



2. Emissions unit L002 emits, in part, volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs") as defined in OAC Rules 3745-21-01(B)(6) and 3745-77-01(V), respectively, and is defined as an "air contaminant source" in OAC Rules 3745-31-01(D) and 3745-15-01(C) and (W). Further, Respondent's entire facility is classified as a "major source," as defined in OAC Rule 3745-77-01(W).

3. OAC Rule 3745-77-02(B) states, in part, that major sources are subject to the permitting requirements of OAC Chapter 3745-77 (i.e., Title V).

4. OAC Rule 3745-77-07(A)(1) requires, in part, that a Title V permit include emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance. Furthermore, OAC Rule 3745-77-07(C)(5) requires, in part, that the Title V permit require the permittee to submit an annual compliance certification certifying compliance with the federally enforceable terms and conditions contained in the permit. The compliance certification is required to be submitted more frequently if required by an applicable requirement. Similarly, OAC Rule 3745-77-07(A)(3) requires, in part, that a Title V permit require the permittee to submit quarterly and semi-annual deviation reports.

5. OAC Rule 3745-77-01(H) defines, in part, an applicable requirement as any standard or other requirement established under the federal HAP program established by section 112 of the Clean Air Act.

6. 40 CFR, Part 63, Subpart T ("Subpart T") establishes, in part, standards and requirements for any solvent cleaning machine that uses any halogenated HAP (i.e., methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride or chloroform, or any combination of these halogenated HAP solvents, in a total concentration greater than 5 percent by weight) as a cleaning and/or drying agent. Subpart T specifies, in part, design requirements, control measures, work and operational practices, control measure requirements, and monitoring, record keeping and reporting requirements for batch solvent vapor cleaning machines using halogenated HAP solvents.

7. ORC § 3704.05(C) prohibits any person from violating any terms or conditions of any permit issued by the Director of Ohio EPA.

8. ORC § 3704.05(J)(2) prohibits, in part, any person from violating any applicable requirement of a Title V permit or any permit condition, except for an emergency as defined in 40 CFR 70.6(g).

9. On August 15, 2001, Ohio EPA issued a Title V permit to Respondent. In accordance with OAC Rule 3745-77-07, the permit contained the requirements to submit quarterly and semiannual deviation reports and annual compliance certifications. The permit also contained the requirements of 40 CFR, Part 63, Subpart T.

10. On May 29, 2002, Ohio EPA sent a letter informing Respondent that it had failed to submit the compliance certification by April 30, 2002 as required by the Title V permit. The letter requested Respondent to submit the required compliance certification within 30 days of receipt of the letter.

11. On June 20, 2002, Respondent responded to the May 29, 2002, notice of non-compliance. Respondent stated that the 2001 compliance certification would be submitted on July 1, 2002. Further, Respondent said that it had inadvertently overlooked the requirement to submit quarterly and semi-annual deviation reports.

12. On July 1, 2002, Respondent submitted the Title V compliance certification for the year of 2001 and the required deviation reports. The compliance certification report stated that Respondent had failed to submit the "statement of training" (a signed statement due annually by February 1 that states that all operators of the solvent cleaning machine received training on the proper operation of the machine and the control devices) and an estimate of solvent consumption for the previous calendar year as required by 40 CFR, Part 63, Subpart T. It further stated that Respondent deemed it unnecessary to monitor on a monthly basis the solvent cleaning machine's hoist speed, as specified in 40 CFR, Part 63, Subpart T, because the hoist speed was controlled as an integral part of the cleaning machine and the speed was set at the regulatory specified speed. Similarly, Respondent was not monitoring the wind speed or inspecting the cleaning machine's enclosure for leaks as required by 40 CFR, Part 63, Subpart T.

13. On July 10, 2002, Ohio EPA sent a Notice of Violation ("NOV") to Respondent summarizing the violations identified in Findings 10 through 12. The NOV informed Respondent that although the solvent cleaning machine was enclosed and the hoisting speed automatically controlled, the monitoring specified in 40 CFR, Part 63, Subpart T and in the Title V permit had to be performed. Similarly, the NOV stated that, because the wind speed monitoring had not been performed, the corresponding reporting was not performed, in violation of the 40 CFR, Part 63, Subpart T and the Title V permit. The NOV also requested Respondent to submit a statement that it would begin to perform the required monitoring and clarify which emissions units and permit terms the compliance certification report covered.

14. In a letter dated July 23, 2002 and received by NEDO on July 26, 2002, Respondent submitted a letter in response to Ohio EPA's July 10, 2002 NOV stating it would begin to comply with the required monitoring and record keeping and would submit the other information requested by the NOV. The letter also contained the required semi-annual and fourth quarter exceedance reports for emissions unit L002 (solvent cleaning machine) and the annual solvent consumption rate for 2001. The semi-annual exceedance report was for the second half of 2001 and was due by January 31, 2002.

15. On July 31, 2002, Ohio EPA sent a letter to Respondent stating it had satisfied the requirement specified in the July 10, 2002 NOV.

16. On August 1, 2002, Respondent submitted the required Statement of Training required by the Title V permit and 40 CFR, Part 63, Subpart T.

17. On November 8, 2002, Respondent submitted the first half and third quarter deviation reports for 2002. The reports were due by July 31, 2002, and October 31, 2002, respectively.

18. Respondent failed to timely submit quarterly and semiannual deviation reports as required by the Title V permit, in violation of ORC § 3704.05(C) and (J)(2). Specifically, the following reports were not submitted on time:

<b>Report</b>	<b>Due Date</b>	<b>Date Received</b>
4 <sup>th</sup> quarter 2001	01/31/02	07/26/02
3 <sup>rd</sup> quarter 2002	10/31/02	11/08/02
2 <sup>nd</sup> half 2001	01/31/02	07/26/02
1 <sup>st</sup> half 2002	07/31/02	11/08/02

19. Respondent failed to submit the 2001 annual certification of compliance, due April 30, 2002, until July 1, 2002, in violation of the terms and conditions of the Title V permit and ORC § 3704.05(C) and (J)(2). Similarly, Respondent failed to timely submit the "Statement of Training" and the 2001 annual solvent consumption rate required by 40 CFR, Part 63, Subpart T and the Title V permit, in violation of ORC § 3704.05(C) and (J)(2). The statement and solvent consumption report were required to be submitted by February 1, 2002 for the calendar year 2001; however, they were submitted on July 26, 2002 and August 1, 2002, respectively.

20. Respondent failed to monitor the solvent cleaning machine's hoist and wind speed and the enclosure for leaks, as required by the Title V permit and 40 CFR, Part 63, Subpart T, in violation of ORC § 3704.05(C) and (J)(2). Pursuant to Respondent's July 23, 2002 letter, the required monitoring started on or around July 2002.

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

## V. ORDERS

The Director hereby issues the following Orders:

1. 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 claim for civil penalties. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of sixteen thousand dollars (\$16,000) of the total penalty amount. Payment shall be made by official check made payable to "Treasurer, State of Ohio." The official check shall be submitted to Brenda Case, or her successor, at Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and facility.

A copy of the official check shall be submitted to James A. Orlemann, Assistant Chief, Enforcement Section, or his successor, at Division of Air Pollution Control, Ohio EPA, P.O. Box 1049, Columbus, Ohio 43216-1049.

In lieu of payment to Ohio EPA of the remaining five thousand dollars (\$5,000) of the total penalty amount, Respondent shall perform the supplemental environmentally beneficial project identified in Order 2. In the event Respondent defaults or otherwise fails to complete the project as specified in Order 2, the \$5,000 shall immediately become due and payable to Ohio EPA. Such payment shall be made by an official check made payable to "Treasurer, State of Ohio" and sent to Brenda Case, or her successor, at the above-stated address. A copy of the check shall be sent to James A. Orlemann, or his successor, at the above-stated address.

2. As outlined below, and with reference to the chapters described in Ohio EPA's 1993 "Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual" (the Manual), Respondent shall conduct a pollution prevention study ("P2 Study") at the facility. The P2 Study is an assessment of selected facility processes to identify and evaluate specific source reduction and environmentally sound recycling opportunities.

- a. Within ninety (90) days after the effective date of these Orders, Respondent shall submit a detailed narrative report to Ohio EPA for review and approval containing the following:
  - i. a list of the members of a cross-functional team for the P2 Study, including the name of a designated team leader;
  - ii. an identification of the processes selected for study and the methods used to select the processes; and
  - iii. a description of the processes being studied, including types and quantities of raw materials used, waste generated (i.e., air emissions, hazardous waste, solid waste, wastewater), and the intermediate or final products.

The above items shall be completed following the guidance provided in Chapters 8 and 9 of the Manual.

- b. Within one hundred eighty (180) days after the effective date of these Orders, Respondent shall submit a detailed narrative report to Ohio EPA for review and approval containing the following:
  - i. an analysis of the process-related factors contributing to waste generation;
  - ii. a description of the specific pollution prevention opportunities identified; and
  - iii. a discussion of the approach used in screening and prioritizing pollution prevention opportunities for future implementation.

The above items shall be completed following the guidance provided in Chapters 11 and 12 of the Manual.

- c. Within two hundred seventy (270) days after the effective date of these Orders, Respondent shall submit a detailed narrative final report to Ohio EPA for review and approval containing the following:
  - i. an evaluation of the cost considerations and feasibility analysis of the identified pollution prevention opportunities;
  - ii. a discussion of those projects that have been eliminated as well as those that have been implemented, planned for implementation, or under consideration for possible implementation; and
  - iii. a description of the other items bulleted in Table 7 of Chapter 15 of the Manual.

The above items shall be completed following the guidance provided in Chapters 13, 14 and 15 of the Manual.

- d. Within three hundred and thirty (330) days after the effective date of these Orders, Respondent shall submit an approvable detailed narrative final report to Ohio EPA, unless the report submitted to Ohio EPA pursuant to the above paragraph c is approved by Ohio EPA.

Ohio EPA shall provide Respondent with its comments and an indication of approval or disapproval of the reports submitted pursuant to this Order in a timely manner.

3. Within thirty (30) days of the completion and approval by Ohio EPA of the project identified in Order 2, Respondent shall submit documentation to Ohio EPA of the

total cost of the P2 Study. If the total cost of the P2 Study is less than \$5,000, Respondent shall submit, along with the final report identified in Order 2 and in the manner described in Order 1, an official check to Ohio EPA for the difference in cost between \$5,000 and the total cost of the P2 Study.

## **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-reference 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**

Except as otherwise provided in these Orders, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA, Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
Attention: Dennis Bush

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Air Pollution Control  
122 South Front Street, P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attention: 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 the 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**

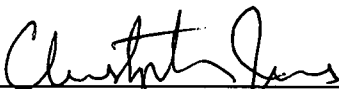
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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:**

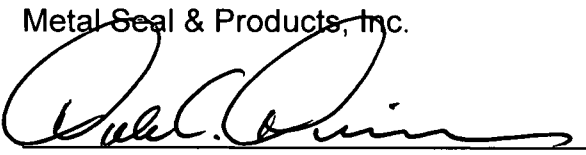
Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Christopher Jones  
Director

5-18-04  
Date

**IT IS SO AGREED:**

Metal Seal & Products, Inc.

  
\_\_\_\_\_  
Signature

MAY 12, 2004  
Date

DALE C. DIEMER  
\_\_\_\_\_  
Printed or Typed Name

ENVIRONMENT, SAFETY & HEALTH MANAGER  
\_\_\_\_\_  
Title