



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

January 7, 2014

**CERTIFIED MAIL**

Mr. Brian Kucia  
Vice President of Operations  
Buckingham SRC, Inc.  
d.b.a. SRC Worldwide  
3425 Service Road  
Cleveland, Ohio 44111

Re: Final Findings and Orders for:  
violations of Ohio EPA's air pollution  
control laws and regulations at SRC  
Worldwide's facility (1318001732) in  
Cleveland, Ohio

Dear Mr. Kucia:

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 "Bruce D. Weinberg". The signature is fluid and cursive, written over the word "Sincerely,".

Bruce D. Weinberg, Manager  
Compliance/Enforcement Section  
Division of Air Pollution Control

BDW/lg

xc: Carol Hester, PIC  
Leanne Greenlee, DAPC  
John Paulian, DAPC  
Jim Kavalec, DAPC  
Stephen Feldmann, Legal Office  
Linda Kimmy/Andrew Kenney, CDAQ

OHIO E.P.A.

BEFORE THE

JAN -6 2014

OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL  
In the Matter of:

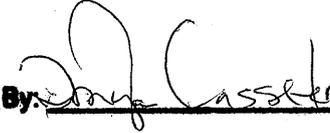
Buckingham SRC, Inc.  
d.b.a. SRC Worldwide  
3425 Service Road  
Cleveland, Ohio 44111

: Director's Final Findings  
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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.

PREAMBLE

It is agreed by the parties hereto as follows:

By:  Date: 1-6-14

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Buckingham SRC, Inc., d.b.a. SRC Worldwide (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 flux processing line at its facility (Facility ID# 1318001732) located at 3425 Service Road, Cleveland, Cuyahoga County, Ohio (Facility). Respondent acquired this facility in March of 2011.
2. The Cleveland Division of Air Quality (CDAQ) is the contractual agent for Ohio EPA in Cuyahoga County for the administration of Ohio's air pollution rules and laws.

3. On August 19, 2011, Ohio EPA issued permit-to-install and operate (PTIO) P0094375 to Respondent. The terms and conditions of PTIO P0094375 contain applicable emission limitations and operational control and reporting requirements for emissions unit (EU) P004 (Flux Fusion Operation/Electric furnace controlled by: a Cyclone, Venturi Wet Scrubber, Packed tower wet scrubber, and a demister pad). EU P004 is an "air contaminant sources" as defined in Ohio Administrative Code (OAC) Rule 3745-15-01(C) and (X).

4. On March 14, 2012, CDAQ conducted a compliance inspection at the Facility. As a result of this inspection, CDAQ determined that Respondent had, *inter alia*:

a. For EU P004, from November 19, 2011 until June 1, 2012, approximately 195 days, failed to conduct emissions testing in accordance with the terms and conditions of PTIO P0094375, in violation of terms and conditions of PTIO P0094375 and ORC § 3704.05(C);

b. For EU P004, from August 19, 2011 until May 9, 2012, approximately 264 days, failed to monitor and record daily records of pH and pressure drop for the packed bed scrubber and venturi scrubber, in violation of terms and conditions of PTIO P0094375 and ORC § 3704.05(C);

c. For EU P004, from February 15, 2012 until May 9, 2012, approximately 84 days, failed to prepare and timely submit, to CDAQ, the 2011 Permit Evaluation Report (PER), in violation of terms and conditions of PTIO P0094375 and ORC § 3704.05(C); and

d. For EU P004, from October 31, 2011 until May 9, 2012, approximately 191 days, failed to prepare and timely submit, to CDAQ, the quarterly deviation reports for the 4<sup>th</sup> quarter of 2011 and the 1<sup>st</sup> quarter of 2012, which were due by October 31, 2011 and January 31, 2012, in violation of terms and conditions of PTIO P0094375 and ORC § 3704.05(C).

5. By letters dated April 9 and May 23, 2012, CDAQ notified Respondent of the violations referenced in Finding No. 4 of these Orders. By letter dated May 9, 2012, Respondent submitted a response to CDAQ's notice of violation letters dated April 9 and May 23, 2012. Respondent's May 9, 2012 letter contained the necessary information to abate the violations referenced in Finding Nos. 4.b., 4.c., and 4.d.

6. On June 1 and 4, 2012, Respondent performed emissions testing on EU P004 in accordance with PTIO P0094375 and thereby abating the violation referenced in Finding No. 4a. On July 23 2012, Respondent submitted the test results to CDAQ. After reviewing the report, CDAQ determined that Respondent had failed to comply with terms and conditions of PTIO P0094375 for emissions of hydrochloric acid (HCL). Specifically, EU P004 has an emission limitation of 0.6 lb/hr, as required by the terms and conditions of PTIO P0094375. The June 1 and 4, 2012 stack test showed average

emissions of 0.92 lb/hr, in violation of terms and conditions of PTIO P0094375 and ORC § 3704.05(C). By letters dated August 3 and 29, 2012, CDAQ notified Respondent of these violations.

7. On September 11, 2012, Respondent conducted and passed a stack test for EU P004. The September 11, 2012 stack test showed average emissions of 0.110 lb/hr.

8. Separately, on April 9, 2012 as part of its original Notice of Violation, the CDAQ charged that SRC was operating an emission unit, the slurry operation, without first applying for a PTIO. On June 11, 2012, SRC submitted to CDAQ an Applicability Determination and Emissions Evaluation of said slurry operation and upon review of the same, as set forth in a letter from the CDAQ dated August 3, 2012, the CDAQ determined that the slurry operation is a de minimis source under OAC 3745-15-05(B) and does not require a PTIO.

9. 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 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. Respondent shall pay, subject to the approval of Judge Jessica E. Price Smith of the United States Bankruptcy Court for the Northern District of Ohio Case No. 13-17583, the amount of ten thousand dollars (\$10,000) 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 Court's approval, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for eight thousand dollars (\$8,000) of the total amount. 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  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining two thousand dollars (\$2,000) of the civil penalty, Respondent shall, within thirty (30) after the Court's approval, fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of \$2,000 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 \$2,000. The official check shall be submitted to Carol Butler, or her successor,

together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to Bruce Weinberg, Manager Enforcement Section, or his successor, at the following address:

Ohio EPA  
Division of Air Pollution Control  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$2,000 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, 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:

Cleveland Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114  
Attn: Linda Kimmy

and to:

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

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**

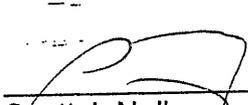
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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**

  
\_\_\_\_\_  
Scott J. Nally  
Director

4/2/14  
\_\_\_\_\_  
Date

**AGREED:**

**Buckingham SRC, Inc., d.b.a. SRC Worldwide**

  
\_\_\_\_\_  
Signature

12/12/2013  
\_\_\_\_\_  
Date

Brian Kucia  
\_\_\_\_\_  
Printed or Typed Name

Vice President Finance & Operations  
\_\_\_\_\_  
Title