

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

OHIO E.P.A.  
NOV 21 2005

ENTERED DIRECTOR'S JOURNAL

**In the Matter of:**

**Ravenna Aluminum, Inc.  
5159 S. Prospect Street  
Rootstown, Ohio 44266**

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**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 Ravenna Aluminum, 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 Respondent's facility (as identified hereinafter) 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 has determined the following findings:

1. Respondent is an aluminum foundry, headquartered in Ravenna, Ohio, that produces parts for the automotive, aerospace, and marine industries at its facility located at 5159 S. Prospect Street, Rootstown, Ohio. At the Rootstown facility, Respondent operates an aluminum casting plant, to cast products for the automotive industry. At the facility, Respondent operates the following emissions units ("EUs"): five (5) natural gas-fired aluminum reverberatory furnaces (EUs P901 through P905), a burn-out oven (EU P001), three (3) pouring and cooling lines (EUs F001 through F003), fifteen (15) casting knockout stations (EU P906), nine (9) core-making machines (EUs P909 and P911 through P919), sand handling and reclamation equipment (EUs P907 and P908), and a sand blast unit (EU P910).

2. The EUs were installed between June 1994 and June 1995, and began operation in October 1995. A Permit to Install ("PTI") application for these emissions units was submitted to Akron Regional Air Quality Management District ("ARAQMD") by Respondent on December 28, 1998. PTI #16-01897 was issued on June 19, 2001. These EUs each constitute an "air contaminant source" as defined in Ohio Administrative Code ("OAC") Rule 3745-31-01(I), and the facility is a "Title V source," as defined in OAC Rule 3745-77-01(LL).

3. The Director finds that Respondent installed these emissions units without first applying for and obtaining a PTI, in violation of OAC Rule 3745-31-02 and ORC § 3704.05(G). Also, the Director finds that Respondent operated these emissions units from October 1995 until September 29, 1996 without applying for and obtaining a Permit to Operate ("PTO") for each unit, in violation of OAC Rule 3745-35-02 and ORC § 3704.05(G).

4. From October 8 to 10, 2001, FBT, Inc. conducted stack tests on behalf of Respondent, in order to determine Respondent's compliance with the terms and conditions of PTI # 16-01897, issued on June 19, 2001. Review of the results of the stack tests indicated that Respondent's potential to emit ("PTE") for volatile organic compounds ("VOC") exceeded the major source threshold of 100 tons per year ("TPY") as defined by OAC Rule 3745-77-01(W). Therefore, previous emission estimates for the facility were not accurate.

Also, the results of the stack tests showed the following EUs to be in violation of the VOC emission limitations in PTI # 16-01897.

Results of the October 8 and 10, 2001 Stack Tests

Emissions Unit	permit limit lbs/hour VOC	stack test result lbs/hour VOC	percentage above permit limit
F003	3.58	5.87	64%
P901	0.04	0.129	225%
P902	0.12	0.81	575%
P903	0.08	1.15	1337%
P904	0.02	0.09	350%
P905	0.02	0.38	1800%
P906	1.01	8.11	703%

P907	1.78	2.22	25%
P909	1.18	1.2	1.7%

5. Pursuant to OAC Rule 3745-77-02, the owner or operator of a Title V source is prohibited from operating such source without submittal of a timely and complete Title V permit application or possession of a Title V permit. Pursuant to OAC Rule 3745-77-04(B)(3), Respondent was required to submit a Title V permit application by no later than September 29, 1996.

6. On September 27, 2002, Respondent submitted a PTI modification application to ARAQMD to modify PTI #16-01897. On October 7, 2002, Respondent submitted PTO applications to ARAQMD for emissions units ("EUs") F001, F003, P001, P901, P902, P903, P904, P905, P906, P907, P908, P909, and P911 through P919.

7. By letter dated July 30, 2003, ARAQMD issued a notice of violation ("NOV") to Respondent for the violations discovered as a result of the PTI modification application and PTO application submittals. The NOV informed Respondent that it was in violation of OAC Rules 3745-77-04 and 3745-77-02 for its failure to apply for a Title V permit within one year of becoming subject to the Title V program and for operating a Title V source without a Title V permit or a timely filed Title V application, respectively. It also stated that OAC Rule 3745-78-02(A) was violated for the failure to submit annual fee emission reports ("FERs").

8. The July 30, 2003 NOV also informed Respondent that issuance of either a synthetic minor PTI or Federally Enforceable State Operating Permit ("FESOP") would relieve Respondent of the Title V permit application filing requirements and fee payment for calendar 2003. Respondent was requested to submit a response to the NOV by no later than August 21, 2003, including a plan and schedule for filing past due FERs and a schedule for submitting applicable permit applications.

9. By letter dated August 15, 2003, Respondent submitted a response to the July 30, 2003 NOV. The response included a PTI application that reflected emission limit changes that were deemed necessary by Respondent as a result of the stack test results from the October 8 to 10, 2001 stack tests. The application was intended to modify the emissions limitations for EUs F001, F002, F003, P001, and P901 through P919. The response also indicated that Respondent assumed it was operating under federally enforceable limits in PTI #16-01897.

10. By letter dated August 26, 2003, ARAQMD responded to the letter submitted by Respondent on August 15, 2003. The letter stated that PTI #16-01897 did not include federally enforceable limitations and that Respondent was operating in violation of OAC Chapters 3745-31 and 3745-77, which require the owner or operator of an air contaminant source to apply for and obtain appropriate permits from Ohio EPA.

11. The August 26, 2003 letter informed Respondent of its continued violation of OAC Rule 3745-78-02(A) due to the failure of Respondent to submit FERs and requested Respondent to submit a plan and schedule for filing past due FERs by no later than September 19, 2003. The letter also requested submittal of a plan and schedule for a Title V application, FESOP application or a synthetic minor PTI modification application.

12. The Director finds that Respondent violated OAC Rules 3745-77-02 and 3745-77-04 by operating a Title V source after September 29, 1996 without a Title V permit or a timely filed Title V permit application, and failing to submit a Title V permit application by September 29, 1996, respectively. These actions constituted violations of ORC § 3704.05(G) and (K). Furthermore, the Director finds that Respondent violated OAC Rule 3745-78-02(A) and ORC § 3704.05(G) and (J) (2) by failing to file Title V FERs for calendar years 1995 through 2003.

13. On March 19, 2004, RMT Inc. of Dublin, Ohio, environmental consultant for Respondent, submitted a PTI modification application to ARAQMD for the purpose of obtaining a synthetic minor PTI and getting out of the Title V program. The PTI modification application proposed VOC permit emission limitations that reflected operational restrictions to restrict emissions below the Title V applicability thresholds. The synthetic minor PTI was issued final on November 4, 2004.

14. 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 to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. Within ninety (90) days of the effective date of these Orders and pursuant to OAC Chapter 3745-78, Respondent shall submit Title V FERs for calendar years 1995 through 2003 to Ohio EPA and shall pay fees to Ohio EPA in accordance with invoices from Ohio EPA.

2. Pursuant to ORC § 3704.06, Respondent is assessed a civil penalty in the amount of twenty-one thousand dollars (\$21,000) in settlement of Ohio EPA's claims for civil penalties. Respondent shall pay Ohio EPA the amount of sixteen thousand eight hundred dollars (\$16,800) in four equal installments of four thousand two hundred dollars (\$4,200) by official checks made payable to "Treasurer, State of Ohio." The first payment

shall be submitted to Ohio EPA within sixty (60) days after the effective date of these Orders. The second payment shall be submitted to Ohio EPA within one hundred and twenty (120) days after the effective date of these Orders. The third payment shall be submitted to Ohio EPA within two hundred and ten (210) days after the effective date of these Orders. The fourth payment shall be submitted to Ohio EPA within three hundred (300) days after the effective date of these Orders. The official checks shall be submitted to Brenda Case, Fiscal Specialist, at the following address, together with a letter identifying the Respondent and the facility:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049

3. In lieu of paying the remaining four thousand two hundred dollars (\$4,200) of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund the Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$4,200 to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$4,200. The official check shall specify that such monies are to be deposited into Fund 5CD established by Ohio EPA for the Clean Diesel School Bus Program. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and the facility, to the above-stated address. A copy of this check also shall be sent to James A. Orlemann, or his successor, at the above-stated address.

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 3, Respondent shall immediately pay to Ohio EPA \$4,200 of the civil penalty in accordance with the procedures in Order 2.

## **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 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 the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative of Respondent as that term is defined in the above-referenced rule.

#### **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 submitted to:

Akron Regional Air Quality Management District  
Citicenter - Suite 904  
146 South High Street  
Akron, OH 44308

Attn: Lynn Malcolm

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, OH 43216-1049  
Attn: Thomas Kalman

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.

**IT IS SO ORDERED AND AGREED:**

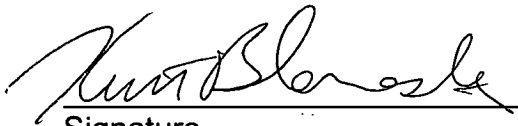
Ohio Environmental Protection Agency

  
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Joseph P. Konegelik  
Director

11/10/05  
Date

**IT IS SO AGREED:**

Ravenna Aluminum, Inc.

  
\_\_\_\_\_  
Signature

Date 10/31/05

Kurt Blemasto, President  
Printed or Typed Name

Title