



November 14, 2024

Mr. Patrick Splane
Site Manager
Synthomer, Inc.
165 S. Cleveland Ave
Mogadore, Ohio 44260

Re: Final Findings and Orders for air pollution
 violations

Dear Mr. Splane:

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: Jim Kavalec/Zachary Peterson, DAPC
 Kimberly Rhoads/Drew Bergman/Marc Glasgow, Legal Office
 Kelly Kanoza/Sean Vadas/Sam Rubens, Akron Regional Air Quality Management District

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.

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

By:  Date: 11/14/2024

In the Matter of:

Synthomer Inc. : **Director's Final Findings**
165 S. Cleveland Ave. : **and Orders**
Mogadore, Ohio 44260 :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Synthomer Inc., formerly known as OMNOVA Solutions Inc. ("Respondent")¹ 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 any 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.

¹ Effective October 1, 2023, OMNOVA Solutions Inc. officially changed its name to Synthomer Inc.

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IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent is a manufacturer of coated fabrics upholstery, digital wall murals, decorative laminates, and performance films. Respondent owns and operates a facility (Facility ID#1667000007) located at 165 S. Cleveland Avenue, in Mogadore, Ohio (Portage County). At this facility, Respondent operates various emissions units ("EUs") under Title V Operating Permit ("TVPTO") P0129497, which was issued on February 2, 2022 and has the expiration date of February 23, 2027. Until December 31, 2023, Respondent operated a process known as the PolyFox Process (EU P101) at this facility.

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") Chapter 3745-21 was adopted by the Director pursuant to ORC Chapter 3704.

4. OAC Rule 3745-21-07(M)(2) states, in part, that each article, machine, equipment or other contrivance meeting paragraph (M)(3)(a) shall be equipped with a control system (i.e., capture and control equipment) that reduces the organic compound ("OC") emissions from the article, machine, equipment and other contrivance by an overall control efficiency of at least 85%, by weight. If the reductions are achieved by incineration, 90% or more of the carbon in the organic material being incinerated shall be oxidized to CO₂. EU 101 is subject to the requirements of OAC Rule 3745-21-07(M)(2).

5. Pursuant to Term C.1.b)(2)b. of TVPTO P0129497, the non-halogenated OC emissions from EU P101 shall be vented to a regenerative thermal oxidizer. The regenerative thermal oxidizer shall achieve at least 98% overall control efficiency, by weight, for OC pursuant to Term C.1.b)(1)b.

6. Term C.1.b)(1)c. of the TVPTO P0129497 requires Respondent to equip EU P101 with a control system (i.e., capture and control equipment) that reduces the OC emissions from the article, machine, equipment or other contrivance by an overall control efficiency of 85% by weight.

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7. On December 15, 2022, the Akron Regional Air Quality Management District ("ARAQMD"), a contractual representative of Ohio EPA in Portage County, conducted a full compliance evaluation at Respondent's facility. During this visit, ARAQMD was informed that Respondent installed ventilation arms to capture and redirect vapors from drum additions and transfers within the PolyFox Process in 2015, which exhausted OC emissions from drum additions and transfers within the PolyFox Process directly to the atmosphere. Respondent's installation of these ventilation arms within the PolyFox Process violated OAC Rules 3745-21-07(M)(2), 3745-31-05(D), the terms C.1.b)(1)(b), C.1.b)(1)c., and C.1.b)(2)b of the TVPTO P0129497, and ORC § 3704.05(C), (G) and (J).

8. On January 9, 2023, ARAQMD issued Respondent a notice of violation ("NOV") letter for the violations outlined in Finding #7.

9. The parties have conferred regarding the violations outlined in Finding #7. Without the admission of law or fact or any liability with respect to the violations, Respondent agrees to the following Orders.

10. 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 twenty thousand dollars (\$20,000) 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, a sixteen thousand five hundred dollar (\$16,500) payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio". The official check shall be submitted together with a letter identifying Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

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2. In lieu of paying three thousand five hundred dollars (\$3,500) of the civil penalty, Respondent shall, within thirty (30) days after the effective date of these Orders, remit three thousand five hundred dollars (\$3,500) 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 three thousand five hundred dollars (\$3,500) 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 (\$3,500) 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 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."

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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

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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.

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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

11/14/2024

Anne M. Vogel
Director

Date

AGREED:

Synthomer Inc.

Signed by:

Pat Splane

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21 October 2024 | 8:56:33 PM BST

Signature

Date

Pat Splane Site Manager

Printed or Typed Name and Title