

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Buschman Corporation
4100 Payne Avenue
Cleveland, Ohio 44103

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Director's Final
Findings and Orders

ENTERED DIRECTOR'S JOURNAL

NOV - 5 2002

OHIO E.P.A.

PREAMBLE

It is hereby agreed that:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Buschman Corporation (Buschman), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under sections 3704.03 and 3745.01 of the Ohio Revised Code (ORC).

II. PARTIES BOUND

These Orders shall apply to and be binding upon Buschman and 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 Chapter 3704 of the ORC and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

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

1. Buschman is a corporation duly organized under the laws of the State of Ohio which supplies the paper and converting industries worldwide with metering and smoothing rods, rod holders, and edge wipe blades. The manufacturing facility is located at 4100 Payne Avenue, Cleveland, Ohio (facility premise #13-18-00-7874).

2. At the Cleveland facility, Buschman operated a hard chrome plating line, P001, that used electrical current in a chromic VI acid bath to plate the chrome VI to the metal surface.

3. In late 1992, Buschman installed and began to operate source P001, the chrome plating line. On April 6, 1993, the Cleveland local air agency (CLAA) received a permit to operate (PTO) application for unit P001. The cover letter explained that it was installed in late 1992 and that Buschman "only recently became aware of the permit requirements." On October 7, 1994, the operation of the unit was placed on registration status.

4. Prior to the late 1992 installation, Buschman failed to obtain a permit to install (PTI) for unit P001, in violation of OAC 3745-31-02 (A)(1), and failed to apply for the PTO prior to operation, in violation of OAC 3745-35-02 (A). By violating these rules, Buschman violated ORC 3704.05(G).

5. Unit P001 was in operation from late 1992 through approximately October 2001. Unit P001 was only used intermittently when chrome plating line P002 began operating on December 1, 1999.

6. On March 11, 1998, PTI 13-3302 was issued for the installation of a new plating line, unit P002. Unit P002 was installed in 1999 and began operating on December 1, 1999. The PTI for unit P002 requires Buschman to comply with 40 CFR, Part 63, Subpart N as part of the BAT determination and to limit chromium emissions to 0.015 mg/dscm.

7. On February 25, 2000, a stack test was performed for unit P002. The unit failed to meet the chromium emission limitation of 0.015 mg/dscm.

8. Repairs were made to unit P002 by Buschman and another stack test was performed on May 3, 2000. The unit again failed to meet the chromium emission limitation of 0.015 mg/dscm.

9. Additional repairs were made to unit P002 by Buschman and a third stack test was performed on December 20, 2000. The unit failed to meet the chromium emission limitation of 0.015 mg/dscm.

10. A HEPA filter was installed and a fourth stack test was performed on June 14, 2001. The results of this test showed an average emission rate of 0.000675 mg/dscm, well within the emission limitation of 0.015 mg/dscm.

11. Buschman exceeded the chromium emission limitation of 0.015 mg/dscm in PTI 13-3302, in violation of ORC 3704.05(C), from February 25, 2000 (the first stack test) until March 8, 2001 (the date the HEPA filter was installed). The average emission rate for each noncomplying stack test and the percentage above the allowable limit are shown in Table One below.

Table One: Results of the Noncomplying Emission Tests for Unit P002

Time Period	Allowable emissions per PTI 13-3302	Actual emissions (average of three runs from stack test)	Percent above allowable
2/25/00 - 5/3/00 (67 days)	0.015 mg/dscm	0.0190 mg/dscm	27%
5/3/00 - 12/20/00 (231 days)	0.015 mg/dscm	0.0390 mg/dscm	160%
12/20/00 - 3/8/01 (78 days)	0.015 mg/dscm	0.0221 mg/dscm	47%

12. On February 13, 2002, a representative from the CLAA conducted an inspection of the Buschman facility. A Notice of Violation (NOV) was issued for exceeding the allowable emission limit for P002 prior to the final stack test and for failing to obtain a PTI for unit P001.

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

V. ORDERS

The Director hereby issues the following Orders:

1. Buschman shall maintain compliance with PTI #13-3302.
2. Within fourteen (14) days from the effective date of these Orders, Buschman shall pay to Ohio EPA the amount of nineteen thousand seven hundred ninety-nine dollars (\$19,799) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 3704. Within fourteen (14) days after the effective date of these Orders, Buschman shall pay to Ohio EPA the amount of fifteen thousand eight hundred thirty-nine dollars (\$15,839) of the total penalty amount. Payment shall be made by official check made payable to "Treasurer, State of Ohio" and sent to 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 three thousand nine hundred sixty dollars (\$3,960) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders, Buschman 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

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 Buschman's facility.

VII. 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: Andrew Shroads

and to:

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

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 Buschman for noncompliance with these Orders. Nothing contained herein prevents Ohio EPA from exercising its lawful authority to require Buschman to perform additional activities at the facility pursuant to ORC Chapter 3704 or any other applicable law in the future. Nothing herein restricts the right of Buschman to raise any administrative, legal or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of Buschman.

IX. SIGNATORIES

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.

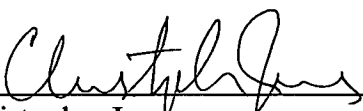
X. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Buschman agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Buschman's civil liability for the specific violations cited herein. Buschman 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 Buschman agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Buschman retains the right to intervene and participate in such an appeal. In such event, Buschman shall continue to comply with these Orders unless said Orders are stayed, vacated, or modified.

IT IS SO ORDERED AND AGREED:

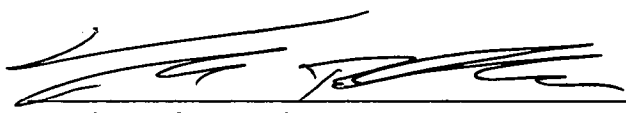
Ohio Environmental Protection Agency



Christopher Jones
Director

11-1-02
Date

IT IS AGREED:



Buschman Corporation

10/29/02
Date

OWNER,

Title