



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

September 18, 2017

CERTIFIED MAIL

Mark Lamaneusa
General Manager
A-Brite LP
3000 West 121 Street
Cleveland, Ohio 44111

Re: Final Findings and Orders for air pollution
violations

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kavalec", is written over a faint, larger signature or stamp.

James Kavalec, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

ec: James Lee, PIC
Lee Tullis, DAPC
Steve Feldmann, Legal
Valencia White, CDAQ

By: [Signature] Date: 9-8-17 BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

Ohio EPA SEP 18 '17
Entered Directors Journal

In the Matter of:

A-Brite LP
3000 West 121st Street
Cleveland, Ohio 44111

:
:
:

Director's Final Findings
and Orders

OHIO ENVIRONMENTAL
PROTECTION AGENCY
2017 SEP - 8 AM 10:40

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to A-Brite LP, ("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 the facilities (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 is an electroplater (Facility ID#1318000221) located at 3000 West 121st Street, in Cleveland, Ohio (Cuyahoga County). At this facility, among other equipment, Respondent operates emissions unit ("EU") P009 (B-line), EU P010 (A-line), EU P011 (B-Line Trivalent), and EU P012 (Decorative Trivalent and Hexavalent Chrome Line). The permit to install and operate ("PTIO") P0111669, which contains EUs P009 and P010, was issued on December 19, 2012. PTIO P0112315, which contains EU P011, was issued on January 22, 2013. PTIO P0119034, which contains EU P012, was issued on July 31, 2015.

2. ORC § 3704.05(A) prohibits any person from allowing any emission from any source in excess of that permitted in any rule adopted by the Director of Ohio EPA.

3. ORC § 3704.05(C) states, in part, that no person who is a holder of a permit issued under ORC § 3704.03(F) or (G) shall violate any of its terms or conditions.

4. Title 40 of the Code of Federal Regulations ("CFR") Part 63, Subpart N, Section 63.342(d)(3) states, in part, that "During tank operation, each owner, or operator of an existing, new or reconstructed affected source shall control chromium emissions discharged to the atmosphere from the effect source. If a chemical fume suppressant containing a wet agent is used, not allowing the surface tension of the electroplating or anodizing bath contained within the affected tank to exceed 40 dynes per centimeter (dynes/cm) (2.8×10^{-3} pound-force per foot (lbf/ft)), as measured by a stalagmometer or 33 dynes/cm (2.3×10^{-3} lbf/ft), as measured by a tensiometer at any time during tank operation, for all existing, new, or reconstructed decorative chromium electroplating tanks using a chromic acid bath and all existing, new, or reconstructed chromium anodizing tanks."

5. Title 40 of CFR Part 63, Subpart N, Section 63.342(f)(2)(ii) states that "based on the results of a determination made under paragraph (f)(2)(i) of this section, the Administrator may require that an owner or operator of an affected source make changes to the operation and maintenance plan required by paragraph (f)(3) of this section for that source."

6. Title 40 of CFR Part 63, Subpart N, Section 63.342(f)(3) states that "the owner or operator of an affected source subject to paragraph (f) of this section shall prepare an operation and maintenance plan no later than the compliance date."

7. Title 40 of CFR Part 63, Subpart N, Section 63.346(b)(1) requires the owner or operator of the affected source to inspect and maintain records for the add-on air pollution control device and monitoring equipment.

8. Title 40 of CFR Part 63, Subpart N, Section 63.347(h)(1) requires the owner or operator of the affected source that is located at an area sources site shall prepare a summary report to document the ongoing compliance status of the affected source.

9. Title 40 of CFR Part 63, Subpart N, Section 63.345(b)(1) requires the owner or operator to submit a notification of construction or reconstruction of each emissions unit.

10. Title 40 of CFR Part 63, Subpart N, Section 63.347(i)(1), (c)(2) and (i)(2) requires the owner or operator to submit a copy of initial notification of compliance status report, notification of construction or reconstruction report and notification of compliance report for the trivalent chrome plating operations.

11. Title 40 of CFR Part 63, Subpart N, Section 63.347(c)(2)(iii) requires the owner or operator to submit a notification of the actual date of startup of the source within 30 days after such date.

12. Title 40 of CFR Part 63, Subpart N, Section 63.346(c) requires the owner or operator to maintain all records for a period of 5 years for the affected source.

13. PTIO P0111669 Part C.1.c)(3) and C.2.c)(3) requires that "after September 18, 2014, all decorative chromium electroplating tanks using a chromic acid bath and/or chromium anodizing tanks where a chemical fume suppressant containing a wetting agent is used, the surface tension of the electroplating or anodizing bath shall not to exceed 40 dynes/cm (2.8×10^{-3} lbf/ft) as measured by a stalagmometer or 33 dynes/cm (2.3×10^{-3} lbf/ft), as measured by a tensiometer at any time during tank operation.

14. PTIO P0111669 Part C.1.d)(1)b and C.2.d)b requires that "the time between monitoring can be increased if there have been no exceedances. The surface tension shall be measured once every 4 hours of tank operation for the first 40 hours of tank operation after the compliance date. Once there are no exceedances during 40 hours of tank operation, surface tension measurements may be conducted every 8 hours of tank operation. Once there are no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 40 hours of tank operation, on an ongoing basis, until an exceedance occurs. The minimum frequency of monitoring allowed is once every 40 hours of tank operation."

15. PTIO P0111669 Part C.1.c)(5)(c) and C.2.c)(5)(c) specifies the Cleveland Division of Air Quality ("CDAQ"), a contractual representative of Ohio EPA in Cuyahoga County has the authority to require Respondent to make changes to the operation and maintenance plan based on the facility records.

16. PTIO P0111669 Part C.1.d)(2)(a) and C.2.d)(2)(a) requires Respondent to perform inspection, maintain records and report any deficiencies for the add-on air pollution control device for EUs P009 and P010.

17. PTIO P0111669 Part C.1.e)(3) and C.2.e)(3) requires Respondent to submit a notification of construction or reconstruction for EUs P009 and P010.

18. PTIO P0111669 Part C.1.e)(7) and C.2.e)(7) requires Respondent to submit an annual summary report to document ongoing compliance for EUs P009 and P010.

19. PTIO P0112315 Part C.1.e)(2),(4) & (5) requires Respondent to submit an initial notification or compliance status report, notification of construction or reconstruction and notification of compliance status report within 30 days after startup of EU P011.

20. PTIO P0119034 Part C.1.b)(2)e requires that "after September 18, 2014, all decorative chromium electroplating tanks using a chromic acid bath and/or chromium anodizing tanks where a chemical fume suppressant containing a wetting agent is used, the surface tension of the electroplating or anodizing bath shall not to exceed 40 dynes/cm (2.8×10^{-3} lbf/ft) as measured by a stalagmometer or 33 dynes/cm (2.3×10^{-3} lbf/ft), as measured by a tensiometer at any time during tank operation. This limitation also applies during startup and shutdown operations, but not during periods of malfunction where work practice standards address and correct any malfunction event."

21. PTIO P0119034 Part C.1.c)(1)b requires Respondent to prepare an operation and maintenance plan to be implemented no later than the startup of the unit or the compliance date for EU P012.

22. PTIO P0119034 Part C.1.d)(1)a.i requires Respondent to perform inspection, maintain records and report any deficiencies for the add-on air pollution control device for EU P012.

23. PTIO P0119034 Part C.1.e)(4)a. requires Respondent to submit a notification of compliance status report to Cleveland DAQ no later than 30 days from the compliance date or 30 days after the startup of EU P012.

24. On October 6, 2016, CDAQ conducted an inspection of Respondent's facility. During this inspection, CDAQ documented the following:

For EUs P009 & P010

- a) There were twenty-six (26) documented exceedances associated with EU P009 and sixty-two (62) exceedances with EU P010 for exceeding the surface tension of 33 dynes/cm limit, in violation of 40 CFR Part 63, Subpart N, Section 63.342(d)(3), PTIO P0111669 Part C.1.c)(3) and C.2.c)(3) and ORC § 3704.05(A) and (C),
- b) There were sixty-nine (69) documented instances for EU P009 and ninety-two instances for EU P010 concerning monitoring surface tension late or outside the testing schedule being set in the permit, in violation of PTIO P0111669 Part C.1.d)(1)b and C.2.d)b and ORC § 3704.05(C),
- c) The O&M plan for EUs P009 and P010 was inadequate and need to be revised, in violation of 40 CFR Part 63, Subpart N, Section 63.342(f)(2)(ii), and PTIO P0111669 Part C.1.c)(5)(c) and C.2.c)(5)(c) and ORC § 3704.05(C),
- d) Respondent failed to maintain inspection records for EUs P009 and P010, in violation of 40 CFR Part 63, Subpart N, Section 63.346(b)(1), PTIO P0111669 Part C.1.d)(2) and C.2.d)(2) and ORC § 3704.05(C),
- e) Respondent failed to submit annual ongoing compliance status reports for EUs F009 and P010 for the years from 2012 through 2015, in violation of 40 CFR Part 63, Subpart N, Section 63.347(h)(1), PTIO P0111669 Part C.1.e)(7) and C.2.e)(7) and ORC § 3704.05(C), and

- f) Respondent failed to submit notification of construction or reconstruction reports for EUs P009 and P010, in violation 40 CFR Part 63, Subpart N, Section 63.345(b)(1), PTIO P0111669 Part C.1.e)(3) and C.2.e)(3) and ORC § 3704.05(C).

For EU P011

- g) Respondent failed to submit the initial notification of compliance status report and notification of construction or reconstruction report within 30 days after startup of the trivalent chrome plating operations (EU P011), in violation of 40 CFR Part 63, Subpart N, Section 63.347(i)(1), (c)(2) and (i)(2), PTIO P0112315 Part C.1.e)(2),(4) & (5) and ORC § 3704.05(C).

For EU P012

- h) There were documented eighty-six (86) exceedances associated with EU P012 for exceeding the surface tension of 33 dynes/cm limit, in violation 40 CFR Part 63, Subpart N, Section 63.342(d)(3), PTIO P0119034 Part C.1.b)(2)e and ORC § 3704.05(A) and (C),
- i) There was no O&M plan for the hexavalent chrome plating operations for EU P012, in violation of 40 CFR Part 63, Subpart N, Section 63.342(f)(3), PTIO P0119034 Part C.1.c)(1)b and ORC § 3704.05(C),
- j) Respondent failed to maintain the inspection records for the monitoring equipment (tensiometer) for EU P012, in violation of 40 CFR Part 63, Subpart N, Section 63.346(b)(1), PTIO P0119034 Part C.1.d)(1)a.i and ORC § 3704.05(C),
- k) Respondent failed to submit a notification of compliance status report no later than 30 days from the compliance date or 30 days after startup of trivalent and hexavalent chrome plating operations (EU P012), in violation of 40 of CFR Part 63, Subpart N, Section 63.347(c)(2)(iii), PTIO P0119034 Part C.1.e)(4)a. and ORC § 3704.05(C), and
- l) Respondent failed to maintain the reporting records for a period of five (5) years for EU P012, in violation of 40 CFR Part 63, Subpart N, Section 63.346(c), PTIO P0119034 Part C.1.d)(1) and C.1.d)(2) and ORC § 3704.05(C).

25. On November 4, 2016, CDAQ sent a notice of violation (“NOV”) letter to Respondent for the violations that were documented during the October 6, 2016 inspection.

26. By a letter and emails dated December 28, 2016, February 27 and March 1, 2017, Respondent responded to CDAQ's November 4, 2016 NOV letter. Based on the information on this letter, CDAQ determined that Respondent had rectified five (5) out of sixteen (16) violations as cited in the November 4, 2016 NOV letter.

27. 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. Within sixty days (60) days from the effective date of these Orders, Respondent shall:
 - a) For EUs P009 and P010, revise the O&M plan as required by 40 CFR Part 63, Subpart N, Section 63.342(f)(2)(ii), and PTIO P0111669 Part C.1.c)(5)(c) and C.2.c)(5)(c) and submit the revised plan to CDAQ for review;
 - b) For EUs P009 and P010, submit to CDAQ the annual ongoing compliance status reports for the years from 2012 through 2015 as required by 40 CFR Part 63, Subpart N, Section 63.347(h)(1) and PTIO P0111669 Part C.1.e)(7) and C.2.e)(7);
 - c) For EUs P009 and P010, submit to CDAQ the notification of construction or reconstruction reports as required by 40 CFR Part 63, Subpart N, Section 63.345(b)(1), PTIO P0111669 Part C.1.e)(3) and C.2.e)(3);
 - d) For EU P011, submit to CDAQ the initial notification of compliance status report, notification of construction or reconstruction report within 30 days after startup of the trivalent chrome plating operations as required by 40 CFR Part 63, Subpart N, Section 63.347(i)(1), (c)(2) and (i)(2) and PTIO P0112315 Part C.1.e)(2),(4) & (5);
 - e) For EU P012, submit to CDAQ an O&M plan for the hexavalent chrome plating operations for EU P012 as required by 40 CFR Part 63, Subpart N, Section 63.342(f)(3) and PTIO P0119034 Part C.1.c)(1)b, and
 - f) For EU P012, submit to CDAQ a notification of compliance status report for the trivalent and hexavalent chrome plating operations as required by 40 CFR Part 63, Subpart N, Section 63.347(c)(2)(iii) and PTIO P0119034 Part C.1.e)(4)a.

2. Respondent shall pay the amount of eleven thousand and two hundred dollars (\$11,200) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for eleven thousand and two hundred dollars (\$11,200) of the total amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders, these obligations have been embedded in operation permits, and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

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:

City of Cleveland
Department of Health
Division of Air Quality
75 Erieview Plaza, Second Floor
Cleveland, Ohio 44114-1839
Attention: Valencia S. White

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Jim Kavalec, Manager
Compliance and Enforcement Section

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

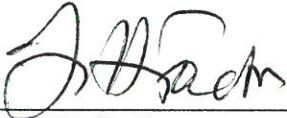
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



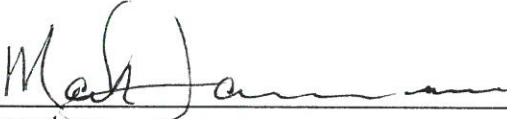
Craig W. Butler
Director

9/14/17

Date

AGREED:

A-Brite LP



Signature
Mark Lamancusa

Printed or Typed Name
General Manager

Title

Aug 29, 2017

Date