

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

MAR 21 2014

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

CarTruck Coatings, Inc. : Director's Final Findings  
7315 Associate Avenue : and Orders  
Brooklyn, Ohio 44144 :

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to CarTruck Coatings, 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 paints miscellaneous metal parts for automobiles, trucks, military equipment, and industrial equipment at its facility (Facility ID# 1318108387) located at 7315 Associate Avenue, Brooklyn, 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 October 12, 2004, Ohio EPA issued Permit-to-Install (PTI) 13-04213 to Respondent for four coating lines (emissions units K001, K002, K003, and K004). The terms and conditions of PTI 13-04213 contain applicable emission limitations and operational control and reporting requirements for emissions units (EUs) K001 through K004. EUs K001 through K004 are "air contaminant sources" as defined in Ohio Administrative Code (OAC) Rules 3745-15-01(C) and (X).

4. On February 18, 2011, CDAQ requested that Respondent submit Permit-to-Install and Operate (PTIO) renewal applications for EUs K001 through K004. On March 2, 2012, Respondent submitted the PTIO renewal applications to CDAQ.

5. On June 25, 2012, CDAQ conducted a compliance inspection at the Facility. As a result of this inspection, CDAQ determined that Respondent had, *inter alia*:

a. Installed and operated a trichloroethylene vapor degreaser without obtaining a PTIO and without providing notification to CDAQ, in violation of OAC Rule 3745-31-02(A)(1)(b), 40 CFR 63.468(a), and ORC § 3704.05(F) and (G);

b. 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 meet the cover requirements for the vapor degreaser, in that the cover did not completely cover the vapor degreaser, in violation of OAC Rule 3745-21-09(O)(3)(d), 40 CFR 63.463(a)(1), and ORC § 3704.05(G);

c. 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 40 CFR 63.463(a)(4), and ORC § 3704.05(G);

d. For EUs K001 through K004, failed to collect and record the daily amounts of each coating and each cleanup material employed, in violation of the terms and conditions of PTI 13-04213 and ORC § 3704.05(C);

e. For EUs K001 through K004, failed to collect and record total volatile organic (VOC) emissions from all coatings and cleanup materials for the purpose of determining annual VOC emissions, in violation of the terms and conditions of PTI 13-04213 and ORC § 3704.05(C);

f. For EUs K001 through K004, from January 31, 2005 until November 16, 2012, approximately 2,846 days, failed to prepare and timely submit, to CDAQ, the quarterly deviation reports since the issuance of PTI 13-04213 in October of 2004, in violation of the terms and conditions of PTI 13-04213 and ORC § 3704.05(C); and

g. From July 2008 until March 2, 2012, 1,340 days, installed and operated a paint booth, coating line #5 (EU K005), without obtaining a PTIO, in violation of OAC Rule 3745-31-02(A)(1)(b) and ORC § 3704.05(F) and (G):

6. By letter dated July 17, 2012, CDAQ notified Respondent of the violations referenced in Finding No. 5 of these Orders. By letter dated August 29, 2012, Respondent submitted a response to CDAQ's notice of violation letter dated July 17, 2012. By August 29, 2012, Respondent ceased using the vapor degreaser and on October 1, 2012 it was removed from the facility; therefore, the violations referenced in Findings 5.a. through 5.c. of these Orders were abated. Respondent also submitted coating usage records to demonstrate that annual VOC emissions limitation had not been exceeded. On November 16, 2012, Respondent was issued PTIOs P0109632 and P0109633 for EUs K001 through K006.

7. 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 twenty thousand dollars (\$20,000) 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 sixteen thousand dollars (\$16,000) of the total amount, which shall be paid in installments per the following schedule:

a. Within two hundred and ten (210) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

b. Within three hundred (300) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

c. Within three hundred and ninety (390) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

d. Within four hundred and eighty (480) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

e. Within five hundred and seventy (570) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

f. Within six hundred and sixty (660) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

g. Within seven hundred and fifty (750) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

h. Within eight hundred and forty (840) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600);

i. Within nine hundred and thirty (930) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600); and

j. Within one thousand and twenty (1,020) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of one thousand six hundred dollars (\$1,600).

The official check shall be submitted to Carol Butler, 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 four thousand dollars (\$4,000) of the civil penalty, Respondent shall fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of \$4,000 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall, within thirty (30) days and one hundred and twenty (120) days of the effective date of these Orders, tender official checks made payable to "Treasurer, State of Ohio" for \$2,000 each. The official checks shall be submitted to Carol Butler, 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, Manager Enforcement Section, or his successor, at the following address:

Ohio EPA  
Division of Air Pollution Control  
50 West Town Street, Suite 700  
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 \$4,000 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: Valencia White

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**

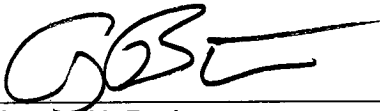
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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**



Craig W. Butler  
Director

3-19-14

Date

**AGREED:**


**CarTruck Coatings, Inc.**



Signature

2-27-14

Date

  
Printed or Typed Name

Title