

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

SEP -5 2012

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

K-B Plating, Inc.
3685 E. 78th Street
Cleveland, Ohio 44105

: Director's Final Findings
: and Orders
:

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to K-B Plating, Inc. ("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 Respondent or of Respondent's Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a hard chromium electroplating facility (Facility ID# 1318008054) located at 3685 E. 78th Street, Cleveland, Cuyahoga County, Ohio ("Facility").
2. The Cleveland Division of Air Quality ("CDAQ") is the contractual agent for Ohio EPA in Cuyahoga County for the administration of Ohio's air pollution rules and laws.

3. On July 9, 1997, Ohio EPA issued permit-to-install ("PTI") 13-3209 to Respondent. The terms and conditions of PTI 13-3209 contain applicable emission limitations and operational control and reporting requirements for emissions units ("EUs") P001 to P004 (hard chrome plating tanks with a composite mesh-pad emissions control unit). On March 11, 1998, Respondent was also issued PTI 13-3262 for EU L001 (open top solvent vapor degreaser with a solvent air interface less than 13 square feet). The EUs listed in PTI 13-3209 and PTI 13-3262 are "air contaminant sources" as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (X).

4. The terms and conditions of PTI 13-3209 required Respondent to comply with 40 CFR Part 63, Subpart N [National Emission Standards for Hazardous Air Pollutants ("NESHAPs") for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks] for EUs P001 to P004. Respondent was required to comply with 40 CFR Part 63, Subpart N no later than January 25, 1995. The terms and conditions of PTI 13-3262 required Respondent to comply with 40 CFR Part 63, Subpart T [NESHAPs for Halogenated Solvent Cleaning] and OAC Rule 3745-21-09(O) for EU L001. Respondent was required to comply with 40 CFR Part 63, Subpart T no later than December 2, 1997. Ohio EPA's authority to enforce 40 CFR Part 63, Subpart N and 40 CFR Part 63, Subpart T began with the issuance of PTI 13-3209 and PTI 13-3262.

5. On March 4, 2011, CDAQ conducted a compliance inspection at the Facility. As a result of this inspection, CDAQ determined that Respondent had, *inter alia*:

a. For EUs P001 to P004, from July 9, 1997 until May 31, 2011, approximately 3,600 days, failed to prepare and maintain an Operations and Maintenance ("O&M") Plan, in violation of 40 CFR 63.342(f)(3)(i) and (v), and PTI 13-3209, and ORC § 3704.05(C);

b. For EUs P001 to P004, from July 9, 1997 until September 30, 2011, failed to monitor and record the pressure drop across the composite mesh-pad emission control unit each day these EUs were operating, in violation of 40 CFR 63.343(c)(1), PTI 13-3209, and ORC § 3704.05(C). Respondent operated these EUs five days a week and 260 days per year; therefore, Respondent was in violation for approximately 3,700 days;

c. For EUs P001 to P004, from July 9, 1997 until September 30, 2011, approximately 3,700 days, failed to maintain records in accordance with the requirements listed in 40 CFR 63.346 for at least five years, in violation of 40 CFR 63.346, PTI 13-3209, and ORC § 3704.05(C);

d. For EUs P001 to P004, from July 9, 1998 until September 30, 2011, approximately 3,440 days, failed to prepare and submit to CDAQ, on an annual basis, a summary report to document the ongoing compliance status of these EUs, in violation of 40 CFR 63.347(h), 40 CFR 63.346, PTI 13-3209, and ORC § 3704.05(C);

e. For EU L001, from March 4, 2011 until May 31, 2011, 63 days, failed to operate and maintain the open top vapor degreaser in a manner consistent with good engineering practices and which minimizes solvent evaporation from the EU and failed to have a cover that completely covers the cleaning machine openings when in place, and is free of cracks, holes, and other defects, in violation of the terms and conditions of PTI 13-3262, OAC Rule 3745-21-09(O)(3)(d), 40 CFR 63.463(a)(1), and ORC § 3704.05(C) and (G). The open top degreaser cover did not fit squarely onto the EU, exposing the corners, and there was a crack on the side of the cover which allowed perchloroethylene ("PERC") to vent from the EU;

f. For EU L001, from March 11, 1998 until May 31, 2011, approximately 3,435 days, failed to install an automated parts handling system capable of moving parts in and out of the degreaser at a speed of 11 feet per minute or less, in violation of PTI 13-3262, OAC Rule 3745-21-09(O)(3)(d)(ii), 40 CFR 63.463(a)(3), and ORC § 3704.05(C) and (G). CDAQ observed that the automated parts handling system could only be set at one speed, and Respondent estimated the speed to be 12 to 13 feet per minute.

g. For EU L001, from March 11, 1998 until May 31, 2011, approximately 3,435 days, failed to equip the vapor degreaser with a device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils, in violation of PTI 13-3262, 40 CFR 63.463(a)(4), and ORC § 3704.05(C);

h. For EU L001, from March 11, 1998 until May 31, 2011, approximately 3,435 days, failed to equip the vapor degreaser with a vapor level control device that shuts off the sump heat if the vapor level in the machine rises above the height of the primary condenser, in violation of PTI 13-3262, OAC Rule 3745-21-09(O)(3)(b)(iii), 40 CFR 63.463(a)(5), and ORC § 3704.05(C) and (G);

i. For EU L001, from March 11, 1998 until May 31, 2011, approximately 3,435 days, failed to equip the vapor degreaser with a primary condenser, in violation of PTI 13-3262, 40 CFR 63.463(a)(6), and ORC § 3704.05(C); and

j. For EU L001, from March 11, 1998 until May 31, 2011, approximately 3,435 days, failed to employ one of the control combinations listed in Table 1 of 40 CFR 63.463(b)(1) or demonstrate that the vapor degreaser can achieve and maintain an idling emission limit of 0.22 kilogram per hour per square meter (0.045 pound per hour per square foot) of solvent/air interface area, in violation of PTI 13-

3262, OAC Rule 3745-21-09(O)(3), 40 CFR 63.463(b)(1), and ORC § 3704.05(C) and (G).

6. By letters dated April 4 and May 12, 2011, CDAQ notified Respondent of the violations referenced in Finding No. 5 of these Orders. By letters dated April 22 and May 27, 2011, Respondent submitted responses to CDAQ's notice of violation letters dated April 4 and May 12, 2011. Respondent's May 12, 2011 letter contained an O&M Plan for EUs P001 to P004 and a Request for Withdrawal form notifying CDAQ of the permanent shutdown of EU L001 by May 31, 2011.

7. By letter dated June 15, 2011, CDAQ notified Respondent that performance testing needed to be completed before the O&M Plan would be accepted. On August 30, 2011, Respondent conducted chromium emissions testing on EUs P001 to P004. On September 30, 2011, CDAQ received the emissions test results and an updated O&M Plan. By letter dated October 13, 2011, CDAQ notified Respondent that the necessary steps had been taken to bring EUs P001 to P004 back into compliance.

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

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of sixty thousand dollars (\$60,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Payment shall be made by official checks made payable to "Treasurer, State of Ohio" for fifty-two thousand and five hundred dollars (\$52,500) of the total amount, which shall be paid in installments per the following schedule:

a. Within ninety (90) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand and five hundred dollars (\$7,500);

b. Within one hundred and eighty (180) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand and five hundred dollars (\$7,500);

c. Within two hundred and seventy (270) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand and five hundred dollars (\$7,500);

d. Within three hundred and sixty (360) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand and five hundred dollars (\$7,500);

e. Within four hundred and fifty (450) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand and five hundred dollars (\$7,500);

f. Within five hundred and forty (540) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand and five hundred dollars (\$7,500); and

g. Within six hundred and thirty (630) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand and five hundred dollars (\$7,500).

The official checks shall be submitted to Akia Smith, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining seven thousand and five hundred dollars (\$7,500) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$7,500 to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$7,500. The official check shall be submitted to Akia Smith, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to Bruce Weinberg, Environmental Manager, Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$7,500 of the civil penalty in accordance with the procedures in Order 1.

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 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, operations by Respondent.

VIII. 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 Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. 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 to be submitted by Respondent pursuant to these Orders shall be addressed to:

Cleveland Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114
Attn: Linda Kimmy

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Bruce Weinberg

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

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.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



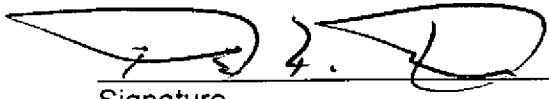
Scott J. Nally
Director

8/31/12

Date

AGREED:

K-B Plating, Inc.



Signature

8 20 12

Date

Thomas R. Thome

Printed or Typed Name

Vice President

Title