



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

September 26, 2022

Paul Boggs
Nanogate Jay Systems, LLC
150 East Longview Avenue
Mansfield, Ohio 44906-7800

Re: Final Findings and Orders for air pollution violations

Dear Mr. Boggs:

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 that reads "Joshua S. Koch". The signature is written in a cursive, flowing style.

Joshua S. Koch, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

ec: James Kavalec/Tan Tran, DAPC
Steve Feldmann/Drew Bergman, Legal Office
Mohammad Smidi/Melanie Ray/John Pasqualette, NWDO-DAPC

BEFORE THE By: [Signature] Date: 09/23/2022

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Nanogate Jay Systems, LLC	:	<u>Director's Final Findings</u>
150 East Longview Avenue	:	<u>and Orders</u>
Mansfield, Ohio 44906-7800	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Nanogate Jay Systems, LLC (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 is part of the Motor Vehicle Parts Manufacturing Industry. Respondent owns and operates a facility (Facility ID#0370010058) located at 150 East Longview Avenue, in Mansfield, Ohio (Richland County). At this facility, among other emissions units (EUs), Respondent operates Generator #2 (EU P009). The previous renewal Title V Operating Permit ("TVPTO") P0124102 was issued on December 11, 2018 and has the expiration date of January 1, 2024. The current TVPTO P0129754 for this facility was issued on November 9, 2021 and has the expiration date of January 1, 2024. The Permit to Install P0124820 for EU P009 was issued on August 8, 2018.

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. Term C.8.f)(2)a. of TVPTO P0124102 requires the permittee to conduct an initial performance test and subsequent performance tests every 8,760 hours or 3 years whichever comes first to demonstrate compliance with the emission limits from Part 60 Subpart JJJJ for EU P009. The initial performance test was conducted on May 19, 2015, with a subsequent test performed on July 17, 2018; therefore, Respondent was required to perform the next performance test by July 17, 2021, in accordance with 40 CFR, Part 60, Subpart JJJJ and the TVPTO P0124102.

4. Terms and conditions of TVPTO P0129754 and the Permit to Install P0124820 establish the volatile organic compounds ("VOC") emissions limitations of 0.7 g/hp-hr or 60 ppmvd at 15% O₂ for EU P009.

5. EU P004 at the facility, is subject to 40 CFR, Part 63, Subpart ZZZZ. P004 is a an existing, 10.98 MMBtu/hr (1391 HP), natural gas-fired, 4SRB (Stroke Rich Burn), spark-ignited (SI) Reciprocating Internal Combustion Engine (RICE).

6. On May 7, 2021, Northwest District Office, Division of Air Pollution Control ("NWDO-DAPC") conducted a virtual inspection at Respondent's facility. The goal of this inspection was to evaluate compliance with state and federal air pollution rules and regulations as well as the terms and conditions of the permits-to-install and Title V permit. At this inspection, NWDO discovered that Respondent failed to conduct the required performance test by July 17, 2021, in violation of the Terms and Conditions of Respondent's TVPTO P0124102 and ORC § 3704.05(C).

7. On July 28, 2021, NWDO-DAPC issued Respondent a notice of violation ("NOV") letter for the above violations outlined in Finding #6.

8. On November 4, 2021, Respondent conducted the performance test for VOC emissions for EU P009. This performance test yielded the average VOC values at 116.5 ppmvd at 15% O₂ and 1.24 g/bhp-hr, which exceeded the allowable VOC limits specified in both TVPTO P0129754 and the Permit to Install P0124820, in violation of the terms and conditions of TVPTO P0129754 and the Permit to Install P0124820, and ORC § 3704.05(C). Respondent also conducted a performance test on EU P004. Since Ohio EPA does not have delegation of authority for the area source provisions of 40 CFR, Part 63, Subpart ZZZZ, Ohio EPA did not conduct a formal review of the stack test for P004. Ohio EPA did notify Respondent via email on January 20, 2022 that any information pertaining to compliance with these regulations needed to be submitted by the facility directly to US EPA. Ohio EPA also notified Respondent that based upon our preliminary review of the stack test results for P004 indicated that the unit did not meet the MACT limit, which would be a violation of 40 CFR, Part 63, Subpart ZZZZ.

9. On December 15, 2021, NWDO-DAPC issued Respondent a NOV letter for the above violations associated with EU P009 as outlined in Finding #8.

10. Ohio EPA and USEPA have discussed the noncompliance with 40 CFR, Part 63, Subpart ZZZZ for EU P004 and USEPA has agreed to allow Ohio EPA to address the noncompliance through these Orders. On June 30, 2022, Respondent conducted a retest of the P004 engine, and the results showed compliance with the emissions limits; thus, abating the violation referenced in Finding #8 of these Orders.

11. 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 completing the repairs on EU P009, Respondent shall submit an Intent-to-Test for the retest of VOC emissions for EU P009 pursuant to TVPTO P0129754 and Permit to Install P0124820. Within forty-five days of completing the repairs, unless an alternative date is approved by Ohio EPA, Respondent shall complete the emissions testing for EU P009, in accordance with the requirements outline in TVPTO P0129754.

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 fifteen thousand five hundred dollars (\$15,500) 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" five thousand five hundred dollars (\$5,500). 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

4. In lieu of paying ten thousand dollars (\$10,000) of a civil penalty, Respondent shall, within sixty (60) days after the effective date of these Orders, fund a Supplemental Environmental Project (SEP) by purchasing the ECOM-EN3 Analyzer and associated software as identified in Respondent's August 24, 2022 email to Ohio EPA. Within thirty (30) days from the effective date of these Orders, and at least once per quarter thereafter, Respondent shall use the analyzer to test EU P004 for Carbon Monoxide and submit the results to NWDO-

DAPC by the end of each quarter that the unit operates. For EU P009, upon completing repairs and starting up this emissions unit as referenced in Finding No. 1, and at least once per quarter thereafter that the unit operates, Respondent shall use the analyzer to test for Carbon Monoxide, Nitrogen Oxide and combustibles (CxHy) and submit the results to NWDO-DAPC by the end of each quarter as part of the quarterly deviation report. If P004 or P009 did not operate during the quarter, this will be indicated in the quarterly report. Respondent shall test EUs P004 and P009 from startup for one continuous hour. The requirement outlined in Order No. 4. shall sunset three years after the effective date of these Orders.

5. Should the Respondent fail to fund the SEP within the required time frame set forth in Order No. 4, Respondent shall immediately submit the amount of this SEP payment (\$10,000) to Ohio EPA as a civil penalty. If the payment is submitted as a civil penalty, the payment shall be submitted by official check made payable to "Treasurer, State of Ohio" and 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:

Ohio EPA – Northwest District Office
Division of Air Pollution Control
347 North Dunbridge Road
Bowling Green, Ohio 43402-9398
Attention: Melanie Ray

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Josh Koch, 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
Director

9/23/2022

Date

AGREED:

Nanogate Jay Systems, LLC



Signature

9/16/22

Date

Paul Boeggs CEO
Printed or Typed Name and Title