



March 12, 2024

Mr. Nicholas Maruca
Ferry Industries, Inc.
4445 Allen Rd.
Stow, Ohio 44224

Re: Final Findings and Orders for air pollution
 violations

Dear Mr. Maruca:

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

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

ec: Jim Kavalec/Josh Koch/ Tan Tran DAPC
 Donald Vanterpool/Drew Bergman, Legal Office
 Sean Vadas/Sam Rubens, ARAQMD

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Ferry Industries, Inc.
4445 Allen Rd.
Stow, Ohio 44224**

:
:
:

**Director's Final Findings
and Orders**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By:  Date: 03/11/2024

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Ferry Industries, 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 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:

- Respondent is a manufacturer of advanced production machines for the plastics rotational molding industry, the aerospace industry and the foam industry. Respondent owns and operates a facility (Facility ID#1677110087) located at 4445 Allen Rd., in Stow, Ohio (Summit County). At this facility, among other emissions units (EUs), Respondent operates the Paint Spray Booth – miscellaneous metal parts coating line (EU K001.) The current Permit-to-Install/Operate ("PTIO") P0129608 for this facility was issued on March 23, 2021 and has the expiration date of March 23, 2031.

2. ORC § 3704.05(C) and (J) 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. 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. Ohio Administrative Code ("OAC") Rule 3745-21-25 was adopted by the Director pursuant to ORC Chapter 3704.

4. Term C.1.b)(1)b of the PTIO P0129608 and Ohio Administrative Code ("OAC") 3745-21-26(C) require that the volatile organic compounds ("VOC") content of the coatings employed shall not exceed a daily, volume-weighted average of 2.8 pounds per gallon ("lbs/gal") and 3.5 lbs/gal, respectively, as applied, excluding water and exempt solvent for metal coating operations.

5. On March 24, 2023, the Akron Regional Air Quality Management District ("ARAQMD"), a contractual representative of Ohio EPA in Summit County, inspected Respondent's facility to determine its compliance with Ohio EPA's applicable rules and regulations. During this inspection, CDAQ documented that Respondent failed to employ compliant coatings with VOC content of less than 2.8 lbs/gal and 3.5 lbs/gal, as required in PTIO P0129608 and OAC Rule 3745-21-06(C), respectively, in violation of OAC Rule 3745-21-26(C), term C.1.b)(1)b the PTIO P0129608, and ORC § 3704.05(C) and (G).

6. On April 17, 2023, CDAQ issued Respondent a notice of violation ("NOV") letter for the violations outlined in Finding #5.

7. On April 28, 2023 and June 15, 2023, Respondent responded to ARAQMD's April 17, 2023 NOV letter which included a compliance plan, low VOC coatings formula (less than 2.5 lbs/gal), and an updated emissions calculation. Based on Respondent's responses, ARAQMD concluded that Respondent's facility had achieved compliance with all applicable rules and regulations since the beginning of June 2023. As a consequence, on June 16, 2023, ARAQMD issued to Respondent a Resolution of Violation letter for the violations cited in Findings #5.

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. Respondent shall pay the amount of thirty-six thousand dollars (\$36,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Respondent shall pay to Ohio EPA the amount of thirty thousand dollars (\$30,000) of the total penalty amount pursuant to the following schedule:

- Ten thousand dollars (\$10,000) due by March 15, 2024;
- Ten thousand dollars (\$10,000) due by April 15, 2024; and
- Ten thousand dollars (\$10,000) due by May 15, 2024.

Payments to Ohio EPA shall be made by official checks made payable to "Treasurer, State of Ohio". Each of these official checks 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

2. In lieu of paying six thousand dollars (\$6,000) of the civil penalty, Respondent shall, within thirty (30) days after the effective date of these Orders, remit six thousand dollars (\$6,000) 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 dollars (\$6,000) made payable to "Fiscal Officer", Summit County Public Health, 1867 W. Market Street, Akron, Ohio 44313, noting the Lawn Program.

3. Should the Respondent fail to fund the SEP within the required time frame set forth in Order No. 2, the Respondent shall immediately submit the amount of this SEP payment (\$6,000) 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 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 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

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

March 11, 2024

Anne M. Vogel
Director

Date

AGREED:

Ferry Industries, Inc.

Adam Covington

3/5/2024

Signature

Date

Adam Covington

Printed or Typed Name

President

Title