

OHIO E.P.A.

OCT 30 2001

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Mantua Manufacturing Company	:	<u>Director's Final</u>
7900 Northfield Road	:	<u>Findings and Orders</u>
Walton Hills, Ohio 44146	:	

PREAMBLE

It is hereby agreed that:

I. JURISDICTION

These Director's Final Findings of Fact and Orders are issued to Mantua Manufacturing Company (MMC), 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 (RC).

II. PARTIES BOUND

These Orders shall apply to and be binding upon MMC and its assigns and successors in interest. No change in ownership relating to the Facility 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 Chapter 3704 of the RC and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

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

1. MMC is a corporation duly organized under the laws of the State of Ohio, with its main offices located in Walton Hills, Ohio, operates a metal furniture manufacturing facility located at 7900 Northfield Road, Walton Hills, Cuyahoga County, Ohio (facility premise #13-18-58-7852).
2. At the Walton Hills facility, MMC operates a conveyORIZED metal furniture painting line as source K001. Source K001 is an "air contaminant source" as defined by Ohio Administrative Code (OAC) Rules 3745-35-01(B)(1) and 3745-15-01(W) and a "new source" as defined by OAC Rule 3745-31-01(NN).
3. On March 15, 1993, MMC installed and began to operate source K001. On March 31, and June 25, 1993, the Ohio EPA issued to MMC permit to install (PTI) #13-2636 and the permit to

operate (PTO) for source K001, respectively. Installation and operation of source K001 without a PTI and a PTO are violations of OAC Rules 3745-31-02 and 3745-35-02, respectively. The PTI and PTO for source K001 require MMC to comply with the following:

- a. Limit VOC emissions to 3.75 pounds per hour and 16.43 tons per year.
 - b. Use coatings and cleanup materials with maximum VOC contents of 3.0 pounds of VOC per gallon of coating, excluding water and exempt solvents.
 - c. Maintain monthly records of the following information for each coating employed:
 - i. Identification name and number.
 - ii. Number of gallons employed.
 - iii. The VOC content of each coating, in pounds of VOC per gallon of coating, excluding water and exempt solvents.
 - d. Submit annual summary reports of the monthly coating usage records.
4. MMC exceeded the tons per year (TPY) limitation for VOC during 1998 and 1999, in violation of RC Section 3745.05(C). The actual VOC emissions and the percentages above the allowable limit are shown in Table One below.

Table One: Actual annual VOC emissions from K001

Year	Allowable TPY per PTI #13-2636	Actual emissions, calculated from annual coating usage reports.	Percent above allowable.
1998	16.43	17.5 tons	6.7 %
1999	16.43	16.9 tons	2.9 %

5. MMC also exceeded the pounds per hour limitation for VOC during 1994, 1995, 1996, 1997, 1998, and 1999, in violation of RC Section 3745.05(C). The actual, average VOC emission rates and the percentages above the allowable limit are shown in Table Two below.

Table Two: Actual average, hourly VOC emissions from K001

Year	Allowable emissions per hour, per PTI #13-2636	Actual emissions, calculated from coating usage reports.	Percent above allowable.
1994	3.75 lbs / hour	4.3 lbs/hr	14.6 %
1995	3.75 lbs / hour	5.6 lbs/hr	49.1 %
1996	3.75 lbs / hour	14.5 lbs/hr	286 %
1997	3.75 lbs / hour	14.6 lbs/hr	289 %
1998	3.75 lbs / hour	16.5 lbs/hr	341 %
1999	3.75 lbs / hour	8.1 lbs/hr	117 %

6. Table Three below shows the dates Cleveland BAPC received annual summary reports of the monthly coating usage records for source K001. The annual reports for 1993 through 1997 were submitted late, in violation of the PTI and PTO conditions and RC Section 3745.05(C). MMC also has failed to submit the annual reports for 1998 and 1999.

Table Three: Submission dates for the annual coating usage reports

<u>Year</u>	<u>Date Report Due</u>	<u>Date Report Received</u>
1993	1/31/94	02/04/94
1994	1/31/95	03/02/95
1995	1/31/96	05/20/96
1996	1/31/97	03/05/97
1997	1/31/98	06/23/98
1998	1/31/99	11/30/00
1999	1/31/00	11/30/00

7. Ohio EPA will make every effort to expedite the processing and issuance of the PTI modification application, submitted by MMC in 1996.

8. 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. Within thirty (30) days of the effective date of these Orders, MMC shall submit its 2000 annual coating usage summary reports to Ohio EPA. For the years 2000 and 2001 MMC actual hourly VOC emissions shall not exceed 6.0 lbs/hour. Actual hourly VOC emissions for the years 2000 and 2001 and/or until issuance of the PTI modification are subject to the limitations of these Orders. Upon issuance of the pending PTI modification MMC shall be subject to all terms, conditions and limitations therein.
2. MMC shall submit year 2001 annual coating usage summary reports to Ohio EPA on or before January 31, 2002.
3. MMC shall pay the amount of twelve thousand nine hundred dollars (\$ 12,900) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to RC Chapter 3704 according to the following payment schedule. Of this total amount MMC shall pay to Ohio EPA the amount of ten thousand three hundred twenty dollars (\$10,320). Of this latter sum, MMC shall, within fourteen (14) days after the effective date of these Orders, pay to Ohio EPA the amount of five thousand one hundred sixty dollars (\$5,160). MMC shall pay the remaining portion of the \$10,320, namely \$5,160 to Ohio EPA, on or before January 15, 2002. All payments to Ohio EPA shall be paid 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 two thousand five hundred eighty dollars (\$2,580) of the total penalty shall be paid to fund a supplemental environmentally beneficial project. Specifically, within fourteen (14) days after the effective date of these Orders, MMC 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 MMC's facility.

VII. NOTICE

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

Cities 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
Attn: Paul Cree

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

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 Ohio EPA.

X. 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.

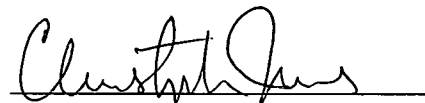
XI. WAIVER

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

IT IS ORDERED AND AGREED:


Ohio Environmental Protection Agency



Christopher Jones
Director

10-26-01
Date

IT IS AGREED:



Mantua Manufacturing Company

10/15/01
Date

Pres.

Title