

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
SEP -4 2001
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Brooks Technology Company	:	<u>Director's Final</u>
3304 E. 87th Street	:	<u>Findings and Orders</u>
Cleveland, Ohio 44127	:	

PREAMBLE

It is hereby agreed that:

I. JURISDICTION

These Director's Final Findings of Fact and Orders are issued to Brooks Technology Company (Brooks), 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 Brooks and its assigns and successors in interest.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Findings of Fact and 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. Brooks is a division of Premier Farnell LLC, duly organized under the laws of the State of Delaware, and is located at 3304 E.87th Street, Cleveland, Ohio (facility identification #13-18-000813).
2. Brooks operates ten (10) grease manufacturing kettles (Z006 - Z015), known as source K004, for the production of aluminum complex grease. Aluminum isopropoxide is converted to isopropyl alcohol during one step in the process.
3. In 1996, Brooks informed Ohio EPA that, based on emissions calculations they had made, they were a minor facility and, therefore, not subject to Title V permitting requirements. In 1997,

Brooks' further review of the calculations, revealed a mathematical error in the calculations. Once corrected, the emissions calculations indicated that Brooks had the potential to emit isopropyl alcohol, a volatile organic compound, in excess of 100 tons per year, and hazardous air pollutants in excess of 25 tons per year. See Table One. Brooks is, therefore, subject to the requirements of Ohio Administrative Code (OAC) Chapter 3745-77. Brooks notified the Cleveland Bureau of Air Pollution Control of the error.

Table One: VOC Emissions Summary

Calendar Year	PTE (TPY VOC)	Actual Emissions (TPY VOC)
1993	6112	70.44
1994	6112	149.98
1995	6112	142.18
1996	6112	179.02
1997	6112	160.98
1998	6112	138.85

4. In accordance with OAC Chapter 3745-77, Brooks was required to submit electronically a Title V permit application or a federally enforceable State operating permit (FESOP) application to Ohio EPA by September 30, 1996. Brooks submitted a Title V application to Ohio EPA on September 24, 1998.

5. Per OAC rule 3745-78-02, by April 15 of each year, beginning April 15, 1994, Brooks was required to submit electronically to Ohio EPA a fee emission report (FER) for the previous year's emissions that quantifies the actual emission data for particulate matter, sulfur dioxide, organic compounds, nitrogen oxides, and lead. Brooks submitted these FERs and paid all back fees that were owed. Table Two shows the FER due dates and the dates FERs were received.

Table Two: Fee Emission Report Due Dates and Dates Received

<u>Emissions Year</u>	<u>FER Due Date</u>	<u>Date FER Received</u>
1993	4/15/94	11/24/98
1994	4/15/95	11/24/98
1995	4/15/96	11/24/98
1996	4/15/97	11/24/98
1997	4/15/98	11/24/98

6. Inspectors from the Cleveland Bureau of Air Pollution Control (Cleveland) visited the Brooks facility on October 28, 1999 to determine compliance with applicable air pollution control regulations. As a result of the inspection, and after further review of annual records for the ten grease kettles, it was determined that Brooks was operating in compliance with its existing operating permits, but had failed to file a timely Title V permit application.

7. Brooks' failure to timely file a Title V permit application and the FERs are violations of OAC rules 3745-77-02 and 3745-78-02, respectively, and violations of ORC 3704.05. Further, Brooks' late application has resulted in their not qualifying for the Title V permit application shield; therefore, they have no authorization to lawfully operate all their air contaminant sources.

8. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness to 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. Within fourteen (14) days from the effective date of these Orders, Brooks shall pay to Ohio EPA the amount of twenty five thousand dollars (\$25,000) 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, Brooks shall pay to Ohio EPA the amount of twenty thousand dollars (\$20,000) of the total penalty amount. Payment shall be made by certified check made payable to "Treasurer, State of Ohio" and sent to the following address:

Vicki Galilei
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 five thousand dollars (\$5,000) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders,

Brooks 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 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 Brooks' Cleveland facility.

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: Mark Vilem

and to:

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

VII. 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 Brooks for noncompliance with these Orders. Nothing contained herein prevents Ohio EPA from exercising its lawful authority to require Brooks 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 Brooks to raise any administrative, legal or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of Brooks.

VIII. SIGNATORIES

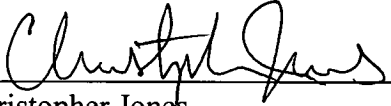
Each undersigned representative of a party to these Orders certifies that she or he is fully authorized to enter into these Orders and to legally bind such party to this document.

IX. WAIVER

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

IT IS ORDERED AND AGREED:



Christopher Jones
Director

8-29-01
Date

IT IS AGREED:



Brooks Technology Company

8/22/01
Date

President

Title