

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Ford Motor Company
Cleveland Engine Plant
18300 Five Points Road
Brook Park, Ohio**

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:
:

Director's Final
Findings and
Orders

ENTERED DIRECTOR'S JOURNAL

OCT - 4 2002

OHIO E.P.A.

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings of Fact and Orders are issued to Ford Motor Company, Cleveland Engine Plant ("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 shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Findings of Fact and Orders shall have the same meaning as used in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3704.03 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Ford is a corporation duly organized under the laws of the State of Delaware, which owns and operates the Cleveland Engine Plant ("Ford CEP") at 18300 Five Points Road, Brook Park, Ohio. At Ford CEP, Ford manufactures internal combustion engines for use in motor vehicles. Engine parts from other Ford plants are shipped to this facility and combined into a complete engine that is then tested and shipped to a Ford vehicle assembly plant.
2. At this facility, Ford operates a hot test carousel as emissions unit P264. This emissions unit is used to test several operating parameters for each of the engines produced. Testing is accomplished by running each engine for a specific length of time on the test carousel. After testing, fuel is purged from the engine into a fuel rail system. Hydrocarbon emissions from this purging are controlled by an enclosed flare.
3. From April 4, 1994, until July 9, 1996, Ford CEP violated the allowable VOC limitation in its initial PTI # 13-2554. The start date of this violation was the installation date of P264. The violation was ongoing until, at least, the date that the temporary flare was installed on the emissions unit. Ford CEP was in violation of PTI #13-2554 for a period of 26 months.
4. By letter dated June 28, 1996, Ford CEP requested an exemption from obtaining a PTI for the installation of a temporary flare to provide Ford CEP time to evaluate the exhaust emissions and the effectiveness of the temporary unit in controlling emissions from P264.
5. By letter dated July 12, 1996, OEPA granted the exemption until September 20, 1996. The temporary flare remained in use from July 1996, until the permanent enclosed flare was installed in April 1997. Ford CEP's failure to obtain a PTI after the exemption expired was in violation OAC rule 3745-31-02(A)(1). Ford CEP was in violation of this rule for a period of 6 months.
6. Ford also violated the modified non-attainment, new source review requirements of 40 CFR 51, Appendix S, from the date of installation of emissions unit P264, until the issuance of modified PTI # 13-3198 on July 9, 1997. VOC emissions data, submitted as part of the PTI application, demonstrated that the potential emissions from emissions unit

P264 were in excess of 100 tons per year (TPY). Since Cuyahoga County was designated as non-attainment for ozone until May 7, 1996, Ford was in violation of 40 CFR 51, Appendix S by not obtaining a synthetic minor PTI or a PTI that met the requirements of USEPA's Offset Policy prior to the installation of emissions unit P264.

V. ORDERS

The Director hereby issues the following Orders:

1. Pursuant to R.C. 3704.06, Ford CEP is assessed a civil penalty in the amount of ninety three thousand, five hundred and thirty-four dollars (\$ 93,534) in settlement of Ohio EPA's claim for civil penalties. Within fourteen (14) days after the effective date of these Orders, Ford shall pay to Ohio EPA the amount of forty six thousand, seven hundred and sixty-seven dollars (\$46,767) of the total penalty amount. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" and sent to Brenda Case, Fiscal Specialist, or her successor, at the following address:

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

A copy of the check shall be sent to Jim Orlemann at the following address:

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

The remaining forty six thousand, seven hundred and sixty-seven dollars (\$46,767) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders, Ford shall deliver an official 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 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

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 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 Ford's Cleveland facility.

VIII. 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.

IX. MODIFICATIONS

These Orders may be modified by agreement of the Parties. 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 by these Orders, unless otherwise specified in writing, shall be submitted to:

City of Cleveland
Department of Public Health and Welfare
1925 St Clair Avenue
Cleveland, OH 44114
Attn: Doug Broussard

and to:

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

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

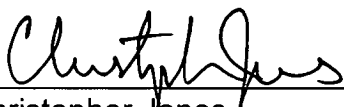
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



Christopher Jones
Director

9-30-02

Date

IT IS SO AGREED:

Ford Motor Company



Signature

9/24/02

Date

Thomas DeZure

Printed or Typed Name

Assistant Secretary

Title