



July 19, 2023

Heather Brandon
Environmental Manager
Anomatic Corporation
8880 Innovation Campus Way
New Albany, Ohio 43054

Re: Final Findings and Orders for air
pollution violations

Dear Ms. Brandon:

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".

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

ec: James Kavalec, DAPC
Stephanie Habinak/Pam McCoy, CDO-DAPC
Drew Bergman, Legal Office

BEFORE THE

By: Valley O'Mara Date: 07/19/2023

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Anomatic Corporation	:	<u>Director's Final Findings</u>
8880 Innovation Campus Way	:	<u>and Orders</u>
New Albany, Ohio 43054	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Anomatic Corporation (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 specializes in the design, fabrication, anodizing, metallizing, injection molding, decorating, finishing, and assembly of anodized aluminum and metallized components and product packaging. Respondent owns and operates a facility (Facility ID#0145000510) located at 8880 Innovation Campus Way, in New Albany, Ohio (Licking County). At this facility, among other emissions units (EUs), Respondent operates several anodize lines. The anodize lines subject to these Orders are emissions units P001 through P004. Federal Enforceable Permit-to-Install and Operate (FEPTIO) P0131062 was issued on May 9, 2022 and has a permit expiration date of May 9, 2027.

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. Terms and conditions of FEPTIO P0131062 for EUs P001 through P004 required Respondent to conduct emission testing to demonstrate compliance with the allowable particulate, NO_x, and nitric acid emissions rates within 6 months after issuance of the permit (May 9, 2022). Therefore, the deadline for Respondent to complete the required test was November 9, 2022.

4. The terms and conditions of PTIO P0131062 establish a nitric acid emissions limitation of 0.3 pounds per hour for each emissions unit (i.e., 1.2 pounds per hour for all four emissions units combined).

5. On September 15, 2022, Respondent performed emissions testing on the four anodize lines (emissions units P001 through P004). The emissions test report submitted on November 2, 2022 identified the measured nitric acid emissions rate from all four emissions units combined as follows: Run #1 – 6.08 lb/hr, Run #2 – 4.95 lb/hr, and Run #3 – 3.09 lb/hr for an overall average of 4.70 lb/hr. An exceedance of the nitric acid emissions limitation, as identified above, is considered a violation of the terms and conditions of PTIO P0131062 and ORC 3704.05(C). By letter dated November 29, 2022, Ohio EPA notified Respondent of the violations.

6. On October 31, 2022, Respondent notified Ohio EPA that the mist eliminator associated with EUs P001, P002, P003, P004 was malfunctioning. Respondent believed that nitric acid emissions were not being controlled properly due to a lack of packing in the candles of the mist eliminator. On November 2 and 10, Respondent provided updates to Ohio EPA on the corrective actions being taken to resolve the issues.

7. By letter dated December 7, 2022, Respondent provided a response to the November 29, 2022 NOV. In this letter Respondent indicated that the packing candles were installed on December 2 and 3. In addition, on December 22, 2022 Respondent conducted a retest to demonstrate compliance with the nitric acid limit. The results of the retest indicate that the nitric acid limit is now being met.

8. 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. In order to prevent a stack test failure or malfunction in the future associated with the mist eliminator, Respondent shall perform routine inspections to determine the condition of the packing candles. Respondent shall develop an Inspection and Maintenance Plan, for Ohio EPA's review and approval, that implements the enhanced inspection protocol.
2. Respondent shall pay the amount of seven thousand five hundred dollars (\$7,500) 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" of seven thousand five hundred dollars (\$7,500). 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

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 – Central District Office
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Stephanie Habinak

and to:

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

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

7/19/2023

Anne M. Vogel
Director

Date

AGREED:

Anomatic Corporation

Christopher Wilson

Signature

7-11-23

Date

CHRISTOPHER WILSON

Printed or Typed Name

Chief Operating Officer

Title