

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ohio Screw Products Company, Inc. :
818 Lowell Street :
P.O. Box 4027 :
Elyria, Ohio 44036-2037 :

Director's Final Findings
and Orders

OHIO E.P.A.
APR 16 2002
ENTERED DIRECTOR'S JOURNAL

PREAMBLE

It is hereby agreed that:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ohio Screw Products Company, Inc. ("OSPC") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under R.C. 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon OSPC, its assigns and successors in interest.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in R.C. Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

The Director of Ohio EPA has determined the following findings of fact:

1. OSPC owns a manufacturing facility located at 818 Lowell Street, Elyria, Lorain County, Ohio. At this facility, OSPC owns and operates an open top vapor degreaser using trichloroethylene, which is identified by Ohio EPA as source number L002 ("source L002"). Trichloroethylene is emitted from source L002 and emissions are minimized by the use of a refrigerated condenser and a reduced room draft. Source L002 was installed in February 1985 and began its operation in the same month.

2. Source L002 is an "air contaminant source" as defined in OAC Rules 3745-15-01(C) and (W), 3745-31-01(D), and 3745-35-01(B)(1) and R.C. 3704.01(C).

3. The permit to operate ("PTO") for source L002 was issued by Ohio EPA on February 12, 1993, pursuant to Ohio Administrative Code ("OAC") Rule 3745-35-02, and expired on February 12, 1996. A renewal PTO application was submitted to Ohio EPA by OSPC on September 18, 1997; however, the renewal PTO has not been issued because Ohio EPA expected that source L002 may be subject to the Title V requirements based on its potential to emit ("PTE").

4. OAC Rule 3745-77-02 prohibits the operation of any Title V source after the date that a complete and timely Title V permit application is required to be submitted under OAC Rule 3745-77-04, at a facility with the potential to emit greater than 100 tons per year of a criteria air pollutant and/or greater than 10 tons per year of an individual hazardous air pollutant ("HAP") and/or greater than 25 tons per year of any combination of HAPs, unless such facility is in compliance with a Title V permit issued by Ohio EPA. OAC Rule 3745-77-04 specifies deadlines for the submission of Title V permit applications. Since the PTE for source L002 is estimated to be greater than 10 tons per year, source L002 is subject to OAC Rules 3745-77-02 and 3745-77-04(B)(1). Therefore, OSPC was required to submit a Title V permit application to Ohio EPA as required by OAC Rule 3745-77-02, by no later than by March 28, 1996, as specified in OAC Rule 3745-77-04. R.C. 3704.05(G) prohibits any person from violating any rule adopted by the Director of Ohio EPA. Furthermore, R.C. 3704.05(K) prohibits any person from operating a Title V source except in compliance with a Title V permit or if a timely and complete Title V permit application was filed with Ohio EPA.

5. OAC Rule 3745-78-02 requires owners or operators of Title V sources to submit annual fee emission reports that identify the actual emissions of specified air pollutants and to pay fees for such emissions upon receipt of invoices. The first fee emission report was due by April 15, 1994 for calendar 1993, and the subsequent reports were due by April 15 of each year thereafter.

6. On July 9, 1997, Ohio EPA, Northeast District Office ("NEDO") conducted an inspection at OSPC's facility. During this inspection, NEDO discovered that the facility was not in compliance with 40 CFR, Part 63, Subpart T.

7. On June 8 and 9, 1998, OSPC submitted to NEDO the initial notification report and initial statement of compliance, which are required pursuant 40 CFR, Part 63, Subpart T, via facsimile and mail, respectively.

8. On July 30 and August 21, 1998, OSPC informed NEDO via mail that the facility was in compliance with the equipment standards in 40 CFR 63.463.

9. On December 16, 1998, NEDO conducted another inspection of OSPC's facility. During this inspection, NEDO noticed that OSPC was appropriately using a freeboard refrigeration device and reduced room draft to comply with the equipment

standard in 40 CFR 63.463; however, the facility was in violation of the monitoring, record keeping, and reporting requirements in 40 CFR, Part 63, Subpart T. A request for a PTE analysis of trichloroethylene emissions from the open top vapor degreaser and an identification of the above-mentioned violations were outlined in NEDO's letter, dated January 21, 1999, to an employee of OSPC. The employee did not respond to NEDO's January 21, 1999 letter.

10. Subsequent inspection of OSPC's facility by NEDO on August 26, 1999, revealed that OSPC's facility was still in violation of the monitoring, recordkeeping, and reporting requirements in 40 CFR, Part 63, Subpart T. NEDO notified an employee of OSPC of these violations and again requested the PTE calculations for the degreaser in a letter dated September 16, 1999; however, the employee never responded to this letter.

11. On November 27, 2000, Ohio EPA sent OSPC a warning letter requesting additional information in order to evaluate whether OSPC's facility is a major source of HAPs.

12. On December 11, 2000, OSPC contacted NEDO by phone to discuss the November 27, 2000 warning letter. OSPC informed NEDO that it was not sure about where to obtain the area of the degreaser in order to calculate the PTE in accordance with 40 CFR, Part 63, Subpart T. OSPC provided NEDO with two sets of numbers that could be used for the calculation of PTE depending on where the area of the degreaser is measured. NEDO was not certain which set of numbers should be used; therefore, NEDO determined that a facility visit would be necessary. Following the telephone conversation with NEDO, OSPC faxed to NEDO the facility's solvent usage records from 1997 until the present, solvent waste disposal records from 1997 until the present, and actual emissions of trichloroethylene from the vapor degreaser for each year from 1997 until the present.

13. On December 20, 2000, NEDO inspected OSPC's facility. Based on NEDO's inspection of the degreaser, the facility's PTE should be calculated to include the area of the boiling tank. Therefore, the facility's PTE is 22.8 tons of trichloroethylene per year. Since the facility's PTE exceeds 10 tons per year of trichloroethylene and the facility was not in compliance with the requirements of 40 CFR, Part 63, Subpart T by the compliance deadline of December 2, 1997, OSPC is subject to the requirements of OAC Rules 3745-77-02 and 3745-77-04.

14. On May 10, 2001, OSPC submitted to Ohio EPA the fee emission report for the calendar year 2000.

15. In June 2001, NEDO sent OSPC a letter requesting OSPC to submit a Title V permit application for its facility within thirty days of receipt of NEDO's letter.

16. From the date of NEDO's inspection described in paragraph 13 hereof until this date, OSPC has been operating its facility without applying for and obtaining a Title V permit from Ohio EPA, in violation of OAC Rules 3745-77-02 and 3745-77-04, and R.C. 3704.05(G) and (K). In addition, although OSPC submitted the non-Title V fee emission reports, OSPC has not submitted the Title V fee emission reports for the calendar years from 1996 through 1999, in violation of OAC Rule 3745-78-02 and R.C. 3704.05(G).

17. On August 30, 2001, OSPC submitted to Ohio EPA a complete Title V permit application for source L002.

18. On December 18, 2001, OSPC submitted to Ohio EPA the Title V fee emission reports for the calendar years from 1996 through 1999.

19. 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. Pursuant to R.C. 3704.06, OSPC is assessed a civil penalty in the amount of thirty-seven thousand dollars (\$37,000) in settlement of Ohio EPA's claim for civil penalties. OSPC shall pay to Ohio EPA the amount of twenty-nine thousand and six hundred dollars (\$29,600) of the total penalty pursuant to the following schedule:

seven thousand and four hundred dollars (\$7,400) due within ninety (90) days after the effective date of these Orders;

seven thousand and four hundred dollars (\$7,400) due within one hundred and eighty (180) days after the effective date of these Orders;

seven thousand and four hundred dollars (\$7,400) due within two hundred and seventy (270) days after the effective date of these Orders; and

seven thousand and four hundred dollars (\$7,400) due within three hundred and sixty (360) days after the effective date of these Orders.

Payment shall be made by certified check made payable to "Treasurer, State of Ohio" and sent to Vicki Galilei, Fiscal Specialist, or her successor, at the following address:

Fiscal Administration
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

The remaining seven thousand and four hundred dollars (\$7,400) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders, OSPC shall deliver a certified check in this amount and made payable to the Ohio Department of Natural Resources, Division of Forestry, State Forest Fund for the purpose of funding urban area tree-planting projects in Ohio. This check shall specify that such monies are to be deposited into Fund No. 509. The check shall be sent to John Dorka, Deputy Chief, or his successor, at the following address:

Division of Forestry
Ohio Department of Natural Resources
1855 Fountain Square Court, H-1
Columbus, Ohio 43224-1327

A copy of the check shall be sent to James A. Orlemann, Manager, Engineering Section, or his successor, at the following address:

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

VI. 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 OSPC.

VII. NOTICE

All documents required by these Orders, unless otherwise specified by Ohio EPA in writing, shall be addressed to:

Ohio EPA, NEDO
Attn: Kristen Switzer or successor
2110 E. Aurora Rd.
Twinsburg, Ohio 44087

and to:

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

VIII. RESERVATION OF RIGHTS

Nothing contained herein prevents Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against OSPC for noncompliance with these Orders. Nothing contained herein prevents Ohio EPA from exercising its lawful authority to require OSPC to perform additional activities pursuant to R.C. Chapter 3704 or any other applicable law in the future. Nothing herein restricts the right of OSPC to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of OSPC.

IX. MODIFICATIONS

These Orders may be modified by mutual agreement of the Parties. Modifications shall be in writing and shall be effective on the date entered in the Journal of the Director of the Ohio EPA.

X. SIGNATORIES

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 this document.

XI. WAIVER

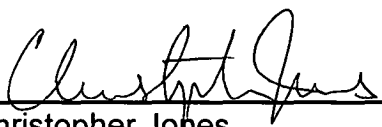
In order to resolve disputed claims, without admission of fact, violation or liability,

OSPC agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for OSPC's civil liability for the specific violations cited herein. OSPC hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and OSPC agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, OSPC retains the right to intervene and participate in such an appeal. In such event, OSPC shall continue to comply with these Orders unless said Orders are stayed, vacated, or modified.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Christopher Jones
Director

4-9-07
Date

IT IS AGREED:

Ohio Screw Products Company, Inc.



By

3/21/02
Date



Title