



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

April 19, 2022

CERTIFIED MAIL

Ms. Delores Bredemeyer
Plant Manager
Crown, Cork, & Seal
5201 Enterprise Boulevard
Toledo, Ohio 43612

Re: Final Findings and Orders for air pollution
violations

Dear Ms. Delores Bredemeyer:

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", with a horizontal line extending to the right.

James Kavalec
Assistant Environmental
Administrator

ec: Tan Tran DAPC
Don Vanterpool/Drew Bergman, Legal Office
Craig Miles/Karen Granata, Toledo – Division of Environmental Services

By: Kelly A. Mac Date: _____

4/19/2022

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City of Toledo
Environmental Services

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Crown, Cork, & Seal
5201 Enterprise Boulevard
Toledo, Ohio 43612

:
:
:

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 Crown, Cork & Seal (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 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 coating facility (Facility ID#0448010466) located at 5201 Enterprise Boulevard, in Toledo, Ohio (Lucas County). At this facility, among other emissions units (EUs), Respondent operates Coating Line (EU K005). The current Title V operating permit ("TVPTO") P0119927 was issued on July 12, 2016 and has the expiration date of August 2, 2021. On August 2, 2021, a federally enforceable permit-to-install and operate ("FEPTIO") P0130166 was issued for the facility.

2. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions.

3. Section A.7.a) of TVPTO P0119927 of Respondent's facility states that the permittee of a permit issued under division (F) or (G) of ORC § 3704.03 shall not violate any of its terms or conditions.

4. Section C.2.b)(1) of TVPTO P0119927 of Respondent's facility and OAC Rule 3745-31-05(A)(3) specify that the level of Volatile Organic Compounds ("VOC") emissions shall not exceed 14.02 pounds per hour for EU K005.

5. Section C.2.b)(2)b of TVPTO P0119927 of Respondent's facility and OAC Rule 3745-31-05(A)(3) require that the permittee not to allow or permit the discharge into the atmosphere of more than 2 percent of the VOC applied for each calendar month (98 percent emissions reduction) for EU K005.

6. Section C.2.b)(1) of FEPTIO P0130166 of Respondent's facility and OAC Rule 3745-31-05(A)(3) specify that the level of VOC emissions shall not exceed 14.02 pounds per hour for EU K005.

7. Section C.2.b)(2)b of FEPTIO P0130166 of Respondent's facility and OAC Rule 3745-31-05(A)(3) require that the permittee not to allow or permit the discharge into the atmosphere of more than 2 percent of the VOC applied for each calendar month (98 percent emissions reduction) for EU K005.

8. On July 27, 2021, Respondent conducted the VOC emissions test for EU K005. The test results for this performance test for VOC for EU K005 revealed that the VOC average rate of 15.89 lb/hour, which exceeded the allowable limit of 14.02 lb/hour, in violation of Sections A.7.a) and C.2.b)(1) of TVPTO P0119927, and ORC § 3704.05(C). In addition, since average tested destruction efficiency was at 96.07% which was lower than the allowable value of 98%, Respondent was in violation of Sections A.7.a) and C.2.b)(2)b of TVPTO P0119927, and ORC § 3704.05(C).

9. On September 15, 2021, the Toledo, Division of Environmental Services ("TDES") issued Respondent a notice of violation ("NOV") letter for the above violations outlined in Finding #8.

10. On November 23, 2021, Respondent conducted the re-test for VOC emissions for EU K005. This performance test yielded the average VOC values at 23.4 lb/hour and 95.3 destruction efficiency which did not meet the allowable VOC limits specified in Respondent's current FEPTIO P0130166, in violation of Sections C.2.b)(1) and C.2.b)(2)b of FEPTIO P0130166, and ORC § 3704.05(C).

11. On January 5, 2022, TDES issued Respondent another NOV letter for the similar violations as outlined in Finding #10. To date, Respondent has not conducted a passing retest for EU K005.

12. The Director has given consideration to, and based her 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 fourteen (14) days from the effective date of these Orders, Respondent shall submit an Intent-to-Test for the retest of VOC emissions for EU K005 pursuant to FEPTIO P0130166. Within forty-five (45) days from the effective date of these Orders, unless an alternative date is approved by Ohio EPA, Respondent shall complete the emissions testing for EU K005, in accordance with the requirements outline in FEPTIO P0130166.
2. Within thirty (30) days following the stack test, Respondent shall submit a report of the results of the stack testing in accordance with Section X. If the stack test shows failing results, Respondent shall, within thirty (30) days of submittal of the test report, submit a detailed compliance plan to Ohio EPA which addresses the violation(s).
3. Respondent shall pay the amount of thirty-five thousand dollars (\$35,000) 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 thirty-five thousand dollars (\$35,000). 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 3745-77-01(JJ) 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 Respondents pursuant to these Orders shall be addressed to:

City of Toledo
Division of Environmental Services
348 S. Erie Street
Toledo, Ohio 43604
Attention: Karen Granata

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 Respondents 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

Laurie A. Stevenson

4/19/2022

Laurie A. Stevenson
Director

Date

AGREED:

Crown, Cork & Seal

Dolores Bredemeyer

Signature

4/1/22

Date

Dolores Bredemeyer

Printed or Typed Name and Title

Dolores Bredemeyer