



September 25, 2024

Mr. Tom Chimples
President
AMAC Enterprises Inc.
5909 W. 130th Street
Parma, Ohio 44130

Re: Final Findings and Orders for air pollution
violations

Dear Mr. Chimples:

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: Zach Peterson/Abigail Gentry, DAPC
Steve Feldmann/Drew Bergman/Marc Glasgow, Legal Office
Roman Fedorko/David Wagner/Jesse Brillinger, CDAQ

By:  Date: 09/24/2024 BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

AMAC Enterprises Inc.	:	<u>Director's Final Findings</u>
5909 W. 130 th Street	:	<u>and Orders</u>
Parma, Ohio 44130	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to AMAC Enterprises 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:

1. Respondent is a metal processing company serving the fastener and stamping industry in the United States. Respondent owns and operates a facility (Facility ID#13-18-45-6575) located at 5909 W. 130th Street, in Parma, Ohio (Cuyahoga County). At this facility, among other emissions units ("EUs"), Respondent operates the Spring Tool Line #5 ("K003"), the Spring Tool Line #4 ("K004"), and the Spring Tool Line #2 ("K005"). Permit-to-Install/Operate ("PTIO") P0133979 for this facility was issued on June 23, 2023 and had an expiration date of June 23, 2033.

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. Terms C.2.b(1)a. and C.2.b(2)a. the PTIO P0133979 specifies that Respondent is not required to use the regenerative thermal oxidizer ("RTO") while it is employing coating with a zero percent volatile organic compound ("VOC") content; otherwise, Respondent shall use the RTO while the EU K005 is in operation.

5. Term C.4.e(2) of the PTIO P0133979 requires, in part, Respondent to notify the Cleveland Division of Air Quality ("CDAQ"), a contractual representative of Ohio EPA in the Cuyahoga County, in writing of any daily record showing that the calculated, controlled emission rate exceeds the applicable pounds of VOC per gallon of solids limitation. The notification shall include a copy of such record and shall be sent to the CDAQ within 45 days after the exceedances occurs for EUs K003, K004, and K005.

6. Terms C.2.f(2) and C.4.f(2)a of the PTIO P0133979 require, in part, Respondent to perform the required stack test for EUs K003 through K005 within six (6) months from the issuance date of the permit.

7. OAC Rule 3745-15-06(B)(3) requires that Respondent, within two (2) months following a malfunction which exceeded twenty-four hours in duration, the owner or operator of such equipment, to prepare and submit a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future malfunctions of such equipment for its facility.

8. OAC Rule 3745-21-26(C)(1) requires, in part, Respondent to limit the VOC from all VOC-containing materials (i.e., coatings, thinners, and any other additives) used by each miscellaneous metal and plastic part surface coating line involves baking to 2.3 lbs. of VOC per gallon of coating when the RTO is not in use.

9. OAC Rule 3745-31-05(A)(3) states, in part, that the Director of Ohio EPA shall issue a PTIO on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio EPA or both, if the Director determines that the installation, modification or operation of the air contaminant source will employ the best available technology.

10. On March 1 and 6, 2023, CDAQ made site visits to Respondent's facility in response to two odor complaints. During these site visits, CDAQ documented that Respondent failed: (1) to submit a detailed report, following a malfunction due to the combustion blower fan's vanes broke off, which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future malfunctions of such equipment, in violation of OAC Rule 3745-15-06(B)(3), terms C.2.b(1)a. and C.2.b(2)a. the PTIO P0112065 and ORC § 3704.05(C) and (G); (2) to comply with the limit of zero percent VOC for EU K005 when the RTO was not in use, in violation of OAC Rule 3745-31-05(A)(3), terms C.2.b(1)a. and C.2.b(2)a. the PTIO P0112065, and ORC § 3704.05(C) and (G); and (3) to comply

with the 2.3 lbs. of VOC per gallon of coating requirement for EUs K003 and K004 when the RTO was not in use, in violation of OAC Rule 3745-21-26(C)(1), and ORC § 3704.05(G).

11. On May 22, 2023, CDAQ issued Respondent a notice of violation ("NOV") letter for the violations outlined in Finding #10.

12. On June 21, 2023, Respondent responded to CDAQ's May 22, 2023 NOV letter and submitted the requested malfunction reports for its facility. In its response, Respondent also informed the CDAQ that the RTO had been repaired and that it has been in use since the beginning of April 2023.

13. On February 16, 2024, CDAQ reviewed Respondent's records and discovered that Respondent failed to perform the required stack test for EUs K003, K004, and K005 within six (6) months of issuance of the current PTIO P0133979, in violation of terms C.2.f(2) and C.4.f(2)a of the PTIO P0133979 and ORC § 3704.05(C) and (G).

14. On March 1, 2024, CDAQ issued Respondent a NOV letter for the violations outlined in Finding #13.

15. On April 30, 2024, Respondent conducted the required stack test for EUs K003, K004, and K005. The VOC control efficiency at the RTO was determined to be satisfactory, however, Respondent failed to comply with the hourly VOC emissions limit established in PTIO P0133979.

16. On June 28, 2024, CDAQ contacted Ohio EPA to state that the hourly emission limit established for K003 and K004 in PTIO P0133979 was set too low and proposed an administrative modification of the permit. CDAQ indicated that it would be increasing the VOC emission limit from 0.13 lb/hr to 0.68 lb/hr to more accurately reflect actual operating conditions at Respondent's facility. Ohio EPA is in the process of issuing a permit modification for PTIO P0133979 to resolve the matter of excess emissions.

17. 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 thousand dollars (\$30,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. 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" in accordance with the following payment schedule:

- Within thirty (30) days of the effective date of these Orders, Respondent shall pay \$10,000;
- Within ninety (90) days of the effective date of these Orders, Respondent shall pay \$10,000; and
- Within one hundred eighty (180) days of the effective date of these Orders, Respondent shall pay \$10,000.

The 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

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check 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 Respondent pursuant to these Orders shall be addressed to:

Cleveland Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114
Attention: Roman Fedorko, Chief

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 Respondent 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
Anne M. Vogel
Director

9/24/2024
Date

AGREED:

AMAC Enterprises Inc.

Thomas Chimples
Signature
THOMAS CHIMPLES
Printed or Typed Name
PRESIDENT
Title

8-29-24
Date