

OHIO E.P.A.  
NOV - 7 2005  
ENTERED DIRECTOR'S JOURNAL

**BEFORE THE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Woodbridge Corporation**  
**827 Graham Drive**  
**Fremont, Ohio 43420-4077**

**Director's Final Findings**  
**and Orders**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Directors's Final Findings and Orders ("Orders") are issued to Woodbridge Corporation ("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 facility as identified in Finding 1 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 manufactures polyurethane foam sets for the automobile industry. The process involves both spraying a naptha-based mold release agent and hand applying a naptha-based paste wax onto the molds.

2. The facility emits, in part, volatile organic compounds ("VOCs"), as defined in OAC Rule 3745-21-01(B)(6) and is an "air contaminant source" as

defined in OAC Rules 3745-31-01(I) and 3745-15-01(C) and (W). Specifically, VOC emissions are generated from the application naphtha-based mold release agents in a process identified by Ohio EPA as "emission unit P001". Further, Respondent's entire facility would be classified as a "major source," as defined in OAC Rule 3745-77-01(W), without federally enforceable emission limitations to lower the potential to emit ("PTE") of VOC to less than the Title V major source threshold levels.

3. OAC Rule 3745-31-02(A)(2) allows, in part, the owner or operator of any air contaminant source to voluntarily request a permit to install ("PTI") from Ohio EPA that would lower the allowable emissions from the air contaminant source. OAC Rule 3745-31-01(H) defines "allowable emissions," in part, as the emission rate of an air contaminant source calculated using the maximum rated capacity to emit, unless federally enforceable limitations restrict the operation rate or hours of operation. This type of permit is referred to as a "synthetic minor PTI."

4. OAC Rule 3745-77-02 provides, in part, that the owner or operator of a major source (i.e., any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the PTE, in the aggregate, 100 tons per year ("TPY") or more of any air pollutant, 10 TPY or more of any hazardous air pollutant ("HAP"), 25 TPY or more of any combination of HAPs) shall not operate such source after the date that a timely and complete Title V permit application is required to be submitted, unless a timely and complete Title V permit application has been submitted or such operation is in compliance with a Title V permit issued pursuant to this rule.

5. OAC Rule 3745-77-02(C)(4) states, in part, that synthetic minor sources are exempt from the requirements of the Title V rules. OAC Rule 3745-77-01(II) defines a "synthetic minor source" as a stationary source that would be classified as a major source in the absence of federally enforceable restrictions on the PTE of the source.

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

7. On August 7, 1996, PTI 03-9446 was issued to Respondent. PTI 03-9446 contained synthetic minor permit terms designed to keep Respondent from having to apply for a Title V permit by establishing emission limits below Title V emission thresholds. The permit established 90.52 tons of VOC, as a rolling, twelve-month average limit for the application of the spray mold release and a 4.34 tons of VOC per year limit for the application of paste wax. These processes are identified by Ohio EPA as emissions unit P001.

8. On February 12, 1999, Ohio EPA issued a Notice of Violation ("NOV") to Respondent for exceeding the VOC emission limit set out in PTI 03-9446. Specifically, emissions unit P001 generated 104.10 tons of VOC emissions during the rolling, twelve-month period ending in 1998 and in doing so exceeded the 90.52 tons limitation set by Respondent's synthetic minor PTI. This violation consisted of a violation of ORC § 3704.05(C). Ohio EPA directed Respondent to submit a compliance plan and associated time schedule for implementing the steps of the plan. The plan was to contain the actions Respondent would take to prevent future violations for emissions unit P001.

9. On April 12, 1999, Respondent submitted a compliance plan and on May 7, 1999, Ohio EPA accepted Respondent's proposed corrective action plan. Ohio EPA also required Respondent to submit an update of its compliance plan monthly and provide a monthly summary of VOC emissions on a rolling, 12-month average for a period of no less than 12 months at which time Ohio EPA would determine the need to continue the monthly reports.

10. Respondent continued to exceed its established VOC emission limitation in January 1999 (105.53 tons), February 1999 (107.01 tons), March 1999 (107.11 tons), April 1999 (107.07 tons), May 1999 (106.19 tons), June 1999 (105.10 tons), July 1999 (104.64 tons), August 1999 (98.68 tons), and September 1999 (92.42 tons), in violation of ORC § 3704.05(C).

11. On February 23, 2000, Ohio EPA issued a letter to Respondent indicating that Respondent had acceptably met the terms of the Resolution of Violations letter sent out on May 7, 1999. As a result of this determination, Respondent no longer had to submit monthly emission reports.

12. On June 7, 2002, Respondent notified Ohio EPA of an exceedance of the rolling, twelve-month VOC emission limitation of 90.52 tons for emissions unit P001 established in PTI 03-9446. Respondent indicated that in the month of May 2002 the VOC emissions from emissions unit P001 were 91.56 tons on a rolling, twelve-month basis, in violation of ORC § 3704.05(C).

13. On August 9, 2002, Ohio EPA issued a NOV to Respondent for exceeding its VOC emission limits in May 2002. Ohio EPA directed Respondent to submit a compliance plan and associated time schedule for implementing the steps of the plan. The plan was to contain the actions the Respondent would take to prevent future violations for emissions unit P001. Ohio EPA also suggested that Respondent consider applying for a PTI modification to increase its current VOC emission limitation to a rate it could comply with in the future.

14. On August 19, 2002, Respondent submitted a compliance plan to Ohio EPA that detailed what corrective measures the Respondent would implement to address the violation set out in the August 9, 2002 NOV.

15. On January 10, 2003, Respondent submitted a report to Ohio EPA indicating that VOC emissions for emissions unit P001 had again exceeded the 90.52 tons limitation. Specifically, Respondent indicated that the current average up through the month of December 2002 was 94.32 tons, in violation of ORC § 3704.05(C). Respondent attributed this violation to an increase in production volumes on established programs, spurred on by increased sales due to incentive programs offered by the manufacturers. In addition, production volumes were increased with the addition of new business in the automotive sector that Respondent supplies, which lead to additional production hours and overtime operation.

16. Respondent continued to exceed the 90.52 tons of VOC per year, rolling, twelve-month limitation established in PTI 03-9446. Specifically, Respondent exceeded the limit in January 2003 (94.82 tons), February 2003 (95.76 tons), March 2003 (96.32 tons), April 2003 (92.87 tons), May 2003 (91.63 tons), June 2003 (91.43 tons), and July 2003 (91.03 tons), in violation of ORC § 3704.05(C).

17. On September 8, 2003, Respondent contacted Ohio EPA indicating that it was back into compliance with its VOC emission limitation in PTI 03-9446, but would be interested in exploring the idea of securing a permit modification to increase its synthetic minor limit. Respondent has not applied for a permit modification pertaining to the VOC emission limit set out in PTI 03-9446.

18. On March 30, 2005, Ohio EPA issued an NOV to Respondent relating to emission limit violations for emissions unit P001. Specifically, Respondent exceeded the established rolling, twelve-month VOC emission limitation in January 2005 (92.17) and February 2005 (95.17), in violation of § 3704.05(C).

19. On April 15, 2005, Ohio EPA issued an NOV to Respondent relating to emission limit violations for emissions unit P001. Specifically, Respondent exceeded the established rolling, twelve-month VOC emission limitation in March 2005 (98.71 tons), in violation of § 3704.05(C).

20. 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 benefits to the people of the State to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. 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 thirty-two thousand dollars (\$32,000) of the total amount. The official check shall be submitted to Brenda Case, 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 eight thousand dollars (\$8,000) of civil penalty, Respondent shall, within thirty (30) days after the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$8,000 to the 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 \$8,000. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD, to the above-stated address.

3. A copy of each of the above checks 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

4. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$8,000 of 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. NOTICE**

All documents required to be submitted by the Respondent pursuant to these Orders shall be addressed to:

Division of Air Pollution Control  
Northwest District Office  
347 North Dunbridge Road  
Bowling Green, Ohio 43402  
Attn: Don Waltermeyer

and to:

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

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

## **X. 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.

## **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 she or he is fully authorized to enter into these Orders and to legally bind such party to this document.

**IT IS SO ORDERED AND AGREED:**

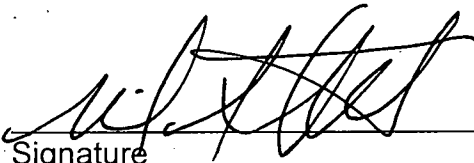
Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Joseph P. Koncelick  
Director

10/26/05  
Date

**IT IS SO AGREED:**

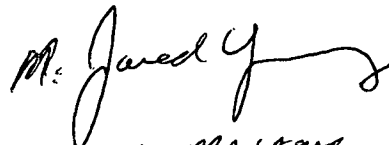
Woodbridge Corporation

  
\_\_\_\_\_  
Signature

10/19/05  
Date

Michael A. Kohout  
Printed or Typed Name

Manufacturing Director  
Title

  
\* Plant. Manager  
+ WB Fremont

10/19/05