

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
OCT 24 2001

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Voyale Corporation
4510 East 71st
Cleveland, Ohio 44106

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Director's Final
Findings and Orders

PREAMBLE

It is hereby agreed that:

I. JURISDICTION

These Director's Final Findings and Orders are issued to Voyale Corporation (Voyale), 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 Voyale and its assigns and successors in interest.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Findings 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. Voyale is a corporation duly organized under the laws of the State of Ohio, with its main offices located in Cleveland, Ohio, which operates an automotive parts manufacturing facility located at 4510 East 71st Street, Cleveland, Cuyahoga County, Ohio (facility identification #13-18-17-1066).
2. At the Cleveland facility, Voyale operates the five miscellaneous metal parts coating lines listed in Table One. Sources K002, K003, K004, K005 and K006 are "air contaminant sources" as defined by Ohio Administrative Code (OAC) rules 3745-35-01(B)(1) and 3745-15-01(W) and "new sources" as defined by OAC rule 3745-31-01(NN). Table One also displays the dates of installation for sources K002, K003, K004, K005 and K006. Sources K002, K003, K004, K005 and K006 emit "volatile organic compounds" (VOC), as defined by OAC rule 3745-21-01(B)(6), and each is subject

to the VOC emission control requirements of OAC rule 3745-21-09(U).

Table One : Source Numbers, Source Descriptions and Installation Dates

<u>Source #</u>	<u>Source Description</u>	<u>Installation Date</u>
K002	Miscellaneous metal parts coating line	1977
K003	Miscellaneous metal parts coating line	1977
K004	Miscellaneous metal parts coating line	1977
K005	Miscellaneous metal parts coating line	10/22/94
K006	Miscellaneous metal parts coating line	6/6/98

3. OAC rule 3745-31-02 requires any owner or operator of a "new" air contaminant source to apply for and obtain a PTI before installing the source, unless otherwise provided in rule or law. OAC rule 3745-35-02 requires any owner or operator of an air contaminant source to apply for and obtain a PTO before operating the source. Voyale installed and operated sources K002, K003, K004, K005 and K006 without first applying for and obtaining PTIs and PTOs, in violation of OAC rules 3745-31-02 and 3745-35-02, respectively, and ORC 3704.05.

4. Voyale had a potential to emit more than 10 tons per year of HAPs (ethylene glycol mono butyl ether) and is subject to the requirements of OAC Chapters 3745-77 (Title V permits) and 3745-78 (Title V emission fees).

5. By letter dated May 27, 1998, the City of Cleveland Department of Public Health and Welfare (Cleveland) informed Voyale that it was subject to the requirements of OAC Chapters 3745-77 and 3745-78, that Voyale was required to electronically submit a Title V permit application to Ohio EPA by November 29, 1996, and that by April 15 of each year, beginning April 15, 1994, Voyale was required to electronically submit to Ohio EPA a fee emission report (FER) for the previous year's emissions. Voyale's failure to timely file a Title V permit application and FERs are violations of OAC rules 3745-77-04 and 3745-78-02, respectively, and violations of ORC 3704.05. Voyale submitted the required FER's for calendar years 1993 (last six months), 1994, 1995, 1996, 1997, and 1998 on June, 12, 2001.

6. By letter dated September 16, 1997, Voyale submitted a voluntary disclosure to inform Ohio EPA that during a 1997 facility audit it was observed that sources K002, K003, K004, K005 and K006 did not have the appropriate PTIs and PTOs, in violation of OAC rules 3745-31-02 and 3745-35-02, respectively. The submission also included permit to install (PTI) applications for the coating lines. Based on a review of these PTI applications, OEPA determined that at that time, Voyale Corporation was in violation of OAC rule 3745-21-09 (U) by employing coatings with VOC contents that exceeded the applicable VOC content limitation.

7. By letter dated April 23, 1998, Ohio EPA informed Voyale that the immunity provisions do not apply to disclosures if the disclosures were required by law, prior litigation, or by a court order or a government agency. The Title V rules required Voyale to disclose or report all violations of applicable air pollution control regulations; therefore, Voyale is not entitled to immunity from civil or administrative penalties for the above-mentioned violations.

8. A letter dated May 14, 1998 was intended to address apparent erroneous information regarding the VOC contents of the paints used by Voyale, and was submitted in response to the Ohio EPA letter dated April 23, 1998. While the information submitted appeared to verify that the total VOC emissions from the facility are below the Title V threshold value, the same information indicated that emissions of Hazardous Air Pollutants (HAPs), namely ethylene glycol mono butyl ether, are above the Title V threshold. Therefore, Voyale was subject to the requirements of OAC Chapters 3745-77 (Title V permits) and 3745-78 (Title V emission fees).

9. On April 7, 1999, Voyale was issued a synthetic minor PTI (# 13-3350) for sources K002 through K006 that reduced Voyale's potential, combined HAP emissions to under 9.95 tons per year (TPY) and potential VOC emissions to under 13.0 TPY. As a result of this permit, Voyale is no longer a Title V major facility.

10. A letter dated February 5, 1999, from Voyale, informed OEPA that in March 1995, Voyale Corporation converted its parts spraying operation to use water-reducible paints. None of those paints purchased since March 1995 has a VOC content greater than 1.25 pounds per gallon, and, therefore, they were in compliance with the VOC limits of 3.5 pounds per gallon as established in OAC rule 3745-21-09(U)(1)(d).

11. 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. Voyale shall comply with the all terms and conditions of PTI # 13-3350 and the requirements of OAC Chapter 3745-78 and ORC section 3745.11
2. Within 30 days from the effective date of these Orders, Voyale shall submit its Title V FER's for 1993, 1994, 1995, 1996, 1997, and 1998.
3. Voyale shall pay to Ohio EPA the amount of twenty nine thousand four hundred dollars (\$29,400) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to

3. Voyale shall pay to Ohio EPA the amount of twenty nine thousand four hundred dollars (\$ 29,400) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 3704. Voyale shall pay to Ohio EPA the amount of twenty three thousand five hundred twenty (\$ 23,520) of the total penalty amount pursuant to the following schedule:

- Three thousand nine hundred twenty dollars (\$3,920) within one hundred twenty (120) days after the effective date of these orders.
- Three thousand nine hundred twenty dollars (\$3,920) within two hundred ten (210) days after the effective date of these orders.
- Three thousand nine hundred twenty dollars (\$3,920) within three hundred (300) days after the effective date of these orders.
- Three thousand nine hundred twenty dollars (\$3,920) within three hundred ninety (390) days after the effective date of these orders.
- Three thousand nine hundred twenty dollars (\$3,920) within four hundred eighty (480) days after the effective date of these orders.
- Three thousand nine hundred twenty dollars (\$3,920) within five hundred seventy (570) 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:

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 eight hundred eighty dollars (\$ 5,880) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders, Voyale 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 Voyale'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: 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 Voyale for noncompliance with these Orders. Nothing contained herein prevents Ohio EPA from exercising its lawful authority to require Voyale 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 Voyale to raise any administrative, legal or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of Voyale.

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.

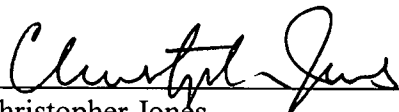
X. WAIVER

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

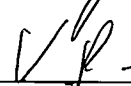
Date 10-17-01

IT IS AGREED:



Voyale Corporation

Date 10/6/01



Title