and P931, combined, in violation of the PTI P0106296 and ORC § 3704.05(C);

k. Respondent based its compliance with facility emission limitations on a 52-week rolling average and not on a 12-month rolling average without obtaining approval from US EPA Region V and, subsequently, not requesting a State Implementation Plan (SIP) revision from Ohio EPA, in violation of 40 CFR Part 63, Subpart WWWW, OAC Rule 3745-21-25 and ORC § 3704.05(C); and

l. for EU P914 and EU P923, Respondent exceeded the open time for the enclosures while still claiming a 60 percent reduction in hazardous air pollutant (HAP) emissions, in violation of 40 CFR Part 63, Subpart WWWW, OAC Rule 3745-21-25 and ORC § 3704.05(C).

8. By letter dated February 16, 2011, ARAQMD notified Respondent of the violations referenced in Finding No. 7 of these Orders.

9. On February 16, 2011, Respondent e-mailed an updated spreadsheet to ARAQMD which included the monthly records of the total throughput of solvent and the VOC, OC and styrene emission rates for EUs P929, P930 and P931, combined. On March 18, 2011, Respondent sent a follow-up to the February 16, 2011 NOV letter to ARAQMD to address the outstanding violations at the facility. The February 12, 2010 applicability notification was included in this response to the NOV.

10. On August 1, 2011, Respondent submitted to ARAQMD the following revised reports to report deviations that had not previously been reported: the 4<sup>th</sup> quarter and 2<sup>nd</sup> half semiannual Title V deviation reports for 2009, the 2<sup>nd</sup> quarter and 1<sup>st</sup> half semiannual Title V deviation reports for 2010, and the 4<sup>th</sup> quarter and 2<sup>nd</sup> half semiannual Title V deviation reports for 2010.

11. On February 27 through March 15, 2013, ARAQMD conducted a full compliance evaluation inspection and determined that Respondent had, *inter alia*:

a. operated the direct die injection systems on EUs P902 and P911 with the drip pans that capture the resin open to the air and failed to ensure the container storing the captured resin had no openings, in violation of 40 CFR 63.5830(c)(2)-(3), OAC Rule 3745-21-25(l)(3)(b)-(c), the terms and conditions the Title V Permit and PTIs P0106296 and P0108268, and ORC § 3704.05(C), (G), and (J)(2);

b. operated the preform injection systems with open chambers and troughs, in violation of 40 CFR 63.5830(d), OAC Rule 3745-21-25(l)(4), the terms and conditions the Title V Permit and PTIs P0106296 and P0108268, and ORC § 3704.05(C), (G), and (J)(2). On March 13, 2013, Respondent was operating EU P912 without enclosing the chambers of the preform injection system. The area from where the resin was applied to right before the die was opened to the air and resin was dripping from the pre-wet reinforcements as it went through the second guide prior to the die. The resin drip was captured in a trough that was open to the air. On April 1, 2013, Respondent discontinued the use of the preform injection systems;

c. for EUs P901 through P905, P907 through P915, and P922 through P926, failed to meet the 60% emissions reductions, in violation of 40 CFR 63.5830 and Table 8 of 40 CFR Part 63, the terms and conditions of the Title V Permit and PTIs P0106296 and P0108268, and ORC § 3704.05(C), (G), and (J)(2). Specifically, Respondent took credit for emission reductions when calculating the emission reductions for the direct die injection systems, preform injection systems, and wet area enclosures (EUs P901 through P905, P907 through P915, and P922 through P926) when these systems did not meet the requirements specified in 40 CFR 63.5830 and OAC Rule 3745-21-25(l). For the wet area enclosures, there were several days that the maximum length of time that access panels, doors and/or hatches were allowed to be open was exceeded and the 60% emission reduction was still used in the calculations. When the direct die injection systems and preform injection systems did not meet the specified requirements of the regulations, Respondent still took credit for the 90% emission reduction in the calculations;

d. for EU P901-P905, P907-P915 and P922-P926, failed to record all the times that wet area enclosure doors or covers were open and resin was present in the resin bath, in violation of 40 CFR 63.5895(e), OAC Rule 3745-21-25(O)(2)(d),

terms and conditions of the Title V Permit and PTIs P0106296 and P0108268, and ORC § 3704.05(C), (G), and (J)(2);

e. for EU P931, operated the mixer with the cover opened during mixing and for EU P911, left containers holding HAP/VOC-containing materials opened, in a violation of Table 4 of 40 CFR Part 63, Subpart WWWW, Table 1 of OAC Rule 3745-21-25, the terms and conditions of the Title V Permit and PTI P0108268, and ORC § 3704.05(C), (G), and (J)(2). In addition, Respondent failed to reported these deviations, in violation of 40 CFR 63.5910(d), OAC rule 3745-21-25(Q)(3), the terms and conditions of the Title V Permit and PTI P0108268, and ORC § 3704.05(C), (G), and (J)(2);

f. failed to record the VOC content and VOC emissions from the clean-up material used to clean the part as it exits the die, in violation of the terms and conditions of the Title V Permit and PTIs P0106296 and P0108268, and ORC § 3704.05(C) and (J)(2). During the review of the records maintained at the Facility, ARAQMD reviewed the Material Safety Data Sheet (MSDS) for a clean-up material used to clean the parts as they exit the die and determined that the clean-up material contained VOCs. Respondent's recordkeeping for the clean-up material did not track the VOC content and VOC emissions from this clean-up material;

g. from February 27, 2013 through May 3, 2013, the records of all data, assumptions and calculations used to determine the monomer contents as required by OAC Rule 3745-21-25(P)(1)(c) were not available for review, in violation of the terms and conditions of the Title V Permit and PTI P0108268 and ORC § 3704.05(C) and (J)(2);

h. failed to conduct and record the daily visible emissions checks for EUs P901-P905, P907-P915 and P922-P926, in violation of the terms and conditions of the Title V Permit and ORC § 3704.05(J)(2);

i. failed to notify ARAQMD, in writing, that the operation of EUs T003 through T007 were subject to OAC Rule 3745-21-25, in violation of OAC Rule 3745-21-25(S)(1) and ORC 3704.05(G); and

j. failed to timely submit the 2012 fee emission report, in violation of the terms and conditions of the Title V Permit and PTI P0108268, OAC Rule 3745-78-02, and ORC § 3704.05(C), (G), and (J)(2).

12. By letter dated March 15, 2013, ARAQMD notified Respondent of the violations referenced in Finding No. 11 of these Orders. In addition, on April 19, 2013, ARAQMD met with Respondent at the Facility to discuss the NOV and to review the improvements that were made to the pultrusion lines.

13. On September 12, 2013, Respondent notified ARAQMD that the upgrades to the direct die were finalized on September 6, 2013 and the preform injection process was discontinued on April 1, 2013.

14. Based upon the inspections conducted in 2011 and 2013 and the records reviewed, ARAQMD determined that from January 5, 2010 through February 16, 2011, Respondent emitted an average of 72 pounds OC per day from EUs P901 through P905, P907, P908, P923 and P926, which is 80% above the emission limitation or 32 pounds per day in excess of the 40 pounds per day allowed, in violation of OAC Chapter 3745-21, 40 CFR Part 63, Subpart WWWW, the terms and conditions of PTI P0106296 and the Title V Permit, and ORC § 3704.05(C), (G), and (J)(2).

15. On March 17, 2015, ARAQMD conducted a full compliance inspection of the Facility. Specifically, ARAQMD visually evaluated the direct die injection systems on emissions units P904, P905, P914, P926, P932, P933, P934, and P935 to determine compliance with the terms and conditions of the applicable Title V permits, PTIs and state and federal rules and regulations. Based on the inspection, ARAQMD determined that Respondent had:

- a. operated a direct die injection system with exposed resin and a capture system that was opened, in violation of 40 CFR 63.5830(c)(2)-(3), OAC Rule 3745-21-25(I)(3)(b)-(c), the terms and conditions of Title V Permit P0117924 and PTI P0118217, and ORC § 3704.05(C), (G), and (J)(2);
- b. taken credit in the calculations for the emission reductions for the pultrusion lines that did not meet the requirements specified in OAC rule 3745-21-25(I) and §63.5830 of 40 CFR Part 63, Subpart WWWW, in violation of OAC rule 3745-21-25(I)(5)(b), the terms and conditions of the Title V Permit and PTIs, and ORC § 3704.05(C), (G), and (J)(2);
- c. failed to accurately record all times that wet area enclosures doors or covers were open and there was resin present in the resin bath, in violation of 40 CFR 63.5895(e), OAC rule 345-21-25(O)(2)(d) and the terms and conditions of the Title V Permit and PTIs, and ORC § 3704.05(C), (G), and (J)(2);
- d. failed to record the total OC emissions from EUs P901, P904, P905, P907-P915, P919, P922-P926 and P929-P935, in violation of the terms and conditions of the Title V Permit and PTIs, and ORC § 3704.05(C), (G), and (J)(2). The OC emissions from the pultrusion and mixing operations were not included in the total OC emission calculation;
- e. failed to correctly calculate the VOC, OC and styrene emissions from resins used in emissions units P901, P904, P905, P907-P915, P922-P926 and



P932-P935, in violation of the terms and conditions of Title V Permit P0117924 and PTI P0118217, and ORC § 3704.05(C), (G), and (J)(2);

f. failed to perform daily visible emissions checks and did not record the results in an operations log, in violation of the terms and conditions of Title V Permit and PTIs, and ORC § 3704.05(C), (G), and (J)(2);

g. failed to record the details of the visible emissions observed from EUs P901, P904, P905, P907-P915, P922-P926 and P932-P934 on December 10, 2014 in the operations log, in violation of the terms and conditions of Title V Permit and PTIs, and ORC § 3704.05(C), (G), and (J)(2); and

h. failed to report in the semiannual deviation reports and the annual Title V compliance certifications the deviations referenced in Findings 15a to g, in violation of the terms and conditions of Title V Permit and PTIs, and ORC § 3704.05(C), (G), and (J)(2).

16. By letter dated March 30, 2015, ARAQMD notified Respondent of the violations referenced in Finding No. 15 of these Orders. In addition, on April 22, 2015, ARAQMD met with Respondent at the Facility to discuss the NOV and to review the improvements that were made to the pultrusion lines.

17. In a May 7, 2015 response following the March 17, 2015 inspection, CPI submitted to ARAQMD a chart entitled "Direct Injection Die Set-up Distance Requirements." ARAQMD and Ohio EPA have reviewed that chart and determined that, if the openings in the resin retention pan covers of the pultrusion lines are managed in conformance with that chart, CPI will meet the above-cited enclosure requirements as they relate to the resin collection systems.

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

## **V. ORDERS**

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of eighty-nine thousand dollars (\$89,000) 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 seventy-one thousand two hundred dollars

(\$71,200) of the total amount. The \$71,200 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

2. In lieu of paying the remaining seventeen thousand eight hundred dollars (\$17,800) of the civil penalty, Respondent shall, within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$17,800 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$17,800. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA, \$17,800 the civil penalty in accordance with the procedures in Order 1.

#### **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, 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**

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, OH 44313  
Attn: Sam Rubens

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: James 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 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.

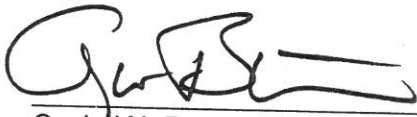


**XIV. SIGNATORY AUTHORITY**

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**



Craig W. Butler  
Director

8/2/15  
Date

**AGREED:**

**Custom Pultrusions, Inc.**

BM  
Signature

7/13/15  
Date

Bradly Duguay  
Printed or Typed Name

Business Unit Manager  
Title