



**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor  
**Anne M. Vogel**, Director

June 1, 2023

Mr. Timothy Ryan  
Corporate Quality & Compliance Manager  
Rohrer Corporation  
717 Seville Rd.  
Wadsworth, Ohio 48281

Re: Final Findings and Orders for air pollution  
violations

Dear Mr. Ryan:

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,

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

ec: James Kavalec/Tan Tran, DAPC  
Laura Miracle/Sean Vadas/Sam Rubens, Akron Regional Air Quality Management District  
Steve Feldmann/Drew Bergman, Legal Office



2. EU K009 and EU K010 are each an "air contaminant source" as defined by Ohio Administrative Code ("OAC") Rule 3745-15-01.

3. OAC Rule 3745-31-02 states that no person shall cause, permit, or allow installation of any new source that is, or will be, part of a facility, as defined in Chapter 3745-77 of the Administration Code, and that is required to obtain a Title V permit under Chapter 3745-77 of the Administration Code, without first obtaining a permit-to-install from the Director.

4. OAC Rule 3745-31-21(A) states that no person or operator of a major stationary source or major modification located in a nonattainment area shall begin actual construction of such major stationary source or major modification unless, as a minimum, rules 3745-31-21 to 3745-31-27 of the Administrative Code have been met and the owner or operator of the stationary source has obtained a valid Ohio Environmental Protection Agency permit-to-install.

5. OAC Rule 3745-31-28(B) states that no person may cause, permit, or allow the beginning of actual construction or reconstruction of any process or production unit that is a major hazardous air pollutant ("HAP") source without first, applying for and obtaining a maximum achievable control technology ("MACT") determination from the Director unless specifically exempted under paragraph (C) of this rule.

6. ORC § 3704.05(G) states that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704.

7. On December 29, 2021, the Akron Regional Air Quality Management District ("ARAQMD"), a contractual representative of the Ohio EPA in Medina County, received the results from the emission testing conducted on December 2, 2021 for EU K009. The results indicated that EU K009 was operating at a much higher coating application rate than the maximum stated capacity in the PTIO application for this EU. Since Respondent installed and operated EU K009 without first obtaining the appropriate permit-to-install ("PTI") for its coating operation from the Director, Respondent was in violation of OAC Rule 3745-31-02 and ORC § 3704.05(G).

8. On February 17, 2022, ARAQMD issued Respondent a notice of violation ("NOV") letter for the violations as outlined in Finding #7. Since the potential to emit for an individual HAP, Toluene, was exceeding the Title V permitting threshold of 10 tons per year, ARAQMD requested Respondent to submit either a federally enforceable permit-to-install and operate ("FEPTIO") application or a Title V permit application for its facility. In addition, ARAQMD requested Respondent to perform and submit updated air toxic modeling results for the Toluene emissions.

9. On April 29, 2022, Respondent submitted the requested air toxic modeling results to ARAQMD.

10. On May 3, 2022, Respondent submitted a Title V permit application as requested in ARAQMD's February 17, 2022 NOV letter.

11. On June 15, 2022, ARAQMD issued Respondent another NOV letter for its violation of OAC Rule 3745-31-21(A) and ORC § 3704.05(G) when it failed to obtain a nonattainment new source review ("NSR") PTI prior to the installation of EU K009 and K010. In addition, in this NOV, ARAQMD cited Respondent for its failure to meet OAC Rules 3745-31-21 to 3745-31-27 including obtaining emission offsets prior to the actual construction of EUs K009 and K010 and for its violation of OAC rule 3745-21-28 when it failed to obtain a MACT determination prior to the actual construction of EU K009.

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 one hundred and twenty (120) days from the effective date of these Orders, Respondent shall submit a complete, approvable and appropriate operating and installation permit applications for EUs K009 and K010. These permit applications shall either be a FEPTIO application that includes federally enforceable restrictions designed to avoid Title V or an updated Title V application if the facility decides to transition to Title V, and an installation permit application if an existing permit needs to be modified. If Respondent does not apply for a FEPTIO application that includes federally enforceable restrictions designed to avoid Title V requirements as a major MACT source, Respondent shall perform and submit a case-by-case MACT evaluation for EU K009 in accordance with OAC 3745-31-28, unless specifically exempted under paragraph (C) of this rule.

2. Respondent shall pay the amount of thirty-four thousand and five hundred dollars (\$34,500) 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, a twenty-eight thousand dollars (\$28,000) payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio". 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

3. In lieu of paying six thousand and five hundred dollars (\$6,500) of the civil penalty, Respondent shall, within thirty (30) days after the effective date of these Orders, remit six thousand and five hundred dollars (\$6,500) to the Akron Regional Air Quality Management District to fund a supplemental environmental program (SEP). This SEP will provide funding for a lawn and garden rebate program to replace existing gasoline-powered lawn equipment with electric equipment to assist with improvement in air quality. This SEP payment shall be by official check in the amount of six thousand and five hundred dollars (\$6,500) made payable to "Fiscal Officer", Summit County Public Health, 1867 W. Market Street, Akron, Ohio 44313, noting the Lawn Program.

4. Should the Respondent fail to fund the SEP within the required time frame set forth in Order No. 3, the Respondent shall immediately submit the amount of this SEP payment (\$6,500) 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:

Akron Regional Air Quality Management District  
1867 West Market Street  
Akron, Ohio 44313  
Attention: Sam Rubens, Administrator

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**

*Anne M Vogel*

6/1/2023

\_\_\_\_\_  
Anne M. Vogel  
Director

\_\_\_\_\_  
Date

**AGREED:**

**Rohrer Corporation**

*Martin Loyding*

*May 22, 2023*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Martin Loyding, CFO*

\_\_\_\_\_  
Printed or Typed Name and Title