

AGENDA FOR THE FEBRUARY 25, 2010 EC MEETING

CASES TO BE CLOSED:

Mar-Zane, Inc. (Plant #1) #2671 CDO AGO Referral John/Marc

PENDING CASES:

Barrett Paving Materials, Inc. (HPV) #2814 HAMCO Prop. F&Os Tom/Steve
(Fairfield, Reading, West Mason and
Turtle Creek Asphalt Plants)

Ron Piper, dba Piper Excavation #2872 NWDO Prop. F&O Tom/Don

Sartaj Oil Company #2892 Cleveland Prop. F&Os John/Don

OTHER BUSINESS:

- (1) Jim to present enforcement statistics from the annual report on enforcement for calendar year 2009.
- (2) Distribute updated schedule of progress for resolving all "old" cases for 2008, 2009 and 2010.
- (3) Steve is scheduled to provide food for today's meeting at 10:00 a.m. in DAPC Rm C.
- (4) The next meeting is scheduled for Thursday, March 11, 2010 at 3:00 p.m. in DAPC Rm C. Jim is scheduled for food. (Future food schedule: John for March 25; Don for April 8.)

ENFORCEMENT COMMITTEE MEETING MINUTES

(February 25, 2010)

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| Case Number: 2671 | Dates: |
| Entity: Mar-Zane, Inc. (Plant #1) | EAR: 10/25/07 |
| Field Office: CDO | DWL: N/A |
| Contact: John Paulian | F&Os: N/A |
| Attorney: Marcus Glasgow | Referral: 02/17/10 |
| | Dismissal: N/A |

Background: Mar-Zane, Inc. owns and operates Plant #1 (Ohio EPA facility ID number 0121010197) located at 2408 Section Line Road, Delaware, Delaware County, Ohio. The facility consists of a raw material handling operation and an asphalt plant (emissions unit P001).

On June 17, 2004, Ohio EPA issued a Permit to Install ("PTI") to National Lime and Stone Company (the previous owner of the facility until purchased by Mar-Zane in 2004) for emissions unit P001 (PTI #01-08778), a 250 TPH asphalt batch plant. The terms and conditions of the PTI allowed the company to burn on-spec used oil in emissions unit P001 provided the oil met the specifications outlined in the permit's Special Terms and Conditions. Used oil containing more than 1,000 ppm halogen is presumed to be a hazardous waste per 40 CFR Part 266.40(c) and OAC Chapter 3745-279. Section II, B., Special Terms and Conditions, paragraph 2.c. permitted the company to burn used oil containing more than 1,000 ppm (but less than 4,000 ppm) halogens provided that the used oil supplier had demonstrated to the Ohio EPA's Division of Hazardous Waste Management ("DHWM") that the on-spec used oil did not contain hazardous waste.

Mar-Zane began burning used oil containing greater than 1,000 ppm halogens in emissions unit P001 on October 26, 2004, and continued using this fuel through at least July 14, 2007. Neither Mar-Zane or its supplier, Usher Oil, contacted DHWM prior to the use of this used oil as a fuel at the facility, in violation of Part II, Section B., paragraph 2.c. of PTI 01-08778 and ORC Section 3704.05(C).

On April 25, 2006, Ohio EPA issued PTI 01-12005 to Mar-Zane for emissions unit P001, a 325 TPH double drum-mix asphalt plant controlled by a baghouse. The terms and conditions of the PTI restricted volatile organic compound ("VOC") emissions from

emissions unit P001 when burning on-spec used oil, #2 fuel oil, #4 fuel oil, or # 6 fuel oil, to less than 14.3 pounds per hour ("lbs/hr").

Mar-Zane did not submit a Permit to Operate ("PTO") application within 90 days of commencing operation of emissions unit P001, in violation of OAC Rule 3745-35-02(B)(5) and Part I, Section A., paragraph 13 of PTI 01-12005.

On October 16, 2006, Mar-Zane conducted emissions testing for VOCs from emissions unit P001. The results of this test were 34.1 lbs/hr, in violation of Part II, Section A., paragraph 1. of PTI 01-12005 and ORC Section 3704.05(C).

Based on the results of this test, on October 4, 2007, Ohio EPA, Division of Air Pollution Control, Central District Office ("CDO") issued a Notice of Violation ("NOV") to Mar-Zane citing it with operating emissions unit P001 out of compliance with the VOC emissions limitation established by PTI 01-12005. In the NOV, CDO requested that Mar-Zane submit a compliance plan and schedule that included completing additional burner tuning for emissions unit P001, re-evaluation of plant operations and maintenance, and scheduling another emissions test to demonstrate compliance with the PTI limits.

On June 16, 2008, Mar-Zane conducted a second emissions test for VOCs for emissions unit P001. The results of this test were 83.1 lbs/hr, again in violation of the limit specified in PTI 01-12005. The higher emission rate was attributed to operational problems that occurred during the testing.

On August 13, 2008, Mar-Zane conducted a third emissions test for VOCs for emissions unit P001. The results of this test were 18.5 lbs/hr, still in violation of PTI 01-12005.

On May 6, 2009, Mar-Zane submitted a request for an administrative modification of PTI 01-12005 to increase the VOC emissions limit for emissions unit P001 from 14.3 lbs/hr to 52.23 lbs/hr and 20.1 tons per year.

Based on the emissions testing data from the August 13, 2008, test, Ohio EPA has re-evaluated the Best Available Technology determination for emissions unit P001 and has proposed increasing the permitted VOC emissions limit for the emissions unit to 21.28 lbs/hr. This limit will be incorporated into a new Permit to Install and Operate ("PTIO") to be issued to Mar-Zane as a Chapter 3745-31 modification of the existing permit.

Proposed Director's Final Findings and Orders were sent to Mar-Zane on September 29, 2009. The proposed Orders would require Mar-Zane to complete the following actions:

Within 30 days after the effective date of the Orders, submit an application for a PTIO requesting a modification to the existing permit for an increase in allowable VOC emissions from emissions unit P001.

Pay a civil penalty of \$65,975, of which \$42,780 would be due within fourteen days of the effective date of the Orders.

In lieu of paying the remaining \$23,195 of the civil penalty, Mar-Zane would fund two supplemental environmental projects ("SEPs"). \$13,195 would fund a contribution to the Ohio Clean Diesel School Bus Program Fund. The remaining \$10,000 would be used to fund a pollution prevention study at the facility.

Ohio EPA received Mar-Zane's response to the proposed Orders on November 16, 2009. In this letter, Mar-Zane disputed all of the violations cited in the proposed Findings and Orders, with the exception of the PTO violation, and offered approximately \$7,500 to resolve the case.

Specifically, Mar-Zane has disputed the penalty for the amount above standard for excess VOC emissions as the emissions limit used (i.e., the proposed 21.28 lbs/hr VOC emissions limit) has not been incorporated into the permit. Mar-Zane also stated that the proposed emissions limit is too low and not representative of normal operations.

Mar-Zane has also disputed the penalty regarding the duration of the violation of operating the facility above the permitted VOC emission rate. Mar-Zane has yet to demonstrate compliance with the VOC emissions limit in PTI 01-12005. Ohio EPA has chosen to calculate the duration of this penalty beginning with the failed October 16, 2006 stack test, and ending with the August 13, 2008 stack test that demonstrated compliance with the proposed emissions limit. This duration was also based on the assumption of an eight-month per year operating season for asphalt plants. Mar-Zane, citing the court's decision in the Shelly case, has argued that Ohio EPA has evidence for only three days of violations, based on the results from the stack tests conducted at the facility.

CDO initially requested Mar-Zane submit an application for a new Permit to Install and Operate ("PTIO") to be issued to Mar-Zane as a Chapter 3745-31 modification of the existing permit. After consultation with Central Office, it was determined that the increase in the VOC emissions limit could be accomplished through an administrative modification.

Finally, Mar-Zane denies that it violated the terms and conditions of PTI 01-12005 despite the fact that the company never contacted Ohio EPA's Division of Hazardous Waste Management prior to burning used oil with a halogen content of greater than 1,000 ppm beginning in 2004.

After evaluating Mar-Zane's response, on January 11, 2010, Ohio EPA responded to Mar-Zane via electronic mail. Although Ohio EPA did not concur with Mar-Zane's arguments regarding any of the violations, Ohio EPA proposed to mitigate the penalty by 30% and presented a counteroffer of \$46,475 to settle the case.

Mar-Zane responded to Ohio EPA on January 26, 2010, again stating that it disputed all of the violations with the exception of the failure to submit a PTO application and that it felt that enforcement was unwarranted. Mar-Zane revised its counteroffer to \$975.

Negotiations between the parties have not resulted in a resolution of this case. Ohio EPA and Mar-Zane have not been able to come to an agreement regarding either the cited violations or an acceptable civil penalty.

Action: This case is being referred to the AGO to be resolved by obtaining a consent order or court order requiring Mar-Zane to correct any remaining violations at its facility and pay a substantial civil penalty for the violations of its permit.

Case Closed



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| Case Number: 2814 | Dates: |
| Entity: Barrett Paving Materials, Inc. | EAR: 04/01/09 |
| Field Office: HAMCO | DWL: N/A |
| Contact: Patty Porter/Tom Kalman | F&Os: 02/24/10 (prop.) |
| Attorney: Stephen Feldmann | Referral: N/A |
| | Dismissal: N/A |

Background: Barrett Paving Materials, Inc. owns and operates three asphaltic concrete production facilities that are currently located at: 107 River Circle Drive ("Fairfield Facility"), Fairfield, Ohio; 387 Smalley Rd. ("Reading Facility"), Reading, Ohio; and 1466 West Mason Morrow Millgrove Road ("West Mason"), South Lebanon, Ohio. Also, Barrett owned and operated an asphaltic concrete production facility that was located at 4000 Turtle Creek Road ("Turtle Creek Facility"), South Lebanon, Ohio. The

main stack at each facility is/was controlled with a fabric filter to reduce the emissions of particulate matter.

Permits to install (“PTI”) were issued to the Turtle Creek Facility and the West Mason Facility on August 22, 2006 and December 20, 2007, respectively. Similarly, on April 15, 2008, a Permit to Operate (“PTO”) was issued to the Fairfield Facility. Each of the respective permits contained short-term particulate emissions (i.e., filterable emission caught in the first half of the sampling train) limitations and required Barrett to conduct stack tests to demonstrate compliance with the limitations. The particulate emissions were measured during the required tests at rates that exceeded their respective permit emission limitations for the Turtle Creek, West Mason and Fairfield Facilities (see the following table for more details). The tests provided evidence that the respective plants failed to comply with the particulate emission limitations contained in their permits, in violation of ORC § 3704.05(C).

| <u>Facility</u> | <u>Permit</u> | <u>Limitation</u> | <u>Failed test measured value</u> | <u>Date of failed test</u> | <u>Compliance measured value</u> | <u>Date of passing test</u> |
|----------------------|---------------|--------------------------------|-----------------------------------|----------------------------|----------------------------------|-----------------------------|
| Turtle Creek | PTI | 8.0 lbs/hr PE | 10.9 lbs/hr PE | 09/20/07 | NA | NA |
| West Mason | PTI | 0.03 gr/dscf PE | 0.151 gr/dscf | 08/28/08 | 0.006 gr/dscf | 10/28/08 |
| Fairfield | PTO | 0.04 gr/dscf & 10.35 lbs/hr PE | 0.18 gr/dscf & 40.7 lbs/hr PE | 09/26/08 | 0.009 gr/dscf & 2.34 lbs/hr PE | 10/31/08 |
| Reading [^] | PTO | 15.1 lbs/hr VOC | 44.7 lbs/hr VOC | 04/22 & 23/08 | NA | NA |

[^] The PTO required the compliance tests to be conducted by 10/10/07.

The violations for the West Mason and Fairfield Facilities occurred from the dates of the failed compliance tests and continued to the dates the facility retested the stack gases after repairs were made to the baghouses, and the measured particulate emissions did not exceed the specified permit limitations. Similarly, the Turtle Creek Facility violations occurred from the date of the failed stack test and continued to the date the facility was shut down. Based on information provided by Barrett, the Turtle Creek Facility operated for 56 days until it was disassembled.

Barrett’s Reading Facility was issued a PTO on October 10, 2006. The PTO required compliance stack tests to be conducted within 12 months after the issuance of the PTO (i.e., October 10, 2007) for the primary fuel burned and within 60 days after the facility

switched to its secondary fuel source. Barrett failed to conduct the required tests within the specified time frame, in violation of the PTO's terms and conditions and ORC § 3704.05(C). The violation occurred from the specified testing deadline and continued until Barrett conducted the tests on April 22 and 23, 2008, excluding the time the facility was closed for the winter season (i.e., January through March 2008). During the April 22 and 23, 2008, tests, the VOC emissions were measured at an average rate that exceeded the permit limitation. Barrett applied for and was granted a permit with a higher VOC short-term emission limitation. No penalty is being assessed for this exceedance because it is assumed that no environmental harm occurred since a higher VOC limitation was later granted.

On April 1, 2009, HAMCO submitted an Enforcement Action Request to Central Office for the violations that occurred.

Action: On February 24, 2010, proposed Director's Final Findings and Orders ("F&Os") were sent to Barrett to attempt an administrative settlement of the violations that occurred. The F&Os propose to require Barrett to pay a civil penalty of \$173,700 within 14 days after the effective date, of which \$34,740 would be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. Also, the F&Os propose to require the development and implementation of a control equipment inspection and maintenance plan as well as record-keeping requirements to assure compliance with the plan. The plan is to be developed, maintained and implemented within 60 days after the effective date of the F&Os.

The gravity portion of the civil penalty for the Fairfield Facility was mitigated by 20% for Barrett's cooperation with respect to promptly bringing the Fairfield Facility into compliance and an additional 25% mitigation was applied to the entire gravity component of the penalty for the relatively small amount of overall noncomplying particulate emissions (estimated at between 13 and 26 tons combined and assuming 8 to 16 hours of operation per day) that occurred during the noncompliance periods. On the other hand, the penalty was augmented by 10% (\$8,200) of the gravity portion of the penalty for the West Mason Facility because Barrett moved the noncomplying baghouse from the Turtle Creek Facility to the West Mason Facility. Barrett used that baghouse at the West Mason Facility, resulting in the particulate emissions limitation violation from startup of that Facility (June 30, 2008) until compliance was demonstrated (October 28, 2008). No economic benefit components were included because each delayed compliance incident is believed to be less than five thousand dollars, i.e., negligible

under the policy. Finally, no pollution prevention study SEP was included in the proposed F&Os because DAPC believes the facilities would not benefit from such a study.

Case Continued



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| Case Number: 2872 | Dates: |
| Entity: Ron Piper, dba Piper Excavation | EAR: 11/03/09 |
| Field Office: NWDO | DWL: N/A |
| Contact: Jim Kavalec/Tom Kalman | F&Os: 02/11/10 (prop.) |
| Attorney: Donald L. Vanterpool | Referral: N/A |
| | Dismissal: N/A |

Background: Ron Piper does business as Piper Excavation, which is an excavation and demolition business located at 512 Cron Street in Celina, Ohio. Piper Excavation was hired to demolish the Rockford Sports Bar and Restaurant located at 155 South Main Street in the Village of Rockford, Mercer County, Ohio.

On or about November 24, 2008, Piper Excavation demolished the building, transported the debris to property owned by Mr. Piper just outside the Village of Rockford on State Route 117, and open burned the debris at that site. No inspection of the structure for the presence of asbestos was performed and no notification of intent to demolish a facility was submitted at least 10 days prior to the commencement of the demolition. Also, the open burning of such debris is not permitted by regulation.

As a result of the actions of Mr. Piper's business, the following violations of rules and law occurred:

- (1) Failure to have the facility thoroughly inspected for the presence of asbestos, including Category I and Category II non-friable asbestos-containing materials, prior to commencing demolition, in violation of OAC Rule 3745-20-02(A);
- (2) Failure to submit a written notification of demolition to Ohio EPA at least ten working days before beginning demolition operations, in violation of OAC Rule 3745-20-03(A);

- (3) Open burning of demolition debris in an unrestricted area, in violation of OAC Rule 3745-19-04(A); and
- (4) Violating the prohibition against the violation of any rule adopted by the Director pursuant to ORC Chapter 3704, in violation of ORC § 3704.05(G).

On April 21 and 29, 2009, Notice of Violation (“NOV”) letters were sent to Mr. Piper for the violations mentioned above.

On November 3, 2009, NWDO submitted an Enforcement Action Request to Central Office for the violations that occurred.

Action: On February 11, 2010, proposed Director’s Final Findings and Orders (“F&Os”) were sent to Mr. Piper to attempt an administrative settlement of the violations that occurred. The F&Os propose to require Mr. Piper to pay a civil penalty of \$20,000 within 30 days after the effective date of the F&Os, of which \$4,000 would be directed to Ohio EPA’s Clean Diesel School Bus Program Fund as a SEP.

Case Continued



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| Case Number: 2892 | Dates: |
| Entity: Sartaj Oil Company/Shell #2332 | EAR: 01/25/10 |
| Field Office: CDAQ | DWL: N/A |
| Contact: Eric Yates/John Paulian | F&Os: 02/22/10 (prop.) |
| Attorney: Donald L. Vanterpool | Referral: N/A |
| | Dismissal: N/A |

Background: Sartaj Oil Company owns and operates a gasoline dispensing facility (Shell #2332) located at 1538 W. 117th Street in Lakewood, Ohio. Sartaj Oil was issued a Permit-by-Rule for this GDF by Ohio EPA in January of 2007. This GDF is subject to the requirements of OAC Rule 3745-21-09(DDD) concerning Stage II vapor control systems and is required to conduct Stage II compliance tests, which consist of annual static leak and air-to-liquid (“A/L”) ratio tests and a five-year dynamic pressure performance test. The purpose of these tests is to ensure that the Stage II vapor control system is working properly to capture gasoline vapors so they do not contribute to ozone formation.

Sartaj Oil failed the 2008 and 2009 annual Stage II A/L ratio tests. Sartaj Oil was dispensing gasoline the entire time the Stage II vapor control system was not properly operating. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). The failing tests occurred on November 10, 2008 and October 30, 2009. Passing tests were performed on December 22, 2008 and December 18, 2009.

Action: On February 22, 2010, proposed Director's Final Findings and Orders ("F&Os") were sent to Sartaj Oil. The proposed F&Os would require Sartaj Oil to pay Ohio EPA a civil penalty in the amount of \$10,450 from which 20% will go towards the Ohio EPA's Clean Diesel School Bus Program Fund. Additionally, the proposed F&Os would require Sartaj Oil to conduct weekly inspections of the Stage II vapor control system for the next two ozone seasons, checking for leaks, malfunctions or damage to the system. Records of these inspections and any repairs made are required to be submitted to Ohio EPA. Also, during the next two ozone seasons, the F&Os propose to require Sartaj Oil to perform static leak and A/L ratio tests at this GDF prior to the beginning (during March) of each ozone season and during August of each ozone season. The results of these tests will be submitted to Ohio EPA.

Case Continued



ACTIONS & MINUTES APPROVED BY:



Bob Hodanbosi, Chief, DAPC

NEXT MEETING:
February 25, 2010
10:00 a.m.
DAPC Room C

PENDING AIR ENFORCEMENT COMMITTEE CASES

Total Unresolved Cases (85)

| Case # | Facility Name | Field Office | Atty./Staff | Zero Date for SOL | EAR Date Received |
|-------------|--|--------------|-------------|-------------------|-------------------|
| 2527 | Carmeuse Lime, Inc., Maple Grove Facility (HPV) | NWDO | DV/UD | 11/05/02 | 06/19/06 |
| 2676 | OmniSource Corporation - Lima Division | NWDO | MG/MM | 02/23/06 | 11/08/07 |
| 2685 | Quikrete - Cleveland Plant | Akron | DV/UD | 10/17/07 | 12/14/07 |
| 2701 (VC) | City of Dayton, Advanced Wastewater Treatment Facility | RAPCA | BZ/JK | 02/19/08 | 02/19/08 |
| 2722 | Tuscarwas County YMCA, M-Cor Inc., Raeder Construction, et al. | SEDO | BZ/UD | 12/20/07 | 05/05/08 |
| 2726 | Glick Real Estate LTD/All-Type Demolition and Excavating (asbestos) | Canton | BZ/FU | 05/19/06 | 05/19/08 |
| 2731 (112r) | H. B. Fuller Company | N/A | DV/KJ | 03/26/08 | 06/04/08 |
| 2739 | BP - Husky Refining LLC | TDES | BZ/JP | 08/01/07 | 07/18/08 |
| 2745 | OmniSource Corporation | NWDO | MG/MM | 12/14/05 | 08/11/08 |
| 2752 | Allied Corporation (Plant #75) | Akron | MG/JP | 01/29/05 | 09/02/08 |
| 2775 | Selvey's Dirt Works / Famous Supply (asbestos) | NWDO | DV/UD | 06/12/08 | 11/05/08 |
| 2777 | Sawbrook Steel LLC | HAMCO | BZ/MM | 11/13/06 | 11/07/08 |
| 2781 | Great Lakes Crushing, Ltd. (asbestos) | NEDO | SF/PP | 06/18/08 | 11/18/08 |
| 2782 | International Converter, Inc. - Caldwell (HPV) | SEDO | DV/FU | 07/05/08 | 11/26/08 |
| 2789 | Complete Clearing, Inc. (asbestos) | NWDO | MG/PP | 07/09/08 | 02/05/09 |
| 2790 | Erie Materials, Inc. | NWDO | SF/TT | 04/16/08 | 02/05/09 |
| 2791 | Carmeuse Lime, Inc. (Millersville) (HPV) | NWDO | DV/FU | 02/14/06 | 02/09/09 |
| 2793 | Combs' Trucking Incorporated | HAMCO | SF/MM | 07/16/08 | 02/09/09 |
| 2794 | Kenmore Construction Co., Inc. | Akron | DV/UD | 05/14/08 | 02/13/09 |
| 2795 | Evans Landscaping, Inc. | HAMCO | MG/TT | 05/01/08 | 02/23/09 |
| 2803 | Wheeling Brake Band & Friction Mfg., Inc./Investment Capital of America, Inc./Rob Burgess Enterprises, LLC (asbestos) (multi-media case, DSIWM lead) | SEDO | DV/PP | 01/13/09 | 02/26/09 |
| 2806 | Ramon Patel, d.b.a. Marathon Quick Mart | NEDO | DV/JK | 10/21/08 | 03/02/09 |
| 2810 | Ellwood Engineered Castings Co. (HPV) | NEDO | DV/TT | 02/25/09 | 03/13/09 |
| 2811 | NewKor, Inc. | Cleve. | SF/EY | 01/27/09 | 03/30/09 |

Updated: 02/25/10

PENDING AIR ENFORCEMENT COMMITTEE CASES

| Case # | Facility Name | Field Office | Atty./Staff | Zero Date for SOL | EAR Date Received |
|----------|---|--------------|-------------|-------------------|-------------------|
| 2814 | Barrett Paving Materials, Inc. (HPV) | HAMCO | SF/PP | 01/16/08 | 04/01/09 |
| 2815 | Royal Sebring Properties, Inc., a.k.a. Zee Tech Warehousing | M-TAPCA | MG/JK | 09/17/07 | 04/02/09 |
| 2819 | Masonic Temple/The New Victorians, Inc./AHC, Inc. (asbestos) | CDO | DV/ | 01/24/08 | 04/27/09 |
| 2820 | Bailey PVS Oxides Delta, L.L.C. | NWDO | MG/JK | 03/29/07 | 04/27/09 |
| 2821 | OmniSource Corporation, Mansfield Division | NWDO | MG/MM | 05/08/08 | 05/04/09 |
| 2822 | J. S. Paris Excavating, Inc./Signature Development Group, LLC (asbestos) | MTAPCA | SF/TT | 03/11/08 | 04/28/09 |
| 2823 | Rudzik Excavating, Inc./Charles J. Arendas (asbestos) | MTAPCA | DV/FU | 02/27/09 | 05/11/09 |
| 2824 | Ariel Corporation (HPV) | CDO | MG/EY | 04/02/08 | 05/18/09 |
| 2826 | Staker Alloys, Inc. | RAPCA | DV/FU | 11/14/07 | 05/29/09 |
| 2827 | Evelyn M. (Burger) Koch (asbestos) | MTAPCA | MG/UD | 07/21/08 | 06/01/09 |
| 2829(VC) | ODNR, Division of Forestry (regarding the Shawnee State Forest open burning) | Ports. | DV/JJ | 04/24/09 | 06/03/09 |
| 2833 | Veterans of Foreign Wars Post 6519 (asbestos) | Lake Co. | DV/TT | 04/29/08 | 06/22/09 |
| 2834 | Foti Contracting, LLC | Akron | MG/FU | 10/23/08 | 06/29/09 |
| 2835 | Elyria Foundry Company (HPV) | NEDO | SF/PP | 10/18/07 | 07/13/09 |
| 2839 | Liberty Gas USA, LLC (Middle Avenue GDF in Elyria and Clark Oil 1163 in Lorain) | NEDO | DV/JK | 07/07/09 | 07/21/09 |
| 2840 | Von Vittersan Le Copla USA LLC Delaware Corporation (asbestos) | MTAPCA | MG/UD | 07/03/08 | 07/23/09 |
| 2841 | Salvatore Sorice/Michael A. Kernan (asbestos) | MTAPCA | SF/MM | 03/13/09 | 07/27/09 |
| 2844 | Iten Industries, Inc. (Plant 1) (HPV) | NEDO | SF/MM | 04/18/08 | 07/28/09 |
| 2847 | Ultimate Building Systems, Ltd. | HAMCO | SF/FU | 04/29/08 | 08/03/09 |
| 2848 | Sandusky Dock Corporation | NWDO | BZ/JO | 07/27/08 | 08/06/09 |
| 2849 | Dean Calhoun/Tim Gearhart (asbestos) | NWDO | DV/MM | 03/27/09 | 08/11/09 |
| 2850 | Yochman Excavating, Inc. (open burning) | M-TAPCA | MG/PP | 03/23/09 | 08/05/09 |
| 2852 | AOHW Corporation/Hasper Leggett (asbestos) | M-TAPCA | DV/UD | 03/25/09 | 08/11/09 |
| 2853 | Valentine Contractors, Inc. | Akron | MG/TT | 05/30/08 | 08/17/09 |
| 2855 | Lakeside Fuel Mini-Mart | NEDO | DV/JK | 02/09/09 | 09/09/09 |

PENDING AIR ENFORCEMENT COMMITTEE CASES

| Case # | Facility Name | Field Office | Atty./Staff | Zero Date for SOL | EAR Date Received |
|-------------|--|--------------|-------------|-------------------|-------------------|
| 2856 | Dorothy Jeannine Slessman | NWDO | MG/MM | 08/02/09 | 09/14/09 |
| 2857 | Pure Gas Incorporated (East Erie St. GDF in Lorain) | NEDO | SF/JK | 09/09/09 | 09/22/09 |
| 2858 | Burnham Foundry, LLC | SEDO | DV/TK | 04/01/08 | 09/22/09 |
| 2859 | Rollin Cooke, d.b.a. Concord Sunoco, Cooke's Car Care, Incorporated, and Munson Corners Sunoco | NEDO | SF/JK | 07/20/09 | 09/17/09 |
| 2860 | Richard C. Zahn | Akron | SF/PP | 06/15/09 | 09/14/09 |
| 2861 | Scott Klem | Akron | DV/TT | 08/14/09 | 09/14/09 |
| 2864 | Forest Creek Mobile Home Park | HAMCO | SF/FU | 03/19/09 | 09/25/09 |
| 2865 | Great Lakes Construction Co. | HAMCO | DV/UD | 05/07/09 | 09/25/09 |
| 2866 | 3M Medina (HPV) | Akron | MG/PP | 08/27/09 | 09/29/09 |
| 2867 (VC) | ODNR, Division of Forestry (regarding another Shawnee Forest open burning) | Ports. | SF/JP | 04/02/09 | 09/02/09 |
| 2869 | Bridgestone APM Company, Foam Products Division (HPV) | NWDO | DV/EY | 02/11/08 | 10/06/09 |
| 2871 | MARAZ-DNA Inc., d.b.a. Nates Marathon | NWDO | SF/JK | 05/12/09 | 10/15/09 |
| 2872 | Piper Excavation (asbestos and open burning) | NWDO | DV/JK | 11/24/08 | 11/03/09 |
| 2873 | Hanini Marathon - Superior | Cleve. | MG/EY | 08/21/08 | 11/04/09 |
| 2875 | David Klein, d.b.a. Belle-Aire Cleaners | Akron | DV/ | 10/07/09 | 11/13/09 |
| 2877 | Murphy Oil USA, Inc. (GDFs #6630, #7294, and #7371) | NEDO | SF/JK | 07/27/09 | 11/30/09 |
| 2878 | Pexco Packaging Corp. | TDES | DV/EY | 03/13/09 | 12/01/09 |
| 2879 (112r) | City of Youngstown Wastewater Treatment Plant | N/A | MG/SS | 07/23/09 | 12/04/09 |
| 2880 | Prime Properties Limited Partnership, d.b.a. Prime #3, 5 and 9 | Cleve. | SF/EY | 09/05/08 | 12/07/09 |
| 2881 | Tube City IMS, LLC | NWDO | DV/MM | 08/26/08 | 12/10/09 |
| 2883 | The Andersons Marathon Ethanol, LLC | RAPCA | MG/JK | 07/16/08 | 12/28/09 |
| 2884 (112r) | Eaton Aeroquip, Inc. | N/A | SF/KJ | 07/21/09 | 12/30/09 |
| 2885 | Hughes-Roller Building Co./Sovereign SP, LLC (asbestos) | NEDO | MG/UD | 07/07/09 | 12/08/09 |
| 2886 | David Rose, d.b.a. Rose Excavating/Jacqueline MacAleese (asbestos) | NEDO | DV/TT | 10/17/08 | 12/08/09 |
| 2888 | Titan Tire Corporation | NWDO | MG/ | | 01/20/10 |

PENDING AIR ENFORCEMENT COMMITTEE CASES

| Case # | Facility Name | Field Office | Atty./Staff | Zero Date for SOL | EAR Date Received |
|-----------|--|--------------|-------------|-------------------|-------------------|
| 2889 | Kaz Paving, Inc./George Koustis (asbestos) | Lake Co. | DV/PP | 01/08/09 | 01/15/10 |
| 2890 | Seth Powers | Akron | SF/TT | 02/05/09 | 01/15/10 |
| 2891 | Stocker's Excavating LLC/Yoho Excavating, Inc. (asbestos) | MTAPCA | MG/FU | 07/30/09 | 01/18/10 |
| 2892 | Sartaj Oil Company - Shell #2332 | Cleve. | DV/EY | | 01/25/10 |
| 2893 | Sterling Professional Group, LLC/Cleveland Public Library (asbestos) | NEDO | SF/MM | 11/09/09 | 01/28/10 |
| 2894 | The University of Akron | Akron | MG/JK | 05/23/08 | 02/01/10 |
| 2895 | Medhurst Mason Contractors, Inc. | Akron | DV/FU | 09/19/07 | 02/11/10 |
| 2896 (VC) | Lorain County II Landfill | NEDO | SF/ | | 02/11/10 |
| 2897 | Clark Sunoco | Cleve. | MG/EY | | 02/17/10 |
| 2898 | Stark C & D Landfill/Marshall Land Company/The City of Canton | NEDO | DV/UD | 11/13/09 | 02/23/10 |
| 2899 (VC) | Jones Hollow Open Burn Permission | SEDO | SF/ | | 02/24/10 |

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

January

| Docket # | Case Name | Rank | Field Office | EC Contact | Staff | Att. | Complaint Referral | Returned to FO | Warning Letter | Status | Source in Compliance | Direcor's F&O's | Referred to AGO |
|-------------|--|------|--------------|------------|-------|------|--------------------|----------------|----------------|------------|----------------------|-----------------|-----------------|
| 2698 (112r) | Sugar Creek Packing Co. (Washington Courthouse) | 3 | N/A | TK | SS | DV | 01/31/08 | | | | | 01/14/10 | |
| 2719 (112r) | Sugar Creek Packing Co. (Dayton) | 3 | N/A | TK | SS | DV | 04/28/08 | | | | | 01/14/10 | |
| 2750 (VC) | New Day Farms, LLC/Henning Construction Company | 3 | CDO | JP | JP | SF | 08/21/08 | | | | | 01/11/10 | |
| 2784 | Reichert Excavating, Inc. | 0 | CDO | JP | JP | SF | 12/04/08 | | | | | (01/11/10) | |
| 2760 | Precision Environmental Company (asbestos) | 1 | Akron | TK | PP | SF | 10/22/08 | | 01/12/10 (DWL) | Closed-NFA | 01/14/10 | | |
| 2813 | ConSun Food Industries, Inc. (Convenient Food Mart GDFs #736 and #746) | 3 | NEDO | TK | JK | DV | 03/27/09 | | | | | 01/14/10 | |

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

January

| Docket # | Case Name | Rank | Field Office | EC Contact | Staff | Att. | Complaint Referral | Returned to FO | Warning Letter | Status | Source in Compliance | Direcor's F&O's | Referred to AGO |
|----------|---------------------------------------|------|--------------|------------|-------|------|--------------------|----------------|----------------|--------|----------------------|-----------------|-----------------|
| 2870 | Brent Saionz, d.b.a. Simon Excavating | 3 | NWDO | TK | TT | MG | 10/15/09 | | | | | 01/13/10 | |
| 2874 | Ron Smith | 3 | NWDO | TK | FU | SF | 11/09/09 | | | | | 01/12/10 | |
| 2744 | The Afcoese Group (asbestos) | 3 | NEDO | TK | JK | BZ | 08/06/08 | | | | | 01/20/10 | |
| 2854 | Lehigh Gas Corporation | 3 | NEDO | TK | JK | SF | 09/03/09 | | | | | 01/20/10 | |

Total for the month of January = 10

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

February

| Docket # | Case Name | Rank | Field Office | EC Contact | Staff | Att. | Complaint Referral | Returned to FO | Warning Letter | Status | Source in Compliance | Direcor's F&O's | Referred to AGO |
|-----------------|--|-------------|---------------------|-------------------|--------------|-------------|---------------------------|-----------------------|-----------------------|---------------|-----------------------------|----------------------------|------------------------|
| 2813 | S. H. Bell Company (Little England and Stateline facilities) | 3 | NEDO | TK | JO | MG | 04/21/09 | | | | | 02/08/10 | |
| 2887 | Kimberly Dailey | 3 | SWDO | JP | EY | SF | 01/07/10 | | | | | 02/01/10 | |
| 2671 | Mar-Zane, Inc. (Plant 1) | 3 | CDO | JP | JP | MG | 10/25/07 | | | | | | 02/18/10 |

Total for the month of February = 3

Summary of Compliance with Effective Findings and Orders

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|---|------------|-----------------|-------|---------------|----------------|
| Ball & Sons Construction (11/08/96) | Civil penalty: (\$1,000) | 563513 | 11/22/96 | Y | FSC** | |
| Smith Foundry & Machine Co. (12/31/96) | Civil penalty: (\$25,000) | | | | | |
| | \$5,000 | 530404 | 01/31/97 | | 01/23/97 | |
| | \$5,000 | 530405 | 01/31/98 | | 01/23/98 | |
| | \$5,000 | 530406 | 01/31/99 | Y | 01/19/99 | |
| | \$5,000 | 530407 | 01/31/00 | Y | ACT** | |
| | \$5,000 | 541831 | 01/31/01 | | ACT** | |
| | AC | | 01/15/97 | | N/A* | |
| | IC | | 06/16/97 | | N/A* | |
| | CC | | 08/15/97 | | N/A* | |
| | Conduct emission tests - submit results | | 10/15/97 | | N/A* | |
| * The cupola has been removed. The 12/96 F&O's were revised to reflect the installation of electric induction furnaces rather than controls for the cupola. | | | | | | |
| Mark Fuerst (02/08/00) | Civil penalty: (\$10,000) | | | | | |
| | OEPA \$2,000 | 172154 | 04/08/00 | Y | FSC** | |
| | \$2,000 | 172155 | 05/08/00 | Y | * | |
| | \$2,000 | 172156 | 06/08/00 | Y | FSC** | |
| | \$2,000 | 172157 | 07/08/00 | Y | FSC** | |
| | ODNR \$2,000 | 606212 | 03/08/00 | Y | FSC** | |
| * Paid \$1,654 on 2/10/09. \$165.40 of that amount was paid to AGO. | | | | | | |
| American Environmental Abatement Company, Inc. (12/29/00) | Civil penalty: (\$2,500) | | | | | |
| | OEPA \$2,000 | 206005 | 01/12/01 | | 01/16/01 | |
| | ODNR \$500 | 564224 | 01/29/01 | | | |
| Anco Properties (06/19/01) | Civil penalty: (\$23,000) | | | | | |
| | OEPA \$4,600 | 224714 | 09/19/01 | Y | FSC** | |
| | \$4,600 | 224715 | 12/19/01 | Y | FSC** | |
| | \$4,600 | 224716 | 03/19/02 | Y | FSC** | |
| | \$4,600 | 224717 | 06/19/02 | Y | FSC** | |
| | ODNR \$4,600 | 613129 | 07/19/01 | N | | |
| Superior Demolition and Excavating (12/28/01) | Civil penalty: (\$15,000) | | | | | |
| | OEPA \$3,000 | 270396 | 01/28/02 | | 02/11/02 | |
| | \$3,000 | 270397 | 02/28/02 | | 03/14/02 | |
| | \$3,000 | 270398 | 03/28/02 | | 04/23/02 | |
| | \$3,000 | 270399 | 04/28/02 | Y | UNC** | |
| | ODNR \$3,000 | 270395 | 01/11/02 | | 01/10/02 | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|---|---------------------------|---|-----------------|----------|---------------|-------------------|
| Richard and Joby Hackett (04/04/02) | Civil penalty: (\$3,000) | | | | | |
| | OEPA | \$ 150 | 279226 | 09/04/02 | Y | RTN** |
| | | \$ 150 | 279227 | 10/04/02 | Y | RTN** |
| | | \$ 150 | 279228 | 11/04/02 | Y | RTN** |
| | | \$ 150 | 279229 | 12/04/02 | Y | RTN** |
| | | \$ 150 | 279230 | 01/04/03 | Y | RTN** |
| | | \$ 150 | 279231 | 02/04/03 | Y | RTN** |
| | | \$ 150 | 279232 | 03/04/03 | Y | RTN** |
| | | \$1,350 | 279233 | 04/04/03 | Y | RTN** |
| | ODNR | \$ 150 | | 05/04/02 | | |
| | | \$ 150 | | 06/04/02 | | |
| | \$ 150 | | 07/04/02 | | | |
| | \$ 150 | | 08/04/02 | | | |
| ----- | | | | | | |
| Schloss Materials Company (09/18/02) | Civil penalty: (\$6,000) | | | | | |
| | OEPA | \$4,000 | 304257 | 10/02/02 | | 09/30/02 |
| | ODNR | \$2,000 | 564243 | 10/18/02 | N | |
| | | pave entrance & access road to facility | | 10/31/02 | | 06/03/04* |
| ----- | | | | | | |
| City of Oregon (09/16/02) | Civil penalty: (\$10,000) | | | | | |
| | OEPA | \$8,000 | 304257 | 09/30/02 | | 09/30/02 |
| | ODNR | \$2,000 | 564243 | 09/30/02 | N | |
| | | conduct asbestos fire training | | 02/01/03 | | 01/18-14-15&29/03 |
| ----- | | | | | | |
| Cleveland Industrial Drum Servic Service, Inc. (10/30/02) | Civil penalty: (\$1,000) | | | | | |
| | OEPA | \$800 | 314152 | 11/13/02 | | 06/24/03 |
| | ODNR | \$200 | 564255 | 11/30/02 | N | |
| ----- | | | | | | |
| M & J Excavating (11/27/02) | Civil penalty: (\$2,450) | | | | | |
| | OEPA | \$392 | 333074 | 01/27/03 | Y | 09/27/03 |
| | | \$392 | 333075 | 02/27/03 | Y | 10/25/03* |
| | | \$392 | 333076 | 03/27/03 | Y | UNC |
| | | \$392 | 333077 | 04/27/03 | Y | 01/24/04* |
| | | \$392 | 333078 | 05/27/03 | Y | 01/24/04* |
| | ODNR | \$490 | 564257 | 12/27/02 | | 09/25/02 |
| ----- | | | | | | |
| Chris Corso (12/02/02) | Civil penalty: (\$7,000) | | | | | |
| | OEPA | \$1,600 | 319940 | 12/16/02 | | 12/16/02 |
| | | \$2,000 | 319941 | 03/02/03 | | 09/04/03 |
| | | \$2,000 | 319942 | 06/02/03 | | 09/27/03 |
| | ODNR | \$1,400 | 614162 | 01/02/03 | N | |
| ----- | | | | | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|-------------------------------------|---------------------------|------------|-----------------|----------|---------------|----------------|
| Goldline Wrecking Co. (12/23/02) | Civil penalty: (\$35,000) | | | | | |
| | OEPA | \$ 8,000 | 333227 | 04/23/03 | | 06/30/04* |
| | | \$10,000 | 333228 | 12/23/03 | Y | 10/27/08** |
| | | \$10,000 | 333229 | 06/23/04 | Y | 10/27/08** |
| | ODNR | \$ 7,000 | | 01/23/03 | | 01/22/03 |

* The AGO Special Counsel collected \$8,134.92. The AGO kept \$723.13 of that amount.

** Ohio EPA agreed to a payment of \$13,150 to satisfy the remaining claim of \$20,000. Special counsel received \$4,339.50 and the AGO received \$1,183.50 of the \$13,150 for their collection services.

| | | | | | | |
|-------------------------------|--------------------------|---------|--------|----------|---|-----------|
| Glo-Mar Masonry (02/06/03) | Civil penalty: (\$8,500) | | | | | |
| | EPA | \$ 500 | 336723 | 03/06/03 | Y | 06/23/03 |
| | | \$2,100 | 336724 | 06/06/03 | Y | 01/24/04 |
| | | \$2,100 | 336725 | 08/06/03 | Y | 04/24/04 |
| | | \$2,100 | 336726 | 02/06/04 | Y | 03/26/05* |
| | ODNR | \$1,700 | 583375 | 03/06/03 | Y | |

* Account Certified to AGO. Three partial payments made totaling (\$680), still owe \$1,419.40

| | | | | | | |
|--|---------------------------|--|--|----------|----------|----------|
| Ford Motor Company, Cleveland Casting Plant (12/24/03) | Civil penalty: (\$40,000) | | | | | |
| | Submit modeling analysis | | | 413303 | 01/31/04 | 01/07/04 |
| | | | | 02/29/04 | | |

| | | | | | | |
|---|---------------------------|---------|----------|----------|-----------|-----------|
| Minerva Enterprises, Inc. (12/31/03) | Civil penalty: (\$41,125) | | | | | |
| | | \$3,500 | 413351 | 01/31/04 | Y | 07/29/04a |
| | | \$3,500 | 413352 | 03/02/04 | Y | 06/16/05b |
| | | \$3,500 | 413353 | 04/02/04 | Y | 08/12/05c |
| | | \$3,500 | 413354 | 05/03/04 | Y | 06/15/05d |
| | | \$3,500 | 413355 | 06/03/04 | Y | 07/22/05e |
| | | \$3,500 | 413356 | 07/04/04 | Y | 08/12/05f |
| | | \$3,500 | 413357 | 08/04/04 | Y | 07/23/04 |
| | | \$3,500 | 413358 | 09/04/04 | Y | 12/24/05h |
| | | \$3,500 | 413359 | 10/04/04 | Y | 12/24/05 |
| | | \$3,500 | 413360 | 11/04/04 | | 07/29/05 |
| | \$3,500 | 413361 | 12/04/04 | Y | 11/10/05 | |
| | \$2,625 | 413362 | 01/04/05 | Y | 12/05/05i | |

- a. Paid \$3,501.92, of which \$315.17 was kept by AGO and \$3,186.75 was put into OEPA's account. The remaining \$1.92 is interest charged.
- b. Paid \$53.70 to resolve this claim. \$4.83 of that amount was AGO's share. \$48.87 was put in OEPA's account.
- c. Paid \$831.54 to resolve this claim. \$74.84 of that amount was AGO's share. \$756.70 was put in OEPA's account.
- d. Paid \$3,574.03 to resolve this claim. \$321.66 of that amount was AGO's share. \$3,252.37 was put in OEPA's account.
- e. Paid \$2,211.00 to resolve this claim. \$198.99 of that amount was AGO's share. \$2,012.01 was put in OEPA's account.
- f. Paid \$3,903.47 to resolve this claim. \$351.31 of that amount was AGO's share. \$3,552.16 was put in OEPA's account.
- h. Paid \$3,500 to resolve this claim. \$315 of that amount was AGO's share. \$3,185 was put in OEPA's account.
- i. Paid \$1,141.96 to resolve claim. \$102.78 of that amount was AGO's share. \$1,039.18 was put in OEPA's account.

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date | |
|---|-------------------------------|------------|-----------------|----------|---------------|----------------|--|
| Hydraulic Press Brick (04/28/04) | Civil penalty: (\$19,000) | | | | | | |
| | \$7,000 | 439209 | 05/12/04 | | 05/12/04 | | |
| | \$7,000 | 439210 | 08/12/04 | | 05/12/04 | | |
| | Submit P ² reports | | | 07/28/04 | | 07/26/04 | |
| | | | | 10/28/04 | | 10/25/04 | |
| | | | | 01/28/05 | | 01/21/05 | |
| | | | 03/28/05 | | N/A | | |
| Submit cost of P ² study | | | 04/05/05 | | | | |
| ----- | | | | | | | |
| Kerry's Motor World (05/13/04) | Civil penalty: (\$3,000) | 443684 | 05/27/04 | Y | | | |
| ----- | | | | | | | |
| John Dubuk (12/29/04) | Civil penalty: (\$10,000) | | | | | | |
| | \$834 | 489979 | 01/28/05 | | 01/24/05 | | |
| | \$834 | 489980 | 02/27/05 | | 02/24/05 | | |
| | \$834 | 489981 | 03/29/05 | | 03/26/05 | | |
| | \$834 | 489982 | 04/28/05 | Y | 07/29/06 | | |
| | \$834 | 489983 | 05/28/05 | Y | UNC** | | |
| | \$834 | 489984 | 06/27/05 | Y | 07/29/06 | | |
| | \$834 | 489985 | 07/27/05 | Y | UNC** | | |
| | \$834 | 489986 | 08/26/05 | Y | UNC** | | |
| | \$834 | 489987 | 09/25/05 | Y | UNC** | | |
| | \$834 | 489988 | 10/25/05 | Y | UNC** | | |
| | \$834 | 489989 | 11/24/05 | Y | UNC** | | |
| \$826 | 489990 | 12/24/05 | Y | UNC** | | | |
| ----- | | | | | | | |
| C & J Contractors (12/21/04) | Civil penalty: (\$5,600) | 479998 | 01/21/05 | Y | | * | |
| * This account is Certified and still open--various payments have been made (10/05-05/06) totaling \$2,150, leaving a balance of \$3,450. | | | | | | | |
| ----- | | | | | | | |
| Bohanan Investments, Inc. (04/14/05 - Court Order, Default Judgement) | Civil penalty: (\$127,900) | 550712 | 04/14/05 | Y | | | |
| ----- | | | | | | | |
| Columbus Steel Drum (07/06/05 - Consent Order) | Civil penalty: (\$500,000) | | | | | | |
| | Bus Fund | \$25,000 | 514606 | 07/31/05 | | 09/20/05 | |
| | | \$25,000 | 514607 | 10/01/05 | | 10/12/05 | |
| | | \$25,000 | 514608 | 01/01/06 | | 02/08/06 | |
| | | \$25,000 | 514609 | 04/01/06 | | 04/21/06 | |
| | OEPA | \$25,000 | 514163 | 07/01/06 | | 07/10/06 | |
| | | \$25,000 | 514164 | 10/01/06 | | 10/30/06 | |
| | | \$25,000 | 514165 | 01/01/07 | | 01/09/07 | |
| \$25,000 | | 514166 | 04/01/07 | | 04/11/07 | | |

| Facility Name | Milestone or Requirement* | Revenue | Deadline | C | Complete | Check | |
|---|---|------------------------------|-------------------------------|----------------------------------|----------|-----------|----------|
| | | ID | in F&O | y/n | Date | # / Date | |
| Columbus Steel Drum (con't) (07/06/05 - Consent Order) | OEPA | \$25,000 | 514167 | 07/01/07 | | 08/01/07 | |
| | | \$25,000 | 514168 | 10/01/07 | | 10/17/07 | |
| | | \$25,000 | 514169 | 01/01/08 | | 03/12/08 | |
| | | \$25,000 | 514170 | 04/01/08 | | 04/15/08 | |
| | | \$25,000 | 514171 | 07/01/08 | | 07/01/08 | |
| | | \$25,000 | 514172 | 10/01/08 | | 10/01/08 | |
| | | \$25,000 | 514173 | 01/01/09 | | 04/08/09 | |
| | | \$25,000 | 514174 | 04/01/09 | | 07/17/09 | |
| | | \$21,250 | 514175 | 07/01/09 | | 10/15/09 | |
| | | \$21,250 | 726464 | 09/01/09 | | 12/01/09 | |
| | | \$21,250 | 726465 | 11/01/09 | | 11/30/09 | |
| | | \$21,250 | 726466 | 12/01/09 | | | |
| | | Submit PTI app for K001-K003 | | | 12/01/09 | | 05/31/05 |
| | | Award contracts | | 30 days from issuance of PTI | | | |
| | | IC | | 60 days from issuance of PTI | | | 07/16/06 |
| | | CC | | 180 days from issuance of PTI | | | 07/13/07 |
| | | Perform stack tests | | 210 days from issuance of PTI | | | 07/03/07 |
| | | Submit ITT for P015 & P016 | | | 07/20/05 | | 06/07/05 |
| | | Perform stack tests | | | 12/27/05 | | 06/23/05 |
| | Submit PTI app for P015 & P016 | | | 30 days after submission of test | | 09/22/05 | |
| | Award contracts | | 30 days from issuance of PTI | | | * | |
| | IC | | 60 days from issuance of PTI | | | * | |
| | CC | | 120 days from issuance of PTI | | | * | |
| | Perform stack tests | | 150 days from issuance of PTI | | | * | |
| | Perform stack tests for P001, P005, P012 & P013 | | | 09/06/05 | | 07/5-7/05 | |
| * PTI not issued due to the continued incomplete nature of the PTI application. | | | | | | | |
| ----- | | | | | | | |
| Alfred Nickles Bakery, Inc. (08/24/05) | Civil penalty: (\$37,800) | | | | | | |
| | OEPA | \$10,240 | 519964 | 09/24/05 | | 09/23/05 | |
| | Bus Fund | \$ 7,560 | 519965 | 09/24/05 | | 09/23/05 | |
| | Submit P ² report | | | 11/24/05 | | | |
| | Submit P ² report | | | 02/24/06 | | | |
| | Submit final P ² report | | | 05/24/06 | | | |
| | Submit documentation of costs | | | 08/24/06 | | | |
| ----- | | | | | | | |
| Shell Construction, Inc. (09/26/05) | Civil penalty: (\$3,700) | | | | | | |
| | OEPA | \$100 | 526004 | 10/26/05 | | 09/27/05 | |
| | | \$100 | 526005 | 11/25/05 | | 11/10/05 | |
| | | \$100 | 526006 | 12/25/05 | | 12/20/05 | |
| | | \$100 | 526007 | 01/24/06 | | 10/28/06 | |
| | | \$100 | 526008 | 02/23/06 | | 10/28/06 | |
| | | \$100 | 526009 | 03/25/06 | | 10/28/06 | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|---------------------------|------------|-----------------|----------|---------------|----------------|
| Shell Construction, Inc. (con't) (09/26/05) | \$100.00 | 526010 | 04/24/06 | | 09/13/06 | |
| | \$100.00 | 526011 | 05/24/06 | | 09/13/06 | |
| | \$100.00 | 526012 | 06/23/06 | | 09/13/06 | |
| | \$100.00 | 526013 | 07/23/06 | | 09/13/06 | |
| | \$100.00 | 526014 | 08/22/06 | | 11/02/06 | |
| | \$100.00 | 526015 | 09/21/06 | | 11/02/06 | |
| | \$100.00 | 526016 | 10/21/06 | | 11/02/06 | |
| | \$100.00 | 526017 | 11/20/06 | | 11/02/06 | |
| | \$100.00 | 526018 | 12/20/06 | | 11/14/06 | |
| | \$100.00 | 526019 | 01/19/07 | | 11/30/06 | |
| | \$100.00 | 526020 | 02/18/07 | | 11/30/06 | |
| | \$100.00 | 526021 | 03/20/07 | | 12/18/06 | |
| | \$100.00 | 526022 | 04/19/07 | | 01/10/07 | |
| | \$100.00 | 526023 | 05/19/07 | | 02/02/07 | |
| | \$100.00 | 526024 | 06/18/07 | | 03/01/07 | |
| | \$100.00 | 526025 | 07/18/07 | | 03/12/07 | |
| | \$100.00 | 526026 | 08/17/07 | | 05/07/07 | |
| | \$100.00 | 526027 | 09/16/07 | | 06/27/07 | |
| | \$100.00 | 526028 | 10/16/07 | | 06/27/07 | |
| | \$100.00 | 526029 | 11/15/07 | | 06/27/07 | |
| | \$100.00 | 529030 | 12/15/07 | | 06/27/07 | |
| | \$100.00 | 526031 | 01/14/08 | | 08/13/07 | |
| | \$100.00 | 526032 | 02/13/08 | | 08/13/07 | |
| | \$100.00 | 526033 | 03/14/08 | | 10/24/07 | |
| | \$100.00 | 526034 | 04/13/08 | | 10/24/07 | |
| | \$100.00 | 526035 | 05/13/08 | | 10/24/07 | |
| | \$100.00 | 526036 | 06/12/08 | Y | 05/07/09 | |
| | \$100.00 | 526037 | 07/12/08 | Y | | |
| | \$100.00 | 526038 | 08/11/08 | Y | 05/07/09 | |
| | \$100.00 | 526039 | 09/10/08 | Y | 05/07/09 | |
| \$100.00 | 526040 | 10/10/08 | Y | | | |
| ----- | | | | | | |
| Environmental Affairs Management (12/29/05) | Civil penalty: (\$10,000) | | | | | |
| | OEPA | \$1,000 | 541425 | 03/29/06 | | 03/06/06 |
| | | \$1,000 | 541426 | 03/29/06 | Y | FSC** |
| | | \$1,000 | 541427 | 05/28/06 | Y | FSC** |
| | | \$1,000 | 541428 | 06/27/06 | Y | 12/28/07 |
| | | \$1,000 | 541429 | 07/27/06 | Y | FSC** |
| | | \$1,000 | 541430 | 08/26/06 | Y | FSC** |
| | | \$1,000 | 541431 | 09/25/06 | Y | FSC** |
| | | \$1,000 | 541432 | 10/25/06 | Y | ACT** |
| | Bus Fund | \$1,000 | 541433 | 01/28/06 | | 01/25/06 |
| | \$1,000 | 541434 | 02/27/06 | | 02/25/06 | |
| ----- | | | | | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|---|--|--------------|-----------------|----------|---------------|----------------|
| Cargill, Incorporated (03/03/06 - Consent Decree) * - CD modification on 11/26/08 | Civil penalty: (\$61,538) | | | | | |
| | OEPA | \$30,769 | 551695 | 03/27/06 | | 04/03/06 |
| | RAPCA | \$30,769 | ---- | 03/27/06 | | 03/29/06 |
| | Pay Title V permit fees | \$216,133.86 | | 02/27/06 | | 09/28/05 |
| | Contribute \$75,000 to RAPCA's wood stove replacement program | | | 04/15/06 | | 03/21/06 |
| | Retire B005 | | | 09/01/07 | | 09/14/06 |
| | Install LNB & FGR for B006 | | | 03/03/11 | | |
| | Propose final VOC solvent loss limit for Sidney | | | 02/27/09 | | |
| | Comply w/final VOC solvent loss limit for Sidney | | | 02/27/10 | | |
| | Meet 95% control for VOC or 10 ppm for P067 & P582 at Dayton | | | 02/27/09 | | 06/17/08 |
| | Meet 98% control for VOC for P057, P031, P052, P088 & P072 at Dayton | | | 09/01/10 | | |
| | Meet control equipment operating parameters for P032, P033 and P034 at Dayton | | | 02/28/10 | * | |
| | Test and establish an allowable short-term VOC limit for each scrubber stack serving P032, P033 and P034 at Dayton | | | 02/28/10 | * | |
| | Submit permit apps for P032, P033 and P034 at Dayton to incorporate control equipment operating parameters and VOC emission limits | | | 09/01/10 | * | |
| | Submit PTI app to cap VOC and NOx emissions from Dayton at less than 854 tons/yr | | | 09/01/10 | * | |
| | Comply w/ emission cap for Dayton | | | 09/01/10 | | |
| | Submit odor control optimization report for Dayton | | | 09/01/06 | | 08/29/06 |
| | Meet 90% control for CO or 100 ppm for P067 and P582 at Dayton | | | 02/27/09 | | 06/17/08 |
| | Meet 90% control for CO or 100 ppm for P057, P031, P052, P088 & P072 | | | 09/01/10 | | |
| | ----- | | | | | |
| Sunoco, Inc. (03/20/06-Consent Decree) | SEP Project (\$50,000) | | | | | |
| | Pay contractor for project | | | 04/20/06 | | 08/01/06 |
| | Install SCR for FCCU | | | 12/31/09 | | |

| Facility Name | Milestone or Requirement* | Revenue Deadline ID | Complete in F&O y/n | Check # / Date |
|---|---|---------------------|---------------------|----------------|
| Sunoco, Inc. (con't) (03/20/06-Consent Decree) | Install WGS for FCCU | | 12/31/09 | |
| | Comply w/ NSPS for SO ² and opacity for FCCU | | 12/31/09 | |
| | Comply w/ NSPS for PM for FCCU | | 03/20/06 | 03/20/06 |
| | Comply w/ NSPS for CO for FCCU | | 03/20/08 | 03/27/08 |
| | Reduce NOx emissions from heaters & boilers greater than 40mm Btu/hr by at least 2,189 tons/yr | | 03/20/14 | |
| | Achieve 2/3 of 2,189 tons/yr NOx | | 03/20/10 | |
| | Submit a detailed NOx Control Plan | | 07/20/06 | 07/05/06 |
| | Install a second Claus train & 2 TGUs at the SRP | | 12/31/09 | |
| | Submit optimization study for the SRP | | 09/20/06 | 09/10/06 |
| | Implement recommendations of optimization study for SRP | | 03/20/07 | 03/12/07 |
| | Propose interim performance standards for SRP | | 03/20/07 | 03/12/07 |
| | Submit enhanced O & M plans for SRP and TGUs | | 09/20/06 | 09/08/06 |
| | Submit Phase One review and verification of the TAB and BWON compliance status for 2 refineries | | 11/20/06 | 11/03/06 |
| | Modify procedures for annual review of process information for benzene waste streams | | 09/20/06 | 08/01/06 |
| | Implement annual benzene training for employees | | 06/20/06 | 06/08/06 |
| | Develop SOPs for all benzene control equipment | | 09/20/06 | 09/08/06 |
| | Submit schematics for waste/slop/off-spec oil streams | | 05/20/06 | 05/11/06 |
| | Develop and submit written LDAR | | 09/20/06 | 09/08/06 |
| | Implement an LDAR training program | | 03/20/07 | 03/14/07 |
| | Perform LDAR compliance audit | | 12/20/06 | 12/07/06 |
| | Develop QA & QC procedures for LDAR monitoring | | 07/20/06 | 07/11/06 |
| | Develop LDAR personnel accountability program | | 09/20/06 | 09/08/06 |
| | Submit application to revise Title V permit to incorporate CD requirements | | 09/20/06 | 10/31/06 |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|---|------------|-----------------|-------|---|----------------|
| David Scholl (09/25/06) | Civil penalty: (\$400) | 584589 | 10/25/06 | | 12/11/06* 05/26/07* | |
| * Made a partial payment of \$200 on 12/11/06. \$200 was certified to AGO. A payment of \$180 + \$20 for AGO was made on 5/26/07 | | | | | | |
| Alpha-Omega Chemical Co. (12/14/06) | Civil penalty: (\$4,000) | | | | | |
| | OEPA \$1,000 | 605635 | 05/14/07 | | 08/20/07 | |
| | \$1,000 | 605636 | 09/14/07 | Y | | |
| | \$1,200 | 625637 | 12/14/07 | Y | | |
| | Bus Fund \$ 800 | 625638 | 01/14/07 | Y | 07/29/07 | |
| Astro Manufacturing & Design, Inc. (12/29/06) | Civil penalty: (\$34,000) | | | | | |
| | OEPA \$12,200 | 600221 | 01/29/07 | | 01/23/07 | |
| | Bus Fund \$ 6,800 | 600222 | 01/29/07 | | 01/23/07 | |
| | Submit INR | | 01/29/07 | | 11/30/06 | |
| | Submit Semi-annual exceedance reports | | 01/29/07 | | 04/12/07 | |
| | Submit detailed P ² report | | 03/29/07 | | 03/29/07 | |
| | Submit detailed P ² report | | 06/29/07 | | | |
| | Submit detailed P ² report | | 09/29/07 | | | |
| | Submit final P ² report | | 11/29/07 | | | |
| | Submit PTI & Title V permit applications | | 03/01/07 | | 11/30/06 | |
| Gas and Oil, Inc. (03/14/07) | Civil penalty: (\$10,000) | | | | | |
| | OEPA \$8,000 | 607778 | 06/14/07 | Y | BSC | |
| | Bus Fund \$2,000 | 607779 | 06/14/07 | Y | BSC | |
| | Submit ITT | | 04/14/07 | | | |
| | Conduct tests for #2, #3, #15 & #19 | | 06/14/07 | | | |
| | Submit test results | | 07/14/07 | | | |
| | Submit PTO renewal application for #19 | | 04/14/07 | | | |
| Robert Henry and April Garner (07/11/07) | Civil penalty: (\$1,000) | 616290 | 08/11/07 | Y | ACT | |
| Eslich Wrecking Company (07/16/07 - Consent Order) | Civil penalty: (\$44,853) (\$44,853 = 45% of \$99,674) | 623581 | 08/16/07 | | 8/20/2007 | |
| | Submit survey and plan to install protective physical barrier | | 08/16/07 | | | |
| | Install cap | | | | w/i 60 days of OEPA approval of survey & plan | |
| | Grant a new deed | | | | w/i 30 days of OEPA approval of survey | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|--|------------|---|----------|---------------|----------------|
| Avalon Cleaners (08/21/07) | Civil penalty: (\$1,000) | | | | | |
| | OEPA | \$250 | 624475 | 09/21/07 | Y | |
| | | \$250 | 624476 | 10/21/07 | Y | |
| | | \$250 | 624477 | 11/21/07 | Y | |
| | | \$250 | 624478 | 12/21/07 | Y | |
| | Submit records & documentation | | | 01/31/08 | | |
| | Submit records & documentation | | 07/31/08 | | | |
| ----- | | | | | | |
| Tim Weiland (09/06/07) | Civil penalty: (\$250) | | 624378 | 10/06/07 | Y | SKP |
| ----- | | | | | | |
| Alfred Nickles Bakery, Inc. (11/08/07) | Civil penalty: (\$60,250) | | | | | |
| | OEPA | \$46,200 | 634724 | 12/08/07 | | |
| | Bus Fund | \$14,050 | 634725 | 12/08/07 | | |
| | Submit P2 report | | | 02/08/07 | | |
| | Submit P2 report | | | 05/08/07 | | |
| | Submit P2 report | | | 08/08/07 | | |
| | Submit final P2 report | | | 10/08/07 | | |
| | Submit cost documentation | | w/i 30 days of approval of report by OEPA | | | |
| ----- | | | | | | |
| The Premcor Refining Group, Inc. (11/20/07 - Consent Decree) | Civil penalty: (\$800,000) | | | | | |
| | OEPA | \$640,000 | 634775 | 12/20/07 | | 12/19/07 |
| | Bus Fund | \$160,000 | 634776 | 12/20/07 | | 12/19/07 |
| | Submit plan to meet .060 lb NOx/MMBtu for heaters and boilers | | | 12/31/08 | | 12/10/08 |
| | Install controls to meet .060 lb NOx/MMBtu for heaters and boilers | | | 12/31/11 | | |
| | Submit plan to meet .044 lb NOx/MMBtu for heaters and boilers | | | 12/31/10 | | |
| | Install controls to meet .044 lb NOx/MMBtu for heaters and boilers | | | 12/31/13 | | |
| | Submit report that demonstrates compliance with limits for heaters & boilers | | | 03/31/12 | | 03/31/14 |
| | Submit report re: the NOx concentration emissions for the FCCU thru optimization of O2 CS | | | 03/01/12 | | |
| | Submit report that demonstrates compliance w/ <u>interim</u> NOx system-wide average for FCCUs | | | 03/31/11 | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O y/n | C Complete Date | Check # / Date | |
|--|--|------------|---------------------|------------------------|----------------|--|
| The Premcor Refining Group, Inc. (Con't) | Submit report that demonstrates compliance w/ final Nox system-wide average for FCCUs | | 03/31/14 | | | |
| | Commence implementation of SO2 ad-sorbing catalyst additive protocol for FCCU | | 11/20/07 | 09/07/07 | | |
| | Comply w/ CO emission limit for FCCU | | 02/20/08 | 11/20/07 | | |
| | Comply w/ opacity and PE limits for FCCU | | 12/31/13 | | | |
| | Submit alternative monitoring plan application for NSPS subpart J monitoring for SO2 at FCCU | | 12/31/08 | 12/19/08 | | |
| | Discontinue burning of fuel oil in heaters and boilers | | 11/20/07 | 08/16/07 | | |
| | Determine compliance w/ 6 BQ compliance option & submit a Benzene Waste NESHAP Compliance Review and Verification Report | | 03/01/08 | 03/14/08 | | |
| | Submit a report re: carbon canisters installed pursuant to Subpart FF | | 02/20/08 | 02/12/08 | | |
| | Develop annual training program for employees that draw benzene waste samples | | 02/20/08 | 03/19/08 | | |
| | Develop SOPs for all control equipment used to comply w/ Benzene Waste NESHAP and complete initial training re: SOPs | | 11/20/08 | 05/19/08* 02/12/09* | | |
| | | | | * Develops SOP | ** Training | |
| | Develop and implement procedures to ensure QA/QC for all LDAR data | | 02/20/08 | 01/25/08 | | |
| | Develop program to hold LDAR personnel accountable for LDAR performance | | 11/20/07 | 06/28/07 | | |
| | Establish a tracking program for valves and pumps that should be added to LDAR program | | 11/20/08 | 01/25/08 | | |
| | Reroute any SRP sulfur pit emissions to eliminate emissions | | 11/20/08 | 11/03/08 | | |
| | Provide description of causes of all acid gas flaring incidents from 1/1/02 thru 12/31/06 | | 11/20/08 | 08/11/08 | | |
| | Submit compliance plan for flaring devices | | 12/30/09 | | | |
| | Certify compliance for all flaring devices | | 12/31/13 | | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|---|--|------------|-----------------|----------|---------------|----------------|
| The Premcor Refining Group, Inc. (Con't) | Complete design of compressor system for P025 | | 12/20/07 | | 01/03/08 | |
| | Complete installation of compressor system for P025 | | 04/01/08 | | 04/01/08 | |
| | Submit T5 permit applications to incorporate emission limits required by Consent Decree | | 12/31/07 | | 06/12/08 | |
| | Pay \$200,000 to develop and implement a Traffic Signal Synchronization study for City of Lima | | 02/20/08 | | 01/25/08 | |
| | Install controls for unregulated and uncontrolled relief vents at Refinery (spend \$675,000 for SEP) | | 12/30/09 | | | |
| | Submit plan for the Lima Infrared Camera Imaging Project (spend \$50,000 for SEP) | | 02/20/08 | | 02/12/08 | |
| | Transfer \$200,000 to LADCO for PM 2.5 specification | | 02/20/08 | | 01/18/08 | |
| | Transfer \$50,000 to Ohio Environmental Council for control of emissions from municipal trucks and buses | | 02/20/08 | | 01/18/08 | |
| ----- | | | | | | |
| E. I. Du Pont de Nemours & Company (11/06/07 - Consent Decree) | Civil penalty: (\$550,000) | | | | | |
| | OEPA \$440,000 | 634777 | 12/06/07 | | 12/19/07 | |
| | Bus Fund \$110,000 | 634778 | 12/06/07 | | 12/19/07 | |
| | Comply w/ short-term SO2 emission limit of 2.2 lbs/ton | | 03/01/11 | | | |
| | Comply w/ Mass Cap of 281 TPY | | 03/01/13 | | | |
| | Submit proposed O&M Plan for short-term SO2 limit | | 11/01/10 | | | |
| | Submit a complete T5 permit application for Consent Decree SO2 limits | | 09/01/11 | | | |
| ----- | | | | | | |
| Converters Prepress (12/06/07 - Consent Order) | Civil penalty: (\$5,004) | | | | | |
| | OEPA \$139 | 644190 | 01/06/08 | | 02/22/08 | |
| | \$139 | 644191 | 02/06/08 | | 03/26/08 | |
| | \$139 | 644192 | 03/06/08 | | 03/26/08 | |
| | \$139 | 644193 | 04/06/08 | | 04/04/08 | |
| | \$139 | 644194 | 05/06/08 | | 05/05/08 | |
| | \$139 | 644195 | 06/06/08 | | 05/30/08 | |
| | \$139 | 644196 | 07/06/08 | | 07/14/08 | |
| \$139 | 644197 | 08/06/08 | | 08/04/08 | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|---|---------------------------|------------|-----------------|-------|---------------|----------------|
| Converters Prepress (con't) (12/06/07 - Consent Order) | \$139 | 644198 | 09/06/08 | | 08/29/08 | |
| | \$139 | 644199 | 10/06/08 | | 09/29/08 | |
| | \$139 | 644200 | 11/06/08 | | 11/06/08 | |
| | \$139 | 644201 | 12/06/08 | | 12/02/08 | |
| | \$139 | 644202 | 01/06/09 | | 12/30/08 | |
| | \$139 | 644203 | 02/06/09 | | 02/09/09 | |
| | \$139 | 644204 | 03/06/09 | | 03/11/09 | |
| | \$139 | 644205 | 04/06/09 | | 03/31/09 | |
| | \$139 | 644206 | 05/06/09 | | 05/05/09 | |
| | \$139 | 644207 | 06/06/09 | | 06/01/09 | |
| | \$139 | 644208 | 07/06/09 | | 07/06/09 | |
| | \$139 | 644209 | 08/06/09 | | 08/07/09 | |
| | \$139 | 644210 | 09/06/09 | | | |
| | \$139 | 644211 | 10/06/09 | | | |
| | \$139 | 644212 | 11/06/09 | | | |
| | \$139 | 644213 | 12/06/09 | | | |
| | \$139 | 644214 | 01/06/10 | | | |
| | \$139 | 644215 | 02/06/10 | | | |
| | \$139 | 644216 | 03/06/10 | | | |
| | \$139 | 644217 | 04/06/10 | | | |
| | \$139 | 644218 | 05/06/10 | | | |
| | \$139 | 644219 | 06/06/10 | | | |
| | \$139 | 644220 | 07/06/10 | | | |
| | \$139 | 644221 | 08/06/10 | | | |
| | \$139 | 644222 | 09/06/10 | | | |
| \$139 | 644223 | 10/06/10 | | | | |
| \$139 | 644224 | 11/06/10 | | | | |
| \$139 | 644225 | 12/06/10 | | | | |

| | | | | | | |
|---|---------------------------|--------|--------|----------|----------|--|
| Real Spaces Property for Rent (12/31/07) | Civil penalty: (\$17,700) | | | | | |
| | OEPA | \$ 600 | 645338 | 01/30/08 | 02/07/08 | |
| | | \$ 600 | 645339 | 02/29/08 | 03/12/08 | |
| | | \$ 600 | 645340 | 03/30/08 | 05/05/08 | |
| | | \$ 600 | 645341 | 04/29/08 | 06/09/08 | |
| | | \$ 600 | 645342 | 05/29/08 | 07/03/08 | |
| | | \$ 600 | 645343 | 06/28/08 | 08/04/08 | |
| | | \$ 600 | 645344 | 07/28/08 | 09/11/08 | |
| | | \$ 600 | 645345 | 08/27/08 | 11/17/08 | |
| | | \$ 600 | 645346 | 09/26/08 | 01/13/09 | |
| | | \$ 600 | 645347 | 10/26/08 | Y | |
| | | \$ 600 | 645348 | 11/25/08 | Y | |
| | | \$ 600 | 645349 | 12/25/08 | Y | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|---|--|------------|-----------------|-------|---------------|----------------|
| Real Spaces Property for Rent (con't) (12/31/07) | \$ 600 | 645350 | 01/24/09 | Y | | |
| | \$ 600 | 645351 | 02/23/09 | Y | | |
| | \$ 600 | 645352 | 03/25/09 | Y | | |
| | \$ 600 | 645353 | 04/24/09 | Y | | |
| | \$ 600 | 645354 | 05/24/09 | Y | | |
| | \$ 600 | 645355 | 06/23/09 | Y | | |
| | \$3,360 | 645356 | 07/23/09 | Y | | |
| Bus Fund | \$3,560 | 645357 | 07/23/09 | Y | | |
| Christopher Vincent (02/15/08) | Civil penalty: (\$1,000) | 653134 | 03/16/08 | Y | | ACT |
| James Brown 3/11/2008 | Civil penalty: (\$750) | 653125 | 04/11/08 | Y | | ACT |
| Bates Recycling, Inc. (06/04/08) | Civil penalty: (\$1,000) | 657594 | 06/18/08 | Y | | |
| Craig Eddy (06/04/08) | Civil penalty: (\$750) | 657302 | 07/04/08 | Y | | |
| Warren Ropp (06/02/08) | Civil penalty: (\$250) | 657293 | 07/02/08 | Y | | |
| JR's Truck Parts (06/02/08) | Civil penalty: (\$500) | 657294 | 07/02/08 | Y | | |
| Peter Backer (07/01/08) | Civil penalty: (\$750) | 657790 | 07/31/08 | Y | | |
| W. A. Miller (07/16/08) | Civil penalty: (\$1,000) | 666334 | 08/16/08 | Y | | * |
| | * Partial payment of \$350 received 10/20/08 | | | | | |
| Lanny Reynolds (07/16/08) | Civil penalty: (\$750) | 666335 | 08/16/08 | Y | | |
| Lance Dudgeon (07/09/08) | Civil penalty: (\$500) | 659540 | 08/09/08 | Y | | |
| Johnathan Strickland (07/16/08) | Civil penalty: (\$2,000) | 666331 | 08/16/08 | Y | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|--|------------------------------------|--|----------|---------------|----------------|
| Luci, Inc. (07/08/08) | Civil penalty: (\$10,000) | | | | | |
| | OEPA \$8,000 | 659538 | 08/08/08 | | | |
| | Bus Fund \$2,000 | 659539 | 08/08/08 | | | |
| ----- | | | | | | |
| Ford Motor Company (07/31/08) | Civil penalty: (\$1,400,000) | | | | | |
| | OEPA \$1,120,000 | 666337 | 08/31/08 | | 08/18/08 | |
| | Bus Fund \$ 280,000 | 666338 | 08/31/08 | | 08/18/08 | |
| | Shut down cupola 3 and mold line 7 | | 12/31/08 | | 12/11/08 | |
| Shut down cupola 1 & 2 and mold lines 2 & 3 | | 12/31/10 | | | | |
| ----- | | | | | | |
| Douglas Kehres (08/13/08) | Civil penalty: (\$500) | 666363 | 09/13/08 | Y | | |
| ----- | | | | | | |
| Great Lakes Crushing Ltd. (10/01/08) | Civil penalty: (\$12,000) | | | | | |
| | OEPA \$9,600 | 686990 | 10/31/08 | Y | 09/10/09* | |
| | Bus Fund \$2,400 | 686991 | 10/31/08 | Y | 04/23/09* | |
| * Paid the \$9,600 plus \$1,095.45 in interest to AGO Revenue recovery. Ago tool \$1,069.55 for its collection efforts. ** AGO took \$240 of this amount for its collect efforts. | | | | | | |
| ----- | | | | | | |
| Erie Materials, Inc. (09/24/08 - consent Order) | Civil penalty: (\$180,000) | | | | | |
| | OEPA \$144,000 | 686933 | 10/24/08 | | 12/03/08 | |
| | Bus Fund \$ 36,000 | 686932 | 10/24/08 | | 12/03/08 | |
| | Conduct emission testing | | w/i 60 days of permit issuance or w/l 60 days of startup of 2009 season if permit issued after | | | |
| | Pay emissions fees of \$7,330 for 1995 thru 2007 for Sandusky and for 1999 thru 2005 for Portage | | 10/24/08 | | 10/09/08 | |
| ----- | | | | | | |
| Robert Montgomery, Sr., d.b.a. Montgomery Auto Salvage (10/16/08) | Civil penalty: (\$3,000) | 688462 | 11/15/08 | Y | | |
| ----- | | | | | | |
| Re-Gen, Inc. (01/15/09 - Consent Order) | Civil penalty: (\$70,000) | | | | | |
| | OEPA \$28,000 | 709526 | 02/14/09 | | 02/11/09 | |
| | \$28,000 | 709527 | 01/15/10 | | | |
| | Bus Fund \$ 7,000 | 709528 | 02/14/09 | | 02/11/09 | |
| | \$ 7,000 | 709529 | 01/15/10 | | | |
| Submit complete approvable synthetic minor PTIO app. | | w/i 60 days of resuming operations | | | | |
| Submit FERs for 1999-2007 & pay \$8,000 in past emission | | upon receipt of invoice from OEPA | | 06/12/09 | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|---|--|------------|-----------------|----------|---------------|----------------|
| Ultimate Industries, Inc. (02/05/09 - Consent Order) | Civil penalty: (\$4,200) | | | | | |
| | OEPA | \$175 | 712529 | 03/05/09 | | 05/12/09 |
| | | \$175 | 712530 | 04/05/09 | | 06/15/09 |
| | | \$175 | 712531 | 05/05/09 | | 08/07/09 |
| | | \$175 | 712532 | 06/05/09 | | 09/28/09 |
| | | \$175 | 712533 | 07/05/09 | | |
| | | \$175 | 712534 | 08/05/09 | | |
| | | \$175 | 712535 | 09/05/09 | | |
| | | \$175 | 712536 | 10/05/09 | | |
| | | \$175 | 712537 | 11/05/09 | | |
| | | \$175 | 712538 | 12/05/09 | | |
| | | \$175 | 712539 | 01/05/10 | | |
| | | \$175 | 712540 | 02/05/10 | | |
| | | \$175 | 712541 | 03/05/10 | | |
| | | \$175 | 712542 | 04/05/10 | | |
| | | \$175 | 712543 | 05/05/10 | | |
| | | \$175 | 712544 | 06/05/10 | | |
| | | \$175 | 712545 | 07/05/10 | | |
| | | \$175 | 712546 | 08/05/10 | | |
| | | \$175 | 712547 | 09/05/10 | | |
| | \$175 | 712548 | 10/05/10 | | | |
| | \$175 | 712549 | 11/05/10 | | | |
| | \$175 | 712550 | 12/05/10 | | | |
| | \$175 | 712551 | 01/05/11 | | | |
| | \$175 | 712552 | 02/05/11 | | | |
| ----- | | | | | | |
| N-Viro International Corp. (03/24/09) | Civil penalty: (\$16,000) | | | | | |
| | OEPA | \$4,000 | 707974 | 07/22/09 | | 07/21/09 29631 |
| | | \$4,000 | 707975 | 10/20/09 | | 10/19/09 29861 |
| | | \$4,000 | 707976 | 01/18/10 | | 01/15/10 30034 |
| | | \$4,000 | 707977 | 04/18/10 | | |
| | Bus Fund | \$4,000 | 707978 | 04/23/09 | | 04/22/09 29426 |
| ----- | | | | | | |
| Brush Wellman, Inc. (03/24/09) | Civil penalty: (\$40,000) | | | | | |
| | OEPA | \$28,000 | 711745 | 04/24/09 | | 03/26/09 |
| | Bus Fund | \$12,000 | 711746 | 04/24/09 | | 03/26/09 |
| | Install 3 TRIBO.d2 particulate emission monitors | | | 09/24/09 | | |
| Submit documentation of SEP cost | | | 10/24/09 | | | |
| ----- | | | | | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date | |
|---|---|------------|---|----------|---------------|----------------|--|
| Chemtrade Logistics Inc/Marcule (04/02/09 - Consent Decree) | Civil penalty: (\$120,000) | | | | | | |
| | OEPA \$72,000 | 712639 | 05/02/09 | | 05/26/09 | 280088323 | |
| | Bus Fund \$24,000 | 712640 | 05/02/09 | | 05/26/09 | 280088325 | |
| | ODNR \$24,000 | | 05/02/09 | | | | |
| | Comply w/ short-term and long-term SO2 emission rates: | Oregon | | 07/01/11 | | | |
| | | Cairo | | 07/01/11 | | | |
| | Comply w/ acid mist emission rate: | Oregon | | 04/02/09 | | | |
| | | Cairo | | 07/01/11 | | | |
| | Install SO2 CEMS: | Oregon | | 07/01/11 | | | |
| | | Cairo | | 07/01/11 | | | |
| | Perform compliance tests: | Oregon | | 07/01/11 | | | |
| | | Cairo | | 07/01/11 | | | |
| | Submit O&M Plans: | Oregon | | 07/01/11 | | | |
| | | Cairo | | 07/01/11 | | | |
| | Submit permit applications: | Oregon | | 07/01/11 | | | |
| Cairo | | | 07/01/11 | | | | |
| Oregon | | | 01/01/13 | | | | |
| Submit report re: how compliance will be | Cairo | | (365 days after acceptance of short-term limit) | | | | |
| | Oregon | | 07/01/11 | | | | |
| Cairo | | | 07/01/11 | | | | |
| | | | | | | | |
| ----- | | | | | | | |
| Lagrange Township Trustees (04/14/09) | Civil penalty: (\$250) | 713233 | 05/14/09 | Y | 07/26/09 | 23728 | |
| | Report the results of vehicle inspections | | 12/31/09 | | | | |
| ----- | | | | | | | |
| George Rank (04/16/09) | Civil penalty: (\$500) | 713237 | 05/16/09 | Y | | | |
| ----- | | | | | | | |
| Richard Morrow (05/01/09) | Civil penalty: (\$3,000) | 713246 | 05/15/09 | Y | | | |
| ----- | | | | | | | |
| Container Recyclers, Inc. (d.b.a. Columbus Steel Drum) (06/08/09 Amended Consent Order for stipulated penalties) | Civil penalty: (\$87,050) | | | | | | |
| | OEPA \$21,762.50 | 713429 | 10/23/09 | | 10/21/09 | 22101 | |
| | \$21,762.50 | 713430 | 01/18/10 | | | | |
| | \$21,762.50 | 713431 | 04/16/10 | | | | |
| | Bus Fund \$10,881.25 | 713432 | 06/05/09 | | 06/01/09 | 21779 | |
| | \$10,881.25 | 713433 | 07/17/09 | | 07/16/09 | 21859 | |
| ----- | | | | | | | |
| Plasti-Kote Company, Inc. (06/17/09) | Civil penalty: (\$240,000) | | | | | | |
| | OEPA \$192,000 | 714631 | 07/01/09 | | 08/21/09 | 6000197973 | |
| | Bus Fund \$ 48,000 | 714632 | 07/17/09 | | 08/21/09 | 6000197973 | |
| | Submit either a Title V permit app or synthetic minor PTI/FESOP app | | 10/17/09 | | | | |
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| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|---|---|------------|-----------------|-----------------------------------|-----------------------------------|----------------|
| T. S. Trum Industries, Inc. (06/17/09) | Civil penalty: (\$85,200) | | | | | |
| | OEPA \$68,160 | 714704 | 07/17/09 | | 06/25/09 | 146684 |
| | Bus Fund \$17,040 | 714705 | 07/17/09 | | 06/25/09 | 146683 |
| | Conduct emission tests | | 08/07/09 | | | |
| | Submit test report | | 09/07/09 | | | |
| Village of Gloria Glens (06/18/09) | Civil penalty: (\$250) | 714659 | 07/18/09 | | 09/18/09 | 9925 |
| | Have all vehicles tested and report results | | 12/31/09 | | | |
| Village of North Randall (06/30/09) | Civil penalty: (\$1,500) | 714660 | 07/30/09 | Y | | |
| | Have all vehicles tested and report results | | 12/31/09 | | | |
| Precision Aggregates III, LLC (07/08/09) | Civil penalty: (\$15,000) | | | | | |
| | OEPA \$4,500 | 715181 | 09/15/09 | | 09/14/09 | 5008 |
| | \$7,500 | 715182 | 09/15/10 | | | |
| | Bus Fund \$3,000 | 715183 | 09/15/09 | | 09/14/09 | 5010 |
| Village of Oakwood (07/07/09) | Civil penalty: (\$2,500) | 714842 | 08/07/09 | | 08/17/09 | 49645 |
| | Have all vehicles tested and report results | | 11/02/09 | | | |
| The Belden Brick Company, L.L. (07/06/09 - Consent Decree) | Civil penalty: (\$850,000) | | | | | |
| | OEPA \$170,000 | 717042 | 08/06/09 | | 08/17/09 | 9044400714 |
| | \$170,000 | 717043 | 07/06/10 | | | |
| | \$170,000 | 717044 | 01/06/11 | | | |
| | \$170,000 | 717045 | 07/06/11 | | | |
| | Bus Fund \$170,000 | 717046 | 08/06/09 | | 08/17/09 | 9044400715 |
| | Pay \$334,514.43 for Title V permit emission fees for CY 2001 thru 2006 | | | | Upon receipt of invoice from OEPA | |
| | Submit SO2 FERs for CY 1993 thru 2000 | | 01/06/10 | | | |
| For Plant 8, pay difference in emission fees for CY 1999 and 2000 | | | | Upon receipt of invoice from OEPA | | |
| Cleveland Board of Education (E-Check) (08/11/09) | Civil penalty: (\$5,000) | 726483 | 09/11/09 | | 09/01/09 | 800046 |
| | Have all vehicles tested and report results | | 12/31/09 | | | |
| Saif Khan, d.b.a. Lakeland Citgo (08/20/09) | Civil penalty: (\$10,000) | | | | | |
| | OEPA \$ 500 | 726488 | 09/20/09 | | 08/06/09 | 23336993 |
| | \$2,500 | 726489 | 12/20/09 | | 11/30/09 | 23469420 |
| | \$2,500 | 726490 | 03/20/10 | | | |
| | \$2,500 | 726491 | 06/20/10 | | | |
| | Bus Fund \$2,500 | 726492 | 09/20/09 | | 08/06/09 | 23336992 |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|--|------------|--------------------------------|-------|---------------|----------------|
| Joseph Parker (08/18/09) | Civil penalty: (\$250) | 725188 | 09/18/09 | Y | | |
| The Shelly Holding Company, et (09/02/09 - Court Order) | Civil penalty: (\$350,123.52) | | 10/02/09 | | | |
| Speedway SuperAmerica, LLC (09/22/09) | Civil penalty: (\$35,880) | | | | | |
| | OEPA \$28,704 | 727238 | 10/05/09 | | 09/29/09 | 960292 |
| | Bus Fund \$ 7,176 | 727239 | 10/22/09 | | 09/29/09 | 960291 |
| | Submit weekly inspection records | | 11/14/10 | | | |
| | Submit weekly inspection records | | 11/14/11 | | | |
| | Submit results of static leak and A/L ratio tests for 2010 | | 04/14/10 | | | |
| | | | 09/14/10 | | | |
| | Submit results of static leak and A/L ratio tests for 2011 | | 04/14/10 | | | |
| | | | 09/14/10 | | | |
| Pioneer Environmental Companies (09/22/09) | Civil penalty: (\$7,000) | | | | | |
| | OEPA \$2,100 | 727235 | 10/22/09 | | | |
| | \$3,500 | 727236 | 03/22/10 | | | |
| | Bus Fund \$1,400 | 727237 | 10/22/09 | | | |
| Stein, Inc. (10/13/09) | Civil penalty: (\$50,000) | | | | | |
| | OEPA \$10,000 | 735696 | 05/13/10 | | | |
| | \$10,000 | 735697 | 08/13/10 | | | |
| | \$10,000 | 735698 | 11/13/10 | | | |
| | \$10,000 | 735699 | 02/13/11 | | | |
| | Bus Fund \$10,000 | 735700 | 11/13/09 | | 10/23/09 | 16035 |
| Joseph and Marie Eberz (10/19/09 - CO) | Civil penalty: (\$500) | 735796 | 11/19/09 | | | |
| CertainTeed Corp (10/19/09 - CO) | Civil penalty: (\$230,000) | | | | | |
| | OEPA \$184,000 | 735799 | 11/19/09 | | 11/05/09 | 3802097 |
| | Bus Fund \$ 46,000 | 735800 | 11/19/09 | | 11/05/09 | 3802098 |
| | Submit Title V permit application | | w/i 90 days of issuance of PTI | | | |
| | Submit plan for measuring OC content of stone | | 01/19/10 | | | |
| | Submit FERs for 1993-1996 | | 04/19/10 | | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|---|------------|---|-------|---------------|----------------|
| Aleris International, Inc., et. al. (10/19/09 - CO) | Civil penalty: (\$334,545) | | when U.S. Bankruptcy Court for District of Delaware decides | | | |
| | Install load cells to weigh flux | | 04/29/10 | | | |
| | Submit Capture and Collection System Improvement Plan | | 11/29/09 | | | |
| | Complete all improvements described in CCSIP | | 04/29/10 | | | |
| | Measure fan RPM | | 01/29/10 | | | |
| | Measure static pressure of air curtain | | 01/29/10 | | | |
| | Perform compliance tests | | 10/29/10 | | | |
| | Submit test results | | 12/29/10 | | | |
| | Submit HCI PTE analysis | | 12/29/10 | | | |
| | Conduct additional compliance tests | | 03/29/10 | | | |
| | Comply with all requirements of Subparts A and RRR | | 09/29/10 | | | |
| ----- | | | | | | |
| Circle K Midwest (GDFs 5204, 5209, 5318, 5320, 5557, 5558, 0059 and 5217) (11/04/09) | Civil penalty: (\$100,000) | | | | | |
| | OEPA \$80,000 | 735797 | 12/04/09 | | 11/13/09 | 555299730 |
| | Bus Fund \$20,000 | 735798 | 12/04/09 | | 11/13/09 | 555299731 |
| | Perform static leak & A/L ratio tests at each GDF | | 03/31/10 | | | |
| | | | 08/31/10 | | | |
| | | 03/31/11 | | | | |
| | | 08/31/11 | | | | |
| ----- | | | | | | |
| Rascal House Pizza (11/12/09) | Civil penalty: (\$10,000) | | | | | |
| | OEPA \$1,250 | 746346 | 12/12/09 | | 12/07/09 | 2353 |
| | \$1,250 | 746347 | 03/12/10 | | | |
| | \$1,250 | 746348 | 06/12/10 | | | |
| | \$1,250 | 746349 | 09/12/10 | | | |
| | \$1,250 | 746350 | 12/12/10 | | | |
| | \$1,250 | 746351 | 03/12/11 | | | |
| | \$1,250 | 746352 | 06/12/11 | | | |
| \$1,250 | 746353 | 09/12/11 | | | | |
| ----- | | | | | | |
| Great Plains Exploration (11/12/09) | Civil penalty: (\$19,000) | | | | | |
| | OEPA \$1,000 | 746093 | 03/01/10 | | | |
| | \$1,000 | 746094 | 04/01/10 | | | |
| | \$1,000 | 746095 | 05/01/10 | | | |
| | \$1,000 | 746096 | 06/01/10 | | | |
| | \$1,000 | 746097 | 07/01/10 | | | |
| | \$1,000 | 746098 | 08/01/10 | | | |
| \$1,000 | 746099 | 09/01/10 | | | | |

| Facility Name | Milestone or Requirement* | Revenue | Deadline | C | Complete | Check |
|--|---|----------|----------|----------|----------|------------|
| | | ID | in F&O | y/n | Date | # / Date |
| Great Plains Exploration (con't) (11/12/09) | Civil penalty: (\$19,000) | | | | | |
| | OEPA | \$1,000 | 746100 | 10/01/10 | | |
| | | \$1,000 | 746101 | 11/01/10 | | |
| | | \$1,000 | 746102 | 12/01/10 | | |
| | | \$1,000 | 746103 | 01/01/11 | | |
| | | \$1,000 | 746104 | 02/01/11 | | |
| | | \$1,000 | 746105 | 03/01/11 | | |
| | | \$1,000 | 746106 | 04/01/11 | | |
| | | \$1,000 | 746107 | 05/01/11 | | |
| | Bus Fund | \$1,000 | 746108 | 11/01/09 | | |
| | | \$1,000 | 746109 | 12/01/09 | | |
| | \$1,000 | 746110 | 01/01/10 | | | |
| | \$1,000 | 746111 | 02/01/10 | | | |
| ----- | | | | | | |
| Sunoco, Inc. (Toledo Refinery) (11/12/09) | Civil penalty: (\$32,250) | | | | | |
| | OEPA | \$25,800 | 746355 | 11/26/09 | 11/06/09 | 6900047137 |
| | Bus Fund | \$6,450 | 746356 | 12/12/09 | 11/06/09 | 6900047136 |
| | Complete corrective actions in Finding 15(a) and submit documentation | | | 12/31/09 | | |
| | Correct deficiencies in butane sphere inspection reports & submit documentation | | | 06/30/10 | | |
| | Resolve compliance audit findings in Finding 14(c) and submit documentation | | | 12/31/09 | | |
| | ----- | | | | | |
| Thermo-Rite Manufacturing Company, Inc. (12/02/09) | Civil penalty: (\$36,000) | | | | | |
| | OEPA | \$800 | 747314 | 03/01/10 | 02/26/10 | 52818 |
| | | \$2,000 | 747315 | 04/01/10 | | |
| | | \$2,000 | 747316 | 05/01/10 | | |
| | | \$2,000 | 747317 | 06/01/10 | | |
| | | \$2,000 | 747318 | 07/01/10 | | |
| | | \$2,000 | 747319 | 08/01/10 | | |
| | | \$2,000 | 747320 | 09/01/10 | | |
| | | \$2,000 | 747321 | 10/01/10 | | |
| | | \$2,000 | 747322 | 11/01/10 | | |
| | | \$2,000 | 747323 | 12/01/10 | | |
| | | \$2,000 | 747324 | 01/01/11 | | |
| | | \$2,000 | 747325 | 02/01/11 | | |
| | | \$2,000 | 747326 | 03/01/11 | | |
| | \$2,000 | 747327 | 04/01/11 | | | |
| | \$2,000 | 747328 | 05/01/11 | | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O y/n | C Complete Date | Check # / Date |
|--|---|------------|---------------------|-----------------|----------------|
| Thermo-Rite Manufacturing (con't) Company, Inc. (12/02/09) | Bus Fund \$2,000 | 747329 | 12/01/09 | 11/30/09 | 52386 |
| | \$2,000 | 747330 | 01/01/10 | 12/23/09 | 52520 |
| | \$2,000 | 747331 | 02/01/10 | 01/21/10 | 52664 |
| | \$1,200 | 747332 | 03/01/10 | 02/26/10 | 52819 |
| ----- | | | | | |
| D & R Suply, Inc. (12/02/09) | Civil penalty: (\$20,000) | | | | |
| | OEPA \$5,000 | 746313 | 01/01/10 | 12/22/09 | 3847 |
| | \$2,750 | 746314 | 04/01/10 | | |
| | \$2,750 | 746315 | 07/01/10 | | |
| | \$2,750 | 746316 | 10/01/10 | | |
| | \$2,750 | 746317 | 01/01/11 | | |
| | Bus Fund \$4,000 | 746318 | 12/01/09 | 11/06/09 | 3791 |
| ----- | | | | | |
| Emery Oleochemicals, LLC (12/17/09) | Civil penalty: (\$57,400) | | | | |
| | OEPA \$28,700 | 747345 | 12/31/09 | 12/09/09 | 1004602 |
| | Bus Fund \$28,700 | 747346 | 12/31/09 | 12/09/09 | 1004605 |
| | For odor emission control system for P004 (penalty credit project): | | | | |
| | Submit plans | | 03/01/10 | | |
| | issue purchase orders | | 07/01/10 | | |
| | initiate construction | | 10/01/10 | | |
| | complete construction | | 12/31/10 | | |
| | submit documentation of spending at least \$340,000 | | 01/31/11 | | |
| ----- | | | | | |
| Robert Schiekh (12/22/09) | Civil penalty: (\$750) 747648 01/22/10 | | | | |
| ----- | | | | | |
| D. Todd Hosea, d.b.a. Hosea Project Movers (12/23/09) | Civil penalty: (\$22,000) | | | | |
| | OEPA \$4,400 | | 03/23/10 | | |
| | \$4,400 | | 06/23/10 | | |
| | \$4,400 | | 09/23/10 | | |
| | \$4,400 | | 12/23/10 | | |
| | Bus Fund \$4,400 | | 01/23/10 | 01/25/10 | 2058 |
| ----- | | | | | |
| Randy Wise (12/23/09) | Civil penalty: (\$250) 01/23/10 | | | | |
| ----- | | | | | |
| Ameriseal & Resoration, LLC (12/30/09) | Civil penalty: (\$6,700) | | | | |
| | OEPA \$860 | | 01/15/10 | 01/15/10 | 8845 |
| | \$2,200 | | 02/15/10 | 02/09/10 | 8870 |
| | \$2,300 | | 03/15/10 | | |
| | Bus Fund \$1,340 | | 01/15/10 | 01/15/10 | 8846 |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O y/n | C Complete Date | Check # / Date |
|-----------------------------------|---------------------------|------------|---------------------|-----------------|----------------|
| Mark A. Mirich, d.b.a. | Civil penalty: (\$25,000) | | | | |
| All Demolition (12/28/09 - CO) | OEPA | \$800 | | 02/15/10 | |
| | | \$800 | | 03/15/10 | |
| | | \$800 | | 04/15/10 | |
| | | \$800 | | 05/15/10 | |
| | | \$800 | | 06/15/10 | |
| | | \$800 | | 07/15/10 | |
| | | \$800 | | 08/15/10 | |
| | | \$800 | | 09/15/10 | |
| | | \$800 | | 10/15/10 | |
| | | \$800 | | 11/15/10 | |
| | | \$800 | | 12/15/10 | |
| | | \$800 | | 01/15/11 | |
| | | \$800 | | 02/15/11 | |
| | | \$800 | | 03/15/11 | |
| | | \$800 | | 04/15/11 | |
| | | \$800 | | 05/15/11 | |
| | | \$800 | | 06/15/11 | |
| | | \$800 | | 07/15/11 | |
| | | \$800 | | 08/15/11 | |
| | | \$800 | | 09/15/11 | |
| | | \$800 | | 10/15/11 | |
| | | \$800 | | 11/15/11 | |
| | | \$800 | | 12/15/11 | |
| | | \$800 | | 01/15/12 | |
| | | \$800 | | 02/15/12 | |
| | | \$200 | | 02/15/10 | |
| | | \$200 | | 03/15/10 | |
| | | \$200 | | 04/15/10 | |
| | | \$200 | | 05/15/10 | |
| | | \$200 | | 06/15/10 | |
| | | \$200 | | 07/15/10 | |
| | | \$200 | | 08/15/10 | |
| | | \$200 | | 09/15/10 | |
| | | \$200 | | 10/15/10 | |
| | | \$200 | | 11/15/10 | |
| | | \$200 | | 12/15/10 | |
| | | \$200 | | 01/15/11 | |
| | | \$200 | | 02/15/11 | |
| | | \$200 | | 03/15/11 | |
| | | \$200 | | 04/15/11 | |
| | | \$200 | | 05/15/11 | |
| | | \$200 | | 06/15/11 | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O y/n | C Complete Date | Check # / Date |
|---|---|------------|---------------------|-----------------|----------------|
| All Demolition (con't) (12/28/09 - CO) | | \$200 | | 07/15/11 | |
| | | \$200 | | 08/15/11 | |
| | | \$200 | | 09/15/11 | |
| | | \$200 | | 10/15/11 | |
| | | \$200 | | 11/15/11 | |
| | | \$200 | | 12/15/11 | |
| | | \$200 | | 01/15/12 | |
| | | \$200 | | 02/15/12 | |
| ----- | | | | | |
| Tinkler Construction, Co. (12/30/09 - CO) | Civil penalty: (\$14,500) | | | | |
| | OEPA | \$11,600 | | 01/30/10 | |
| | Bus Fund | \$ 2,900 | | 01/30/10 | |
| ----- | | | | | |
| New Day Farms, LLC, et al. (01/11/10) | Civil penalty: (\$55,200) | | | | |
| | OEPA | \$44,160 | | 02/11/10 | |
| | Bus Fund | \$11,040 | | 02/11/10 | |
| ----- | | | | | |
| ConSun Food Industries, Inc. (01/14/10) | Civil penalty: (\$17,250) | | | | |
| | OEPA | \$1,600 | | 02/14/10 | 02/05/10 |
| | | \$4,000 | | 05/14/10 | |
| | | \$4,000 | | 08/14/10 | |
| | | \$4,200 | | 11/14/10 | |
| | Bus Fund | \$3,450 | | 02/14/10 | 02/05/10 |
| | Perform static leak & A/L ratio tests at each GDF | | | 03/31/10 | |
| | | | | 08/31/10 | |
| | | | | 03/31/11 | |
| | | | | 08/31/11 | |
| ----- | | | | | |
| Brent Saionz, d.b.a. Simon Excavating (01/13/10) | Civil penalty: (\$2,000) | | | | |
| | | | | 01/27/10 | |
| ----- | | | | | |
| The Afco Group (01/20/10) | Civil penalty: (\$1,000) | | | | |
| | OEPA | \$250 | | 02/20/10 | |
| | | \$250 | | 03/18/10 | |
| | | \$250 | | 04/18/10 | |
| | | \$250 | | 05/18/10 | |
| ----- | | | | | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--------------------------------------|---|------------|-----------------|-------|---------------|----------------|
| Lehigh Gas Corporation (01/20/10) | Civil penalty: (\$12,000) | | | | | |
| | OEPA | \$9,600 | | | 02/03/10 | |
| | Bus Fund | \$2,400 | | | 03/05/10 | |
| | Perform static leak & A/L ratio tests at each | GDF | | | 03/31/10 | |
| | | | | | 08/31/10 | |
| | | | | | 03/31/11 | |
| | | | | | 08/31/11 | |
| S. H. Bell Company (02/08/10) | Operate and maintain a mobile, wet suppression system for the straight-sided dock barge unloading and loading, and truck loading (F016) | | | | 01/15/10 | |
| | Install a building enclosure connected to the PA truck load out and vented to the existing baghouse, for the truck dump unloading of incoming materials (F013) | | | | 01/22/10 | |
| | Operate and maintain a mobile, wet suppression system for F009 | | | | 02/15/10 | |
| | Operate and maintain a mobile, wet suppression system for the railcar unloading and loading (F015) | | | | 02/15/10 | |
| | Install capture system and baghouse for F005 and F008 | | | | 03/12/10 | |
| | Cease handling, processing, and storage of AM at the Little England Facility | | | | 03/31/10 | |
| | Install wet suppression system (with impingement spray nozzles) for the dump hoppers in F006 and F007 as an interim control measure until the capture system and baghouse are installed | | | | 04/01/10 | |
| | Cease placing AM storage piles (F002) in any stall-type storage building unless the building has been modified to make it a full enclosure | | | | 06/15/10 | |
| | Install capture system and baghouse for F006 and F007 | | | | 11/19/10 | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O y/n | C Complete Date | Check # / Date |
|--|--|-------------|---------------------|-----------------|----------------|
| S. H. Bell Company (con't) (02/08/10) | Either cease processing AM or install either a wet suppression system with fogging nozzles) or a capture system and baghouse for the building fugitive emissions at P901 | | 11/19/10 | | |
| ----- | | | | | |
| INEOS ABS Corporation (02/04/10 - Consent Decree) | Civil penalty: (\$3,100,000) | | | | |
| | U.S. | \$1,480,000 | | 03/06/10 | |
| | USEPA Hazardous Substances Superfund | \$ 70,000 | | 03/06/10 | |
| | HAMCO | \$ 382,500 | | 03/06/10 | |
| | Bus Fund | \$ 229,500 | | 03/06/10 | |
| | SERC Fund | \$ 20,000 | | 03/06/10 | |
| | OEPA, DAPC | \$ 256,000 | | 03/06/10 | |
| | OEPA, EEF | \$ 612,000 | | 03/06/10 | |
| | ODNR | \$ 50,000 | | 03/06/10 | |
| | Submit summary of FTIR testing and recommend NHVFG | | | 07/06/10 | |
| | Comply with NHVFG of 200 Btu/scf or alternative value approved by USEPA | | | 08/06/10 | |
| | <u>Biofilter milestones:</u> | | | | |
| | Submit work plan | | | 03/21/10 | |
| | Issue purchase orders | | | ~ 05/04/10* | |
| | Initiate construction (Phase I) | | | ~ 06/04/10 | |
| | Complete construction (Phase I) | | | ~ 12/04/10 | |
| | Perform emission testing | | | ~ 3/4/2011 | |
| | Submit monitoring procedures/ maintenance plan | | | ~ 5/4/2011 | |
| | Complete construction (Phase II) | | | ~ 6/1/2011 | |
| | (* ~ assuming 2 weeks to approve work plan) | | | | |
| | Submit a new and/or revised SOP for the Main Duct | | | 03/06/10 | |
| | <u>LDAR program milestones:</u> | | | | |
| | Develop a written facility-wide LDAR Program Plan | | | 05/06/10 | |
| | Monitor all equipment in accordance with more stringent frequencies | | | 05/06/10 | |

| Facility Name | Milestone or Requirement* | Revenue ID | Deadline in F&O | C y/n | Complete Date | Check # / Date |
|--|---|----------------------------------|-----------------|-------|---------------|----------------|
| INEOS ABS Corporation (con't) (02/04/10 - Consent Decree) | Begin replacing "leaking" valves and connectors with "low-leaking" technology | | 11/06/10 | | | |
| | Perform the first audit of the LDAR | | 05/06/10 | | | |
| ----- | | | | | | |
| Spectrum Metal Finishing, Inc. (02/19/10 - Consent Order) | Civil penalty: (\$100,000) | | | | | |
| | OEPA \$20,000 | | 03/31/11 | | | |
| | \$20,000 | | 06/30/11 | | | |
| | \$20,000 | | 09/30/11 | | | |
| | \$20,000 | | 12/31/11 | | | |
| | Bus Fund \$ 5,000 | | 03/31/11 | | | |
| | \$ 5,000 | | 06/30/11 | | | |
| | \$ 5,000 | | 09/30/11 | | | |
| | \$ 5,000 | | 12/31/11 | | | |
| | Submit synthetic minor PTI application for K002 | | 03/21/10 | | | |
| Complete construction of RTO | | w/i 230 days after PTI is issued | | | | |
| Submit odor abatement study | | w/i 90 days of notice by OEPA | | | | |



State of Ohio Environmental Protection Agency

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MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

FEB 18 2010

The Honorable Richard Cordray
Attorney General of Ohio
Office of the Attorney General
Environmental Enforcement Section
State Office Tower, 25th Floor
30 East Broad Street
Columbus, Ohio 43215

Re: Mar-Zane, Inc.

Dear Mr. Cordray:

Pursuant to ORC Section 3704.06, I hereby request that you initiate all necessary legal and/or civil actions against the above-subject party, and all other appropriate parties, and seek appropriate civil penalties for violations of Chapter 3704 of the Ohio Revised Code and regulations adopted thereunder. Enclosed is a copy of the Division of Air Pollution Control ("DAPC's") enforcement file for this matter.

Thank you for your assistance in this matter. Any questions you may have should be directed to John Paulian of the Division of Air Pollution Control's Enforcement Section (644-4832). He and Jim Orlemann, DAPC Enforcement Coordinator, should be kept apprised of the status of this matter and any action taken with regard to it.

Sincerely,

Chris Korleski
Director

xc: Gregg Bachmann, AGO
Jim Orlemann, DAPC
John Paulian, DAPC
Bryan Zima, Legal
Marc Glasgow, Legal
Todd Scarborough, DAPC/CDO
Kelly Toth, DAPC/CDO

Enclosures
CK/JP/jp

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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Ohio EPA
Division of Air Pollution Control

inter-office communication

to: Dale Vitale, Chief, Environmental Enforcement Section, AGO

from: Bryan Zima, Legal Office, and Jim Orlemann, DAPC Enforcement Coordinator

subject: Referral of Mar-Zane, Inc. to the Attorney General's Office
(EC case #2671)

date: February 1, 2010

CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
CONFIDENTIAL LAW ENFORCEMENT INVESTIGATORY RECORD

The Director has requested that the AGO take enforcement action against Mar-Zane, Inc. ("Mar-Zane") for violations of ORC Chapter 3704 and regulations adopted thereunder. A brief synopsis of the case follows. A copy of the case file is attached.

SYNOPSIS OF THE CASE

Mar-Zane owns and operates Plant #1 (Ohio EPA facility ID number 0121010197) located at 2408 Section Line Road, Delaware, Delaware County, Ohio. The facility consists of a raw material handling operation and an asphalt plant (emissions unit P001).

On June 17, 2004, Ohio EPA issued a Permit to Install ("PTI") to National Lime and Stone Company (the previous owner of the facility until purchased by Mar-Zane in 2004) for emissions unit P001 (PTI #01-08778), a 250 TPH asphalt batch plant. The terms and conditions of the PTI allowed the company to burn on-spec used oil in emissions unit P001 provided the oil met the specifications outlined in the permit's Special Terms and Conditions. Used oil containing more than 1,000 PPM halogen is presumed to be a hazardous waste per 40 CFR Part 266.40(c) and OAC Chapter 3745-279. Section II, B., Special Terms and Conditions, paragraph 2.c. permitted the company to burn used oil containing more than 1,000 PPM (but less than 4,000 PPM) halogens provided that the used oil supplier had demonstrated to the Ohio EPA's Division of Hazardous Waste Management ("DHWM") that the on-spec used oil did not contain hazardous waste.

Mar-Zane began burning used oil containing greater than 1,000 PPM halogens in emissions unit P001 on October 26, 2004, and continued using this fuel through at least July 14, 2007. Neither Mar-Zane nor its supplier, Usher Oil, contacted DHWM prior to the use of this used oil as a fuel at the facility, in violation of Part II, Section B., paragraph 2.c. of 01-12005 and ORC § 3704.05(C).

On April 25, 2006, Ohio EPA issued PTI 01-12005 to Mar-Zane for emissions unit P001, a 325 TPH double drum-mix asphalt plant controlled by a baghouse. The terms and conditions of the PTI restricted volatile organic compound ("VOC") emissions from emissions unit P001 when burning on-spec used oil, #2 fuel oil, #4 fuel oil, or #6 fuel oil, to less than 14.3 pounds per hour ("lbs/hr").

Mar-Zane did not submit a Permit to Operate ("PTO") application within 90 days of commencing operation of emissions unit P001, in violation of OAC Rule 3745-35-02(B)(5) and Part I, Section A., paragraph 13 of PTI 01-12005.

On October 16, 2006, Mar-Zane conducted emissions testing for VOCs from emissions unit P001. The results of this test were 34.1 lbs/hr, in violation of Part II, Section A., paragraph 1. of PTI 01-12005 and ORC § 3704.05(C).

Based on the results of this test, on October 4, 2007, Ohio EPA, Division of Air Pollution Control, Central District Office ("CDO") issued a Notice of Violation ("NOV") to Mar-Zane citing it with operating emissions unit P001 out of compliance with the VOC emissions rate established by PTI 01-12005. In the NOV, CDO requested that Mar-Zane submit a compliance plan and schedule that included completing additional burner tuning for emissions unit P001, re-evaluation of plant operations and maintenance, and scheduling another emissions test to demonstrate compliance with the PTI limits.

On June 16, 2008, Mar-Zane conducted a second emissions test for VOCs for emissions unit P001. The results of this test were 83.1 lbs/hr, again in violation of the limit specified in PTI 01-12005. The higher emission rate was attributed to operational problems that occurred during the testing.

On August 13, 2008, Mar-Zane conducted a third emissions test for VOCs for emissions unit P001. The results of this test were 18.5 lbs/hr, still in violation of PTI 01-12005.

On May 6, 2009, Mar-Zane submitted a request for an administrative modification of PTI 01-12005 to increase the VOC emissions limit for emissions unit P001 from 14.3 lbs/hr to 52.23 lbs/hr and 20.1 tons per year.

This request was returned to Mar-Zane on May 15, 2009, as incomplete (i.e., "dead-ended" in STARS 2). DAPC/CDO initially determined that an increase in allowable emissions would require a Chapter 3745-31 modification of the permit and issuance of a new Permit to Install and Operate ("PTIO"). DAPC Central Office has subsequently determined that an administrative modification of the permit is acceptable as there has been no modification to the facility that would have increased VOC emissions.

Based on the emissions testing data from the August 13, 2008, test, Ohio EPA has re-evaluated the Best Available Technology determination for emissions unit P001 and has proposed increasing the permitted VOC emissions limit for the emissions unit to 21.28 lbs/hr. This limit will be incorporated into Mar-Zane's existing PTI as an administrative modification of the existing permit after Mar-Zane submits a new request for an administrative modification of the permit.

Proposed Director's Final Findings and Orders with proposed civil penalty of \$65,975 were sent to Mar-Zane on September 29, 2009, to resolve the violations described above.

Ohio EPA received Mar-Zane's response to the proposed orders on November 16, 2009. In this letter, Mar-Zane disputed all of the violations cited in the proposed Findings and Orders, with the exception of the PTO violation, and offered approximately \$7,500 to resolve the case.

Specifically, Mar-Zane has disputed the penalty for the amount above standard for excess VOC emissions as the emissions limit used (i.e., the proposed 21.28 lbs/hr. VOC emissions limit) has not been incorporated into the permit. Mar-Zane also stated that the proposed emissions limit is too low and not representative of normal operations.

Mar-Zane has also disputed the penalty regarding the duration of the violation of operating the facility above the permitted VOC emission rate. Mar-Zane has yet to demonstrate compliance with the VOC limit in PTI 01-12005. Ohio EPA has chosen to calculate the duration of this penalty beginning with the failed October 16, 2006, and ending with the August 13, 2008 stack test that demonstrated compliance with the proposed emissions limit. This duration was also based on the assumption of an eight-month per year operating season for asphalt plants. Mar-Zane, citing the court's decision in the Shelly case, has argued that Ohio EPA has evidence for only three days of violations, based on the results from the stack tests conducted at the facility.

Finally, Mar-Zane denies that it violated the terms and conditions of PTI 01-12005 despite the fact that the company never contacted Ohio EPA's Division of Hazardous Waste Management prior to burning used oil with a halogen content of greater than 1,000 ppm beginning in 2004.

After evaluating Mar-Zane's response, on January 11, 2010, Ohio EPA responded to Mar-Zane via electronic mail. Although Ohio EPA did not concur with Mar-Zane's arguments regarding any of the violations, Ohio EPA proposed to mitigate the penalty by 30% and presented a counteroffer of \$46,475 to settle the case.

Mar-Zane responded to Ohio EPA on January 26, 2010, again stating that it disputed all of the violations with the exception of the failure to submit a PTO and that it felt that enforcement was unwarranted. Mar-Zane revised its counteroffer to \$975.

Negotiations between the parties have not resulted in a resolution of this case. Ohio EPA and Mar-Zane have not been able to come to an agreement regarding either the cited violations or an acceptable civil penalty.

STATUTE OF LIMITATIONS

Under the statute of limitations law, ORC § 3745.31, any action under any environmental law for civil or administration penalties of any kind brought by any agency or department of the State or by any other governmental authority charged with enforcing environmental laws shall be commenced within five years of the time the agency, department, or governmental authority actually knew or was informed of the occurrence, omission, or facts

on which the cause of action is based. A conservative interpretation of ORC § 3745.31 would mean that Ohio EPA actually knew or was informed of the violations on December 11, 2006 when the results from the October 16, 2006, stack test were received. Therefore, the Attorney General's Office has five years from that date to pursue civil penalties for the aforementioned violations.

RECOMMENDATION

This case is being referred to the AGO to be resolved by obtaining a consent order or court order requiring Mar-Zane to correct any remaining violations at its facility and pay a substantial civil penalty for the violations of its permit.

XC: Marc Glasgow, Legal
John Paulian, DAPC



State of Ohio Environmental Protection Agency

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Columbus, OH 43216-1049

FEB 24 2010

CERTIFIED MAIL

Mr. Dan Gennaro
Manager
Barrett Paving Materials, Inc.
600 Shepherd Lane
Cincinnati, Ohio 45215

Re: Air pollution control permit and law violations at Barrett Paving Materials, Inc.'s facilities located at: a) 107 River Circle Drive ("Fairfield Facility"), Fairfield, Ohio; b) 4000 Turtle Creek Road ("Turtle Creek Facility"), South Lebanon, Ohio; c) 387 Smalley Rd. ("Reading Facility"), Reading, Ohio; and d) 1466 West Mason Morrow Millgrove Road ("West Mason Facility"), South Lebanon, Ohio

Dear Mr. Gennaro:

My staff has informed me of the violations of ORC § 3704.05(C) associated with Barrett Paving Materials, Inc.'s ("Barrett") asphaltic concrete production facilities located at the above addresses. I also have also been informed that Barrett Paving Materials, Inc. has shut down the Turtle Creek Facility, and has cooperated with the Hamilton County Department of Environmental Services, Ohio EPA's contractual representative in Butler, Hamilton and Warren counties, by bringing the facilities into compliance and committing to conduct inspections of the ductwork of the baghouses located at your facilities.

In order to resolve this matter, I am proposing to issue the enclosed Findings and Orders prepared by my staff, which includes a provision for the settlement of the claims for civil penalties for the violations that occurred. I am proposing the use of Findings and Orders because this is the most expeditious means of resolving the violations. Because this letter and the attached documents summarize a proposed settlement, I consider them inadmissible for any purpose in any enforcement action the State may take if settlement cannot be reached.

Please note that the proposed Findings and Orders include a voluntary provision for a portion of the total civil penalty amount to go toward the funding of a supplemental environmentally beneficial project. The project involves diverting 20 percent of the total civil penalty amount to go toward funding an Ohio EPA program for the retrofitting of school buses with control equipment to reduce diesel particulate emissions. This has the primary benefits of reducing children's exposure to harmful diesel exhaust emissions and helping attain the National Ambient Air Quality Standards for fine particulate emissions (i.e., particles less than 2.5 microns in diameter). A copy of information on this program is

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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Mr. Dan Gennaro
Barrett Paving Materials, Inc.
Page 2 of 2

enclosed with this letter for your information.

Please review the attached documents carefully. If you have any questions concerning the proposed Findings and Orders, or if you would like to arrange a meeting or conference call to try to reach a settlement, please contact Stephen Feldmann, Ohio EPA Attorney, at (614) 644-3037. If he does not hear from Barrett Paving Materials, Inc. within fourteen (14) days of the receipt of this letter concerning its willingness to accept the Findings and Orders as currently written, or with mutually agreed upon modifications, I will consider alternative enforcement mechanisms including referral of the matter to the Ohio Attorney General's Office for legal action.

A copy of Ohio EPA's guidance document on the administrative enforcement process is enclosed for your information and to facilitate your review of the attached Findings and Orders and your understanding of the Division of Air Pollution Control's administrative enforcement process.

I hope that Barrett Paving Materials, Inc. and Ohio EPA are able to resolve this matter via the enclosed proposal, and I thank you in advance for your cooperation.

Sincerely,



Chris Korleski
Director

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Patty Porter, DAPC
Stephen Feldmann, Legal Office
Kurt Smith/Kerri Castlen, HCDES

Enclosures

CK:PP:pp

General Guidelines for Ohio EPA's Program for the Retrofitting of School Buses with Control Equipment to Reduce Diesel Particulate Emissions

The following questions and answers explain the Ohio EPA's program for the retrofitting of school buses with emission control equipment and provide the general guidelines that must be followed by any school system that participates in the program.

1. Why is there a need to reduce diesel particulate emissions from school buses?

The exhaust gases from diesel, school bus engines contain significant amounts of organic compounds, carbon monoxide, nitrogen oxides (NOx) and fine particulates. If inhaled, the fine particulates are so small that they are able to penetrate deep into the lungs and pose serious health risks such as aggravated asthma and lung damage. In addition, USEPA has identified diesel exhaust as a likely human carcinogen. These fine particulate emissions contribute to the poor ambient air quality in 27 counties in Ohio, which currently are not meeting the national health-based ambient air quality standards for fine particulates (i.e., PM 2.5, particles less than 2.5 microns in diameter). Reducing the particulate emissions from diesel school bus engines will have two primary benefits:

- a. For the children who ride buses, it will reduce their exposure to the harmful diesel exhaust emissions. Children are more susceptible to air pollution than healthy adults because their respiratory systems are still developing and they have a faster breathing rate.
- b. It will help in attaining the National Ambient Air Quality Standards for PM 2.5 in Ohio's nonattainment counties.

2. What retrofit options are available to reduce particulate emissions from school buses?

There are three primary ways to retrofit a school bus for particulate emission control:

- a. **Diesel particulate filters** are ceramic devices that collect particulate matter in the exhaust stream. The high temperature of the exhaust heats the ceramic structure and allows the particles inside to break down into less harmful components. These filters must be used in conjunction with ultra-low sulfur diesel ("ULSD") fuel, which is a fuel with a sulfur content of less than 15 parts per million. The combination of particulate filters and ULSD fuel can reduce emissions of particulates, organic compounds, and carbon monoxide in the exhaust gases by 60 to 90 percent. Particulate filters work best on engines built after 1994 and cost \$6,500 to \$7,500.

- b. **Crankcase filtration systems** allow a diesel engine's crankcase to be closed and use an air filter to trap blow-by aerosols consisting mainly of oil droplets, with some carbon and traces of wear debris and PM10. Blow-by gas emissions can be as much as 25% of the total emissions from a diesel engine. The filtration efficiency of crankcase filters averages between 80% and 97%. The crankcase filter must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first. Crankcase filters are inexpensive (a replacement element typically costs less than \$50.00) and are best used in conjunction with some type of filtration system in the exhaust stream.
- c. **Diesel oxidation catalysts** are devices that use a chemical process to break down pollutants in the exhaust stream into less harmful components. Diesel oxidation catalysts can reduce emissions of particulates by 20 percent, hydrocarbons by 50 percent, and carbon monoxide by 40 percent. Oxidation catalysts cost \$600 to \$2,000 and can be used with regular diesel fuel.

Only control equipment found on USEPA's "Verified Technology List" may be purchased and installed (see (4) below for further details).

3. Which types of school buses will be eligible to be retrofitted with particulate emission controls?

Only school buses that meet the following criteria will be retrofitted with particulate emission controls:

- a. The school bus must be equipped with a diesel engine.
- b. The school bus must have a gross vehicle rating of 19,500 pounds or more (Types C & D).
- c. The school bus must be driven not less than 5,000 miles per year.
- d. The school bus model year must be 1994 or newer.

4. Which types of control equipment would be acceptable for installation?

The USEPA publishes a "Verified Technology List." Only control equipment found on this list may be purchased and installed. As additional technologies are found to be acceptable by the USEPA, they will be added to the list. A copy of this list can be accessed at the following web site:

<http://www.epa.gov/otaq/retrofit/retroverifiedlist.htm>.

This table summarizes all the diesel retrofit technologies that the USEPA has approved for use in engine retrofit programs. The table shows the percent reduction (from verified or tested levels) that USEPA will recognize for emission reductions for each technology.

5. Is there a special type of fuel that must be used with the control equipment?

In some cases, yes. Each bus equipped with a particulate filter must use ultra low sulfur diesel (ULSD) fuel. Because of the high sulfur content of regular diesel fuel, the use of regular diesel fuel would cause the particulate filter to clog. This, in turn, could cause exhaust back-pressure increases and engine damage. The ULSD fuel contains less than 10% of the sulfur content of regular diesel fuel. Regular diesel fuel may contain 150 to 500 ppm of sulfur, compared to the maximum of 15 ppm for the ULSD fuel. As a result of recent changes in the U.S. federal fuel standards, ULSD fuel will become the standard diesel fuel throughout the U.S. beginning in June of 2006. Many parts of the country, including certain parts of Ohio, are already being supplied with ULSD fuel. The price differential between ULSD fuel and regular diesel fuel currently ranges between eight and 25 cents per gallon. In 2006, when ULSD fuel is available nationwide, the cost differential should be much less.

Diesel oxidation catalysts and crankcase filtration systems do not require special fuel.

6. What costs are associated with the installation and operation of the emission controls?

The estimated cost to retrofit each bus with a diesel particulate filter ranges from \$6,500 to \$7,500. On an annual basis, or about every 100,000 miles, these filters must be disassembled and cleaned either with compressed air or by heating the filter in a filter cleaning device. (The cost of such a device ranges from \$300 to \$350.) The cost for the annual maintenance for each filter, which normally takes less than 3 hours to complete, will depend upon whether the work is performed by school district personnel, the engine dealer, or the filter vendor. Also, until ULSD fuel becomes available nationwide in June of 2006, there will be an increased cost for the diesel fuel burned in each retrofitted bus. The current price differential between ULSD fuel and regular diesel fuel varies between 8 and 25 cents per gallon.

Crankcase filters are fairly inexpensive (a replacement element typically costs less than \$50.00). Crankcase filters must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first.

The estimated cost to retrofit each bus with a diesel oxidation catalyst ranges from \$600 to \$2,000. Installation takes approximately one to three hours to complete. Diesel oxidation catalysts do not require annual maintenance and will operate with regular diesel fuel.

7. How will the control devices be funded by the Ohio EPA?

Ohio EPA enforcement case settlements will be the source of the funding for the diesel retrofit installations. Each enforcement case resolved either through administrative Findings and Orders or a Consent Order, that contains a significant civil penalty (a total civil penalty assessment of \$5,000 or greater), will also include a Supplemental Environmental Project (SEP) that is equal in value to 20 percent of the total assessed civil penalty. The entity that is the subject of the enforcement case will be required to pay the SEP monies directly to a specific fund that Ohio EPA has established for the retrofitting of school buses.

8. How will the school systems receive the SEP monies for the diesel retrofit installations?

A school system that desires to participate in the retrofit program must apply to Ohio EPA to receive funding to purchase and install USEPA approved control equipment. Once or twice per year, the Ohio EPA will solicit applications from the eligible school systems. In the application, an eligible school system must describe the proposed project, providing details such as the number and ages of the buses to be retrofitted, the type of equipment that will be purchased and installed (must be on the USEPA-published list of "Verified Retrofit Technologies"), a schedule for installation of the equipment, and a detailed cost breakdown. Ohio EPA will evaluate each application and provide funding to applicant school systems that meet the criteria specified by Ohio EPA's regulations. Priority will be given to those applicants that are located in a nonattainment county for PM 2.5 and/or that include a commitment to implement an anti-idling program.

9. What oversight will be provided by the Ohio EPA to ensure that the diesel retrofit control equipment is installed and maintained properly?

Ohio EPA will closely track the amount of enforcement monies directed to each public school system. Each participating school system must submit regular progress reports providing information regarding the equipment purchased and installed to date, as well as a final report summarizing the project results. Periodic inspections also may be conducted by District Office or local air agency staff to confirm that the control equipment has been correctly installed, that the diesel particulate filters are being maintained properly, and that the monies are being spent appropriately.

A guide to the...

Administrative Enforcement Process

Within the Division of Air Pollution Control

Introduction

This information sheet has been prepared to help you understand the administrative enforcement process within the Agency. With an understanding of the process and adequate preparation, you can facilitate a prompt resolution of this enforcement action. Included are answers to the questions most frequently asked by parties involved in the administrative enforcement process.

I have been working with the District Office or local air agency inspector to correct the violations. Why is an enforcement action necessary?

The Agency considers the following factors in deciding that an enforcement action is necessary: (1) Ohio EPA needs to obtain civil penalties for your violations; (2) your violations are serious; (3) you have taken too long to address the violations; (4) you need to be on a formal schedule to address the violations; (5) you have been recalcitrant in addressing the violations; and/or (6) you are a chronic violator.

Why should I try to negotiate an administrative consent order with Ohio EPA?

- Negotiating administrative findings and orders ("Order") with the Ohio EPA avoids expensive and time-consuming litigation.
- Negotiation can be a swift resolution of the State's claims against you for the non-compliance.
- We can quickly identify any obstacle to agreement.
- Negotiation can minimize or prevent any intervention by the USEPA to address the violations.

Should I continue working with the District or local air agency inspector?

Yes, the District Office or local air agency inspector is the best person to work with you to resolve the technical aspects of the violations, and prepare an acceptable control plan and schedule for submission to the Agency. Central Office personnel will also be available to provide assistance.

What should I do now that I received the proposed administrative consent order?

You should review the enclosed Order and the summary of the penalty calculation. If you accept the enclosed Order as written, sign the Order and send it within two weeks to the staff attorney referenced in the Director's letter. If you cannot accept the Order as written, the Agency would like to meet with you to discuss your concerns. Please contact the designated staff attorney at (614) 644-3037 to arrange a meeting.

If I want to have a meeting, what should I do to prepare for it?

Generally, the most productive meetings occur when both parties come prepared to discuss all issues. The Order and correspondence from the District Office or local air agency inspector contain the Agency's position. Since you were not willing to agree to the Order as written, we need to know whether you: (1) disagree with the facts outlined in the Order; (2) are not able or willing to comply with the Order; or (3) have information you feel may mitigate the civil penalty settlement amount. Send the staff attorney a written summary of your issues within two weeks from the date of the Director's letter. Additionally, if you believe you are financially unable to pay the penalty, contact the staff attorney for a list of information we need to evaluate your ability to pay.

What will happen at the meeting?

During the meeting, we will respond to any information you have provided. We are willing to work with you to arrive at mutually agreed upon modifications to the Order. Except in the most complex cases, our goal is to complete all negotiations at the meeting. If we cannot agree at the meeting and we feel we are making adequate progress, we will hold our offer of settlement open. Thereafter, if resolution of the negotiations is not achieved within the time frame agreed to by the parties at the settlement meeting or if we feel we are not making adequate progress, the offer of settlement may be withdrawn, and we may consider other enforcement alternatives, including a referral to the Office of the Attorney General.

Why do I have to pay a civil penalty?

A civil penalty is necessary to deter future violations and to remove any economic advantage you may have realized from not complying with Ohio's regulations. Instead of a full cash payment, the Agency may be willing to accept a supplemental environmentally beneficial project ("SEP"), that meets certain guidelines.

How did the DAPC arrive at the civil penalty settlement amount?

Ohio EPA relied on U.S. EPA's Air Civil Penalty Policy to calculate the penalty. The DAPC uses this Policy to ensure that we calculate penalties fairly and consistently and that the penalty is appropriate for the gravity of the violations. Enclosed is a summary of the DAPC's civil penalty settlement calculation. If you want a copy of the U.S. EPA's Air Civil Penalty Policy, contact the designated staff attorney at (614) 644-3037.

Who from Ohio EPA will be at the meeting?

Everyone necessary to resolve the matter will be at the meeting or available during the meeting to provide settlement authority. This includes the staff attorney, the District Office or local air agency inspector, and Central Office technical personnel.

Who should I bring to the meeting?

Similarly, you should bring anyone familiar with the issues as well as anyone who has the authority to settle this matter. You are welcome to be represented at this meeting by your attorney and your consultant.

News releases

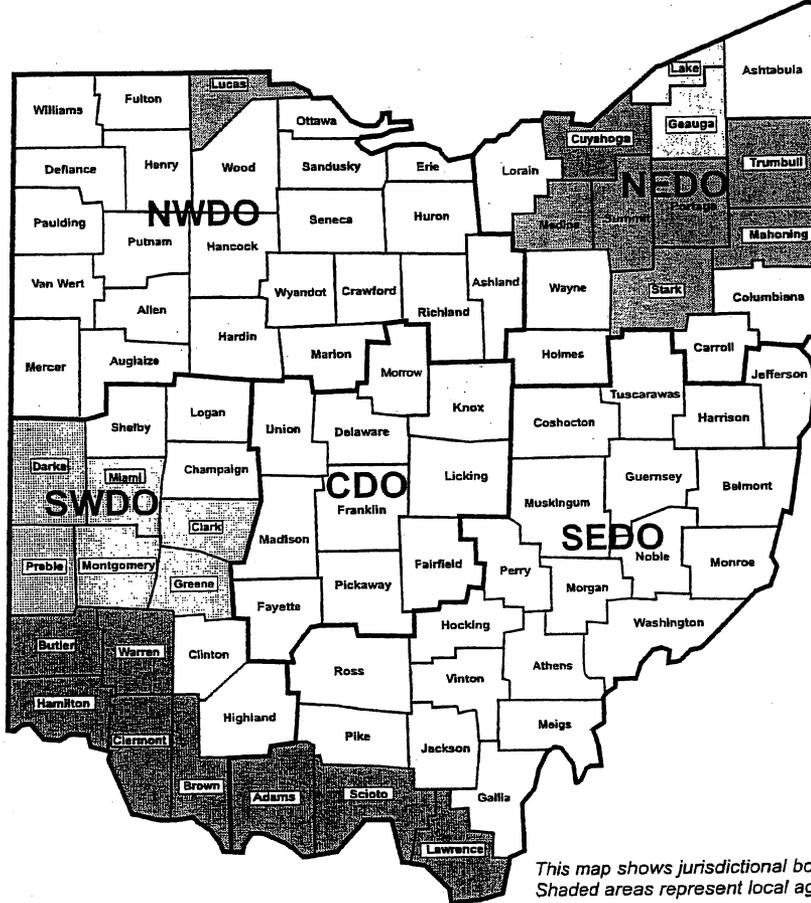
Please be aware that Ohio EPA may issue a news release to the media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about our enforcement efforts. Ohio EPA's news release represents our position, and so we do not negotiate the language in the news release with you. If we prepare a news release, you will receive a courtesy copy shortly before it is released to the media and posted on our web site. You can read all of our news releases at: <http://www.epa.state.oh.us/pic/current.html>.

District Office and Local Air Agency Addresses and Phone Numbers

See the following pages.

Local Air Pollution Control Agencies

Division of Air Pollution Control
Ohio EPA, Central Office
(614) 644-2270
www.epa.state.oh.us/dapc/general/dolaa.html



This map shows jurisdictional boundaries.
Shaded areas represent local agencies within Ohio EPA districts.



District Offices

CDO Adam Ward, APC Manager
01 Central District Office
50 West Town Street, Suite 700
Columbus, OH 43215
(614) 728-3778 FAX (614) 728-3898
e-mail: adam.ward@epa.state.oh.us

SEDO Bruce Weinberg, APC Manager
06 Southeast District Office
2195 Front St.
Logan, OH 43138
(740) 385-8501 FAX (740) 385-6490
e-mail: bruce.weinberg@epa.state.oh.us

NEDO Dennis Bush, APC Manager
02 Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 425-9171 FAX (330) 487-0769
e-mail: dennis.bush@epa.state.oh.us

NWDO Mark Budge, APC Manager
03 Northwest District Office
347 North Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461 FAX (419) 352-8468
e-mail: mark.budge@epa.state.oh.us

SWDO Tom Schneider, APC Manager
05 Southwest District Office
401 E. Fifth St.
Dayton, OH 45402-2911
(937) 285-6357 FAX (937) 285-6249
e-mail: tom.schneider@epa.state.oh.us

Lynn Malcolm, Administrator
Akron Regional Air Quality
Management District
146 South High St, Room 904
Akron, Ohio 44308
(330) 375-2480 FAX (330) 375-2402
e-mail: Malcolm@ci.akron.oh.us

Dan Aleman, Administrator
Air Pollution Control Division
Canton City Health Dept.
420 Market Ave. North
Canton, Ohio 44702-1544
(330) 489-3385 FAX (330) 489-3335
e-mail: daleman@cantonhealth.org

Cory R. Chadwick, Director
Dept. of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
(513) 946-7777 FAX (513) 946-7778
e-mail: cory.chadwick@hamilton-co.org

Richard L. Nemeth, Commissioner
Cleveland Dept. of Public Health
Division of Air Quality
Penton Media Building, 4th Floor
1300 East 9th St.
Cleveland, Ohio 44114
(216) 664-2297 FAX (216) 420-8047
e-mail: Rnemeth@city.cleveland.oh.us

John Paul, Administrator
Regional Air Pollution Control Agency
Montgomery County Health Dept.
117 South Main St.
Dayton, Ohio 45422-1280
(937) 225-4435 FAX (937) 225-3486
e-mail: paulj@rapca.org

Bert Mechenbier, Supervisor *
Lake County General Health District
Air Pollution Control
33 Mill Street
Painesville, Ohio 44077
(440) 350-2543 FAX (440) 350-2548
e-mail: BMechenbier@lcghd.org

Cindy Charles, Director
Portsmouth Local Air Agency
605 Washington St., Third Floor
Portsmouth, Ohio 45662
(740) 353-5156 FAX (740) 353-3638
e-mail: cindy.charles@epa.state.oh.us

Karen Granata, Administrator
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604
(419) 936-3015 FAX (419) 936-3959
e-mail: karen.granata@toledo.oh.gov

Misty Koletich, Supervisor *
Mahoning-Trumbull APC Agency
345 Oak Hill Ave., Suite 200
Youngstown, Ohio 44502
(330) 743-3333 FAX (330) 744-1928
e-mail: mtapca@cboss.com

*Facilities located within these jurisdictions should file air permit applications with Ohio EPA's Northeast District Office (NEDO).

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

| | | |
|--------------------------------|---|----------------------------------|
| Barrett Paving Materials, Inc. | : | <u>Director's Final Findings</u> |
| 600 Shepherd Lane | : | <u>and Orders</u> |
| Cincinnati, Ohio 45215 | : | |
| | : | |
| RESPONDENT | : | |

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Barrett Paving Materials, 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 the Respondent or of the facilities (as herein 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 used in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates asphaltic concrete production facilities located throughout Ohio. Four of these facilities are or were located at 107 River Circle Drive ("Fairfield Facility"), Fairfield, Ohio (identified by Ohio EPA as facility ID 1409000018); 4000 Turtle Creek Road ("Turtle Creek Facility"), South Lebanon, Ohio (identified by Ohio EPA as facility ID 1483980456); 387 Smalley Road ("Reading Facility"), Reading, Ohio (identified by Ohio EPA as facility ID 1431443377); and 1466 West Mason Morrow Millgrove Road ("West Mason Facility"), South Lebanon, Ohio (identified by Ohio EPA as facility ID 1483980486). Each of these facilities emit, among other air pollutants, particulate matter ("PM"), particulate matter with an aerodynamic diameter of 10 microns or less ("PM₁₀"), and volatile organic compounds ("VOCs"), which are defined as "air pollutants" or "air contaminants" in Ohio Administrative Code ("OAC") Rule 3745-15-01(C). Additionally, asphaltic concrete production operations are "air contaminant sources" as

defined in OAC Rule 3745-31-01(I).

2. OAC Rule 3745-31-05(F) (formerly OAC Rule 3745-31-02(A)(2)) allows, in part, the owner or operator of any air contaminant source to voluntarily request a permit to install ("PTI") from Ohio EPA that would lower the allowable emissions from the air contaminant source. OAC Rule 3745-31-01(K) defines "allowable emissions," in part, as the emission rate of an air contaminant source calculated using the maximum rated capacity to emit, unless federally enforceable limitations restrict the operation rate or hours of operation. This type of permit is referred to as a "synthetic minor permit."

3. OAC Rule 3745-31-05(E) and (D) (formerly OAC Rules 3745-31-05(D) and 3745-35-02) state, in part, that the Director of Ohio EPA may impose special permit terms and conditions as are appropriate or necessary to ensure compliance with applicable laws and to ensure adequate protection of the environment.

4. ORC § 3704.05(C) prohibits any person from violating any terms or conditions of any permit issued by the Director of Ohio EPA.

Turtle Creek Facility

5. On August 22, 2006, Ohio EPA issued a synthetic minor PTI for Respondent's Turtle Creek Facility. The PTI contained a short-term particulate emissions ("PE") limitation that prohibits more than 8 pounds per hour ("lbs/hr") to be emitted from the Facility's fabric filter stack. Additionally, the PTI required Respondent to conduct compliance tests within 180 days after the issuance of the PTI (i.e., February 18, 2007), using the appropriate USEPA reference test methods, to demonstrate compliance with the short-term PE limitation.

6. On September 20 and 21, 2007, Respondent conducted the required compliance demonstration emission tests. PE were measured at 10.90 lbs/hr, in violation of the 8 lbs/hr PE limitation in the PTI and ORC § 3704.05(C).

7. On January 16, 2008, Hamilton County Department of Environmental Services ("HCDES"), Ohio EPA's contractual representative in Butler, Warren and Hamilton counties, sent Respondent a notice of violation ("NOV") letter for the failure to comply with the terms and conditions of its PTI and requested Respondent to submit a plan to bring the Facility into compliance.

8. On February 15, 2008, HCDES received Respondent's reply to the January 16, 2008, NOV. Respondent stated that the hot mix asphalt plant had ceased to operate and had been disassembled. In a March 25, 2008, response to HCDES's request for additional information, Respondent stated that the Facility had operated 56 days from the failed compliance demonstration until it ceased operation.

9. Respondent failed to comply with the PE limitation specified in the terms and conditions of its PTI, in violation of ORC § 3704.05(C).

West Mason Facility

10. On December 20, 2007, Ohio EPA issued a synthetic minor PTI for the installation of Respondent's 400 tons per hour portable counter-flow drum mix asphalt plant, which is controlled with a baghouse taken from the Turtle Creek Facility, at the West Mason Facility. The PTI specified a short-term PE limitation prohibiting the stack gasses from containing more than 0.03 grain per dry standard cubic foot ("gr/dscf"). To demonstrate compliance with this limitation, the PTI required Respondent to conduct compliance tests. The tests were required to be conducted within 60 days after maximum production was achieved but no later than 120 days after the initial startup of Facility.

11. On August 28, 2008, Respondent conducted the required compliance demonstration emission tests. PE were measured at 0.15 gr/dscf, in violation of the PTI limitation and ORC § 3704.05(C).

12. Respondent inspected and tested the baghouse controlling the PE for possible causes of the excessive PE. The tests revealed that a flange between the clean and dirty air compartments of the baghouse was not properly sealed allowing part of the PE to "by-pass" the filters and be emitted "uncontrolled." Respondent resealed the flange and conducted a new compliance demonstration on October 28, 2008. The filterable particulate emissions (i.e., PE) were measured at 0.006 gr/dscf, in compliance with the 0.03 gr/dscf limitation.

13. Respondent failed to comply with the 0.03 gr/dscf PE permit limitation, in violation of ORC § 3704.05(C). The violation occurred from June 30, 2008 (i.e., the date of startup of the Facility using the baghouse with the failing stack test from the Turtle Creek Facility) and continued until compliance was demonstrated on October 28, 2008. In a compliance plan letter dated January 8, 2009, Respondent committed to inspect the ductwork that had been problematic for baghouses with internal ducting and to record the inspections in the baghouse maintenance log to help prevent the reoccurrence of the problems that caused the PE limitation exceedance.

Fairfield Facility

14. On April 15, 2008, Ohio EPA issued a synthetic minor permit to operate ("PTO") for the operation of Respondent's Fairfield Facility. The PTO required Respondent to conduct compliance tests on the Facility's stack gasses to determine compliance with 0.04 gr/dscf and 10.35 pounds per hour PE limitations. The compliance tests were required to be conducted within six months after the issuance of the PTO.

15. On September 26, 2008, Respondent conducted the required compliance test. The measured PE of 0.18 gr/dscf and 40.7 pounds per hour revealed that Respondent was not complying with the short-term PE limitations contained in the PTO, in violation of ORC § 3704.05(C). Based on Respondent's experience with the failed seam at the West Mason Facility, Respondent inspected a similar seam at the Fairfield Facility's control device and found that it had worn from age and heat. Respondent cleaned and

repaired the worn seam.

16. On October 31, 2008, Respondent retested the Facility's stack emissions and demonstrated compliance with both short-term PE limitations.

17. Respondent's failure to comply with PE limitations is a violation of the PTO terms and conditions and the ORC § 3704.05(C).

Reading Facility

18. On October 10, 2006, Ohio EPA issued a synthetic minor PTO for the operation of Respondent's Reading Facility. Among other things, the PTO required Respondent to conduct compliance tests on the Facility's stack gasses to determine compliance with various short-term emission limitations contained in the PTO. The compliance tests were required to be conducted within 12 months after the issuance of the PTO for the primary fuel fired and within 60 days after switching to the secondary fuel.

19. On December 13, 2007, a representative of HCDES told Respondent that the Reading Facility had failed to conduct the required compliance demonstrations within the time frame specified in the October 10, 2006, PTO. Respondent stated that an Intent-to-Test form would be submitted in the spring once the Facility reopened for the season.

20. On January 16, 2008, HCDES sent a NOV letter to Respondent requesting written confirmation of the December 13, 2007, commitment to conduct the required compliance demonstrations. Respondent replied to the NOV on February 14, 2008, stating it had failed to schedule the required emissions test within the 12-month deadline. Respondent also confirmed that the test would be conducted upon reopening the Facility in the spring. Respondent further stated that the dates had been set and approved by HCDES for April 22 and 23, 2009.

21. On April 22 and 23, 2009, Respondent conducted the compliance testing required by the October 10, 2006, PTO. VOC emissions were measured at 44.7 lbs/hr, in excess of the limit of 15.1 lbs/hr in the PTO, in violation of ORC § 3704.05(C). Respondent also did not comply with the terms and conditions of the PTO by failing to timely conduct the required tests, in violation of ORC § 3704.05(C). The VOC emission limit violation occurred from the dates of the test to the date that a new permit was issued for the emissions unit, which contained a higher VOC emission limitation.

22. The Director has given consideration to, and based his 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 one hundred seventy-three thousand and seven hundred dollars (\$173,700) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within fourteen (14) 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" for one hundred thirty-eight thousand nine hundred and sixty dollars (\$138,960). The official check shall be submitted to Brenda Case, 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 the remaining thirty-four thousand seven hundred and forty dollars (\$34,740) of the civil penalty, Respondent shall, within fourteen (14) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$34,740 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$34,740. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$34,740 of the civil penalty in accordance with the procedures in Order 1.

5. Within sixty (60) days of the effective date of these Orders, Respondent shall develop, maintain and implement a regular inspection and maintenance plan ("plan") for each air pollution control system employed at the facilities identified in Finding 1, except for the former Turtle Creek Facility. The plan shall satisfy the requirements and recommendations of the individual control system's vendor, the inspection and maintenance procedures contained in Ohio EPA's "O&M Guidelines for Air Pollution Control Equipment" and shall at minimum meet good engineering practices. Respondent

shall maintain copies of the plan and the vendor's recommendations at each facility. Additionally, Respondent shall maintain, at each facility, all the spare parts that are recommended by the individual control system's vendor and/or the spare parts identified in the plan. Respondent shall record the date, the time and the results of each inspection conducted on a control system as well as the date, the finishing time, the name of the person(s) conducting the maintenance, and a detailed description of each maintenance performed on the control system. If a regular scheduled inspection or maintenance is not timely conducted, Respondent shall record the reason why the inspection and or maintenance was not conducted within the time specified in the plan and or the control system's vendor's recommendation. All records shall be maintained for a minimum of 5 years and shall be made available for inspection upon request by Ohio EPA or a representative of Ohio EPA. This Order will terminate at the time these requirements, in existing form or amended form, have been transferred into each facility's permit to operate.

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 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, 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 a principal executive officer of at least the level of vice president, or a duly authorized representative, if such representative is responsible for the overall operation of the facilities owned or operated by 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, the operation of Respondent's facilities.

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 the Respondent's facilities.

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:

Hamilton County
Department of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
Attention: Kerri Castlen

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Thomas Kalman

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

Chris Korleski
Director

Date

AGREED:

Barrett Paving Materials, Inc.

Signature

Date

Printed or Typed Name

Title

AIR CIVIL PENALTY WORKSHEET
Barrett Paving Materials, Inc.
(For settlement purposes only)

| COMPONENT | SUB-TOTAL | TOTAL | COMMENT |
|---|-----------------|------------|---|
| A. Benefit Component: (enter from attached computer calculation) | | <u>\$0</u> | Any economic benefit from delayed compliance is negligible (i.e., less than \$5,000). |
| B. Gravity Component: 1. Actual or possible harm: | | | |
| a. Amount above standard: | | | |
| i. Turtle Creek facility: | <u>\$10,000</u> | | 36% above PTI's PE allowable (calculated using the Sept. 2007 stack test results [(10.9 – 8.0) lbs/hr divided by 8.0 lbs/hr times 100%]. |
| ii. West Mason facility: | <u>\$70,000</u> | | 400% above PTI's PE allowable (calculated using the Aug. 2008 stack test results [(0.15 – 0.03) gr/dscf divided by 0.03 gr/dscf times 100%]. |
| iii. Fairfield facility: | <u>\$60,000</u> | | 350% above PTI's PE allowable (calculated using the Sept. 2008 stack test results [(0.18 – 0.04) gr/dscf divided by 0.04 gr/dscf times 100%]. |
| b. Toxicity of pollutant: | <u>\$0</u> | | not applicable |
| c. Sensitivity of environment: | <u>\$10,000</u> | | nonattainment areas for PM _{2.5} |
| d. Length of time of violation: | | | |
| i. Turtle Creek facility's failure to comply with permit emission limitation | <u>\$8,000</u> | | 56 days or about 2 months of violation from the test date (Sept. 20 & 21, 2007) until the plant ceased operation. |
| ii. West Mason facility's failure to comply with permit emission limitation | <u>\$12,000</u> | | 4 months of violation (from startup of plant with former baghouse from Turtle Creek Facility (June 30, 2008) until compliance was demonstrated (Oct. 28, 2008). |
| iii. Fairfield facility's failure to comply with permit emission limitation | <u>\$5,000</u> | | 1 month of violation from the failed test date (Sept. 26, 2008) until compliance was demonstrated (Oct. 31, 2008). |
| iv. Reading facility's failure to timely conduct the required compliance demonstration tests. | <u>\$8,000</u> | | 3 months of violation from the PTI deadline date (Oct. 10, 2007) until the date the test was conducted (April 22 and 23, 2008) excluding the 3 months the plant was down for the season (Jan. |

| | | | |
|--|-------------------|-------------------|--|
| | | | to March 2008). |
| 2. Importance to regulatory scheme: | <u>\$5,000</u> | | Failure to timely conduct the compliance demonstration tests for the Reading facility. |
| 3. Size of violator: | <u>\$50,000</u> | | net worth information not publicly available - net worth estimated to be \$64,660,000 (20% of annual sales of \$323.3 (2007) million - Reference: Hoovers) |
| Total gravity component: | | | |
| Preliminary deterrence amount: (sum of benefit and gravity components) | | <u>\$238,000</u> | |
| C. Flexibility-Adjustment Factors: | | | |
| 1. Degree of willfulness or negligence: (total gravity component times any augmentation percentage) | <u>\$8,200</u> | | 10% augmentation of penalty items for West Mason for utilizing baghouse that had previously failed a test at Turtle Creek Facility [0.1(\$70,000 + \$12,000) = \$8,200]. |
| 2. Degree of cooperation: (total gravity component times any mitigation percentage) | <u>(\$13,000)</u> | | 20% mitigation of penalty items for Fairfield Facility for promptly investigating and correcting baghouse problems and scheduling the required tests [0.2(\$60,000 + \$5,000) = \$13,000]. |
| 3. History of noncompliance: (total gravity component times any augmentation percentage) | <u>\$0</u> | | not applicable |
| 4. Ability to pay: (any mitigation amount) | <u>\$0</u> | | not known |
| 5. Other unique factors: (total gravity component times any mitigation or augmentation percentage) | <u>(\$59,500)</u> | | 25% mitigation of gravity component for the small overall amount (in tons) of noncomplying excess emissions during the noncomplying periods. |
| All augmentation (+) and mitigation (-) amounts added: (if negative, cannot exceed total gravity component) | | <u>(\$64,300)</u> | |
| D. Administrative Component | | | |
| Total Administrative Component | | <u>\$0</u> | |
| E. Initial Minimum Settlement Amount: [preliminary deterrence amount + or sum of flexibility adjustment factors plus administrative component (A + B + C + D)] | | <u>\$173,700</u> | |



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

FEB 11 2010

CERTIFIED MAIL

Mr. Ron Piper,
dba Piper Excavation
512 Cron Street
Celina, Ohio 45822

Re: Proposed Director's Final Findings and Orders for air pollution control rule and law violations

Dear Mr. Piper:

My staff has informed me of the violations of Ohio Administrative Code Chapters 3745-19 and 3745-20 and ORC § 3704.05(G) associated with your company's failure to notify Ohio EPA with a written notice of the intention to demolish the Rockford Sports Bar and Restaurant located at 155 South Main Street, Rockford in Mercer County. I understand that your company also failed to have the facility thoroughly inspected prior to commencement of demolition for the presence of asbestos, including category I and category II non-friable asbestos-containing materials. Furthermore, I understand that you open burned the debris from that demolition at your property located just outside the Village of Rockford on State Route 117.

In order to resolve this matter, I am proposing to issue the enclosed Findings and Orders prepared by my staff which includes a provision for the settlement of the claims for civil penalties for the violations that occurred. I am proposing the use of Findings and Orders because this is the most expeditious means of resolving the violations. Also, enclosed is an administrative enforcement process guide to facilitate your review of the proposed Findings and Orders. Because this letter and the enclosed documents summarize a proposed settlement, I consider them to be inadmissible for any purpose in any enforcement action the State may take if settlement cannot be reached.

Please note that the proposed Findings and Orders include a provision for 20 percent of the total civil penalty amount to go toward the funding of a supplemental environmentally beneficial project involving the retrofitting of school buses with control equipment to reduce diesel particulate emissions. This project has the primary benefits of reducing children's exposure to harmful diesel exhaust emissions and helping attain the National Ambient Air Quality Standards for fine particulates (i.e., particles less than 2.5 microns in diameter). Information concerning the school bus retrofit program is provided in an enclosed document.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

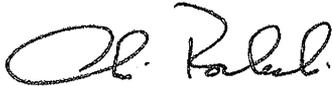
Ohio EPA is an Equal Opportunity Employer

Mr. Ron Piper
Piper Excavation
Page 2 of 2

Please review the attached documents carefully. If you have any questions concerning the proposed Findings and Orders, or if you would like to arrange a meeting to try to negotiate a settlement, please contact Donald L. Vanterpool of the Ohio EPA Legal Office, at (614) 644-3037. If he does not hear from you within fourteen (14) days of receipt of this letter, concerning your willingness to accept the Findings and Orders as currently written or with mutually agreed upon modifications, I will consider alternative enforcement mechanisms including referral of the matter to the Ohio Attorney General's Office for legal action.

I hope that you and Ohio EPA are able to resolve this matter via the enclosed proposal, and I thank you in advance for your cooperation.

Sincerely,



Chris Korleski
Director

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Jim Kavalec, DAPC
Donald L. Vanterpool, Legal Office
Mark Budge/Tom Sattler/Chad Delbecq, DAPC-NWDO

Enclosures

CK:JK:jk

A guide to the . . .

Administrative Enforcement Process

Within the Division of Air Pollution Control

Introduction

This information sheet has been prepared to help you understand the administrative enforcement process within the Agency. With an understanding of the process and adequate preparation, you can facilitate a prompt resolution of this enforcement action. Included are answers to the questions most frequently asked by parties involved in the administrative enforcement process.

I have been working with the District Office or local air agency inspector to correct the violations. Why is an enforcement action necessary?

The Agency considers the following factors in deciding that an enforcement action is necessary: (1) Ohio EPA needs to obtain civil penalties for your violations; (2) your violations are serious; (3) you have taken too long to address the violations; (4) you need to be on a formal schedule to address the violations; (5) you have been recalcitrant in addressing the violations; and/or (6) you are a chronic violator.

Why should I try to negotiate an administrative consent order with Ohio EPA?

- Negotiating administrative findings and orders ("Order") with the Ohio EPA avoids expensive and time-consuming litigation.
- Negotiation can be a swift resolution of the State's claims against you for the non-compliance.
- We can quickly identify any obstacle to agreement.
- Negotiation can minimize or prevent any intervention by the USEPA to address the violations.

Should I continue working with the District or local air agency inspector?

Yes, the District Office or local air agency inspector is the best person to work with you to resolve the technical aspects of the violations, and prepare an acceptable control plan and schedule for submission to the Agency. Central Office personnel will also be available to provide assistance.

What should I do now that I received the proposed administrative consent order?

You should review the enclosed Order and the summary of the penalty calculation. If you accept the enclosed Order as written, sign the Order and send it within two weeks to the staff attorney referenced in the Director's letter. If you cannot accept the Order as written, the Agency would like to meet with you to discuss your concerns. Please contact the designated staff attorney at (614) 644-3037 to arrange a meeting.

If I want to have a meeting, what should I do to prepare for it?

Generally, the most productive meetings occur when both parties come prepared to discuss all issues. The Order and correspondence from the District Office or local air agency inspector contain the Agency's position. Since you were not willing to agree to the Order as written, we need to know whether you: (1) disagree with the facts outlined in the Order; (2) are not able or willing to comply with the Order; or (3) have information you feel may mitigate the civil penalty settlement amount. Send the staff attorney a written summary of your issues within two weeks from the date of the Director's letter. Additionally, if you believe you are financially unable to pay the penalty, contact the staff attorney for a list of information we need to evaluate your ability to pay.

What will happen at the meeting?

During the meeting, we will respond to any information you have provided. We are willing to work with you to arrive at mutually agreed upon modifications to the Order. Except in the most complex cases, our goal is to complete all negotiations at the meeting. If we cannot agree at the meeting and we feel we are making adequate progress, we will hold our offer of settlement open. Thereafter, if resolution of the negotiations is not achieved within the time frame agreed to by the parties at the settlement meeting or if we feel we are not making adequate progress, the offer of settlement may be withdrawn, and we may consider other enforcement alternatives, including a referral to the Office of the Attorney General.

Why do I have to pay a civil penalty?

A civil penalty is necessary to deter future violations and to remove any economic advantage you may have realized from not complying with Ohio's regulations. Instead of a full cash payment, the Agency may be willing to accept a supplemental environmentally beneficial project ("SEP"), that meets certain guidelines.

How did the DAPC arrive at the civil penalty settlement amount?

Ohio EPA relied on U.S. EPA's Air Civil Penalty Policy to calculate the penalty. The DAPC uses this Policy to ensure that we calculate penalties fairly and consistently and that the penalty is appropriate for the gravity of the violations. Enclosed is a summary of the DAPC's civil penalty settlement calculation. If you want a copy of the U.S. EPA's Air Civil Penalty Policy, contact the designated staff attorney at (614) 644-3037.

Who from Ohio EPA will be at the meeting?

Everyone necessary to resolve the matter will be at the meeting or available during the meeting to provide settlement authority. This includes the staff attorney, the District Office or local air agency inspector, and Central Office technical personnel.

Who should I bring to the meeting?

Similarly, you should bring anyone familiar with the issues as well as anyone who has the authority to settle this matter. You are welcome to be represented at this meeting by your attorney and your consultant.

News releases

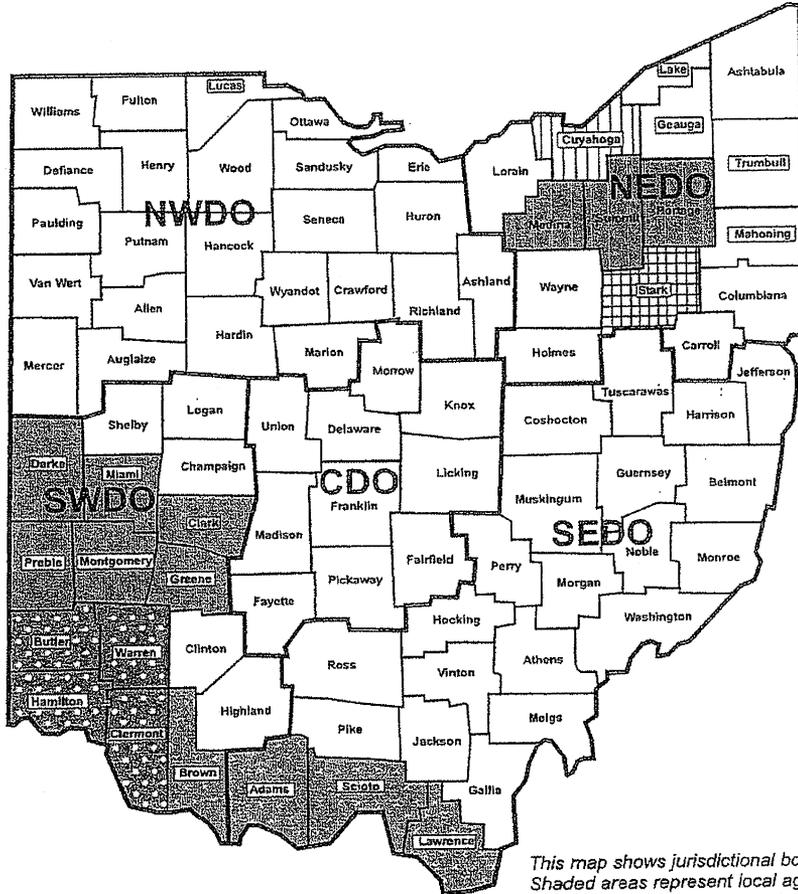
Please be aware that Ohio EPA may issue a news release to the media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about our enforcement efforts. Ohio EPA's news release represents our position, and so we do not negotiate the language in the news release with you. If we prepare a news release, you will receive a courtesy copy shortly before it is released to the media and posted on our web site. You can read all of our news releases at: <http://www.epa.state.oh.us/pic/current.html>.

District Office and Local Air Agency Addresses and Phone Numbers

See the following pages.

Air Permit Review Agencies

Division of Air Pollution Control
Ohio EPA, Central Office
(614) 644-2270
www.epa.state.oh.us/dapc/general/dolaa.html



*This map shows jurisdictional boundaries.
Shaded areas represent local agencies within Ohio EPA districts.*



District Offices

- CDO Adam Ward, APC Manager**
01 Central District Office
50 West Town Street, Suite 700
Columbus, OH 43215
(614) 728-3778 FAX (614) 728-3898
e-mail: adam.ward@epa.state.oh.us
- SEDO Bruce Weinberg, APC Manager**
06 Southeast District Office
2195 Front St.
Logan, OH 43138
(740) 385-8501 FAX (740) 385-6490
e-mail: bruce.weinberg@epa.state.oh.us
- NEDO Dennis Bush, APC Manager**
02 Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 425-9171 FAX (330) 487-0769
e-mail: dennis.bush@epa.state.oh.us
- NWDO Mark Budge, APC Manager**
03 Northwest District Office
347 North Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461 FAX (419) 352-8468
e-mail: mark.budge@epa.state.oh.us
- SWDO Tom Schneider, APC Manager**
05 Southwest District Office
401 E. Fifth St.
Dayton, OH 45402-2911
(937) 285-6357 FAX (937) 285-6249
e-mail: tom.schneider@epa.state.oh.us



Lynn Malcolm, Administrator
Akron Regional Air Quality
Management District
146 South High St, Room 904
Akron, Ohio 44308
(330) 375-2480 FAX (330) 375-2402
e-mail: Malcoly@ci.akron.oh.us



Dan Aleman, Administrator
Air Pollution Control Division
Canton City Health Dept.
420 Market Ave. North
Canton, Ohio 44702-1544
(330) 489-3385 FAX (330) 489-3335
e-mail: daleman@cantonhealth.org



Cory R. Chadwick, Director
Dept. of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
(513) 946-7777 FAX (513) 946-7778
e-mail: cory.chadwick@hamilton-co.org



Richard L. Nemeeth, Commissioner
Cleveland Dept. of Public Health
Division of Air Quality
Penton Media Building, 4th Floor
1300 East 9th St.
Cleveland, Ohio 44114
(216) 664-2297 FAX (216) 420-8047
e-mail: Rnemeeth@city.cleveland.oh.us



John Paul, Administrator
Regional Air Pollution Control Agency
Montgomery County Health Dept.
117 South Main St.
Dayton, Ohio 45422-1280
(937) 225-4435 FAX (937) 225-3486
e-mail: paulja@rapca.org



Cindy Charles, Director
Portsmouth Local Air Agency
605 Washington St., Third Floor
Portsmouth, Ohio 45662
(740) 353-5156 FAX (740) 353-3638
e-mail: cindy.charles@epa.state.oh.us



Karen Granata, Administrator
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604
(419) 936-3015 FAX (419) 936-3959
e-mail: karen.granata@toledo.oh.gov

General Guidelines for Ohio EPA's Program for the Retrofitting of School Buses with Control Equipment to Reduce Diesel Particulate Emissions

The following questions and answers explain the Ohio EPA's program for the retrofitting of school buses with emission control equipment and provide the general guidelines that must be followed by any school system that participates in the program.

1. Why is there a need to reduce diesel particulate emissions from school buses?

The exhaust gases from diesel, school bus engines contain significant amounts of organic compounds, carbon monoxide, nitrogen oxides (NO_x) and fine particulates. If inhaled, the fine particulates are so small that they are able to penetrate deep into the lungs and pose serious health risks such as aggravated asthma and lung damage. In addition, USEPA has identified diesel exhaust as a likely human carcinogen. These fine particulate emissions contribute to the poor ambient air quality in 27 counties in Ohio, which currently are not meeting the national health-based ambient air quality standards for fine particulates (i.e., PM 2.5, particles less than 2.5 microns in diameter). Reducing the particulate emissions from diesel school bus engines will have two primary benefits:

- a. For the children who ride buses, it will reduce their exposure to the harmful diesel exhaust emissions. Children are more susceptible to air pollution than healthy adults because their respiratory systems are still developing and they have a faster breathing rate.
- b. It will help in attaining the National Ambient Air Quality Standards for PM 2.5 in Ohio's nonattainment counties.

2. What retrofit options are available to reduce particulate emissions from school buses?

There are three primary ways to retrofit a school bus for particulate emission control:

- a. **Diesel particulate filters** are ceramic devices that collect particulate matter in the exhaust stream. The high temperature of the exhaust heats the ceramic structure and allows the particles inside to break down into less harmful components. These filters must be used in conjunction with ultra-low sulfur diesel ("ULSD") fuel, which is a fuel with a sulfur content of less than 15 parts per million. The combination of particulate filters and ULSD fuel can reduce emissions of particulates, organic compounds, and carbon monoxide in the exhaust gases by 60 to 90 percent. Particulate filters work best on engines built after 1994 and cost \$6,500 to \$7,500.

- b. **Crankcase filtration systems** allow a diesel engine's crankcase to be closed and use an air filter to trap blow-by aerosols consisting mainly of oil droplets, with some carbon and traces of wear debris and PM10. Blow-by gas emissions can be as much as 25% of the total emissions from a diesel engine. The filtration efficiency of crankcase filters averages between 80% and 97%. The crankcase filter must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first. Crankcase filters are inexpensive (a replacement element typically costs less than \$50.00) and are best used in conjunction with some type of filtration system in the exhaust stream.
- c. **Diesel oxidation catalysts** are devices that use a chemical process to break down pollutants in the exhaust stream into less harmful components. Diesel oxidation catalysts can reduce emissions of particulates by 20 percent, hydrocarbons by 50 percent, and carbon monoxide by 40 percent. Oxidation catalysts cost \$600 to \$2,000 and can be used with regular diesel fuel.

Only control equipment found on USEPA's "Verified Technology List" may be purchased and installed (see (4) below for further details).

3. Which types of school buses will be eligible to be retrofitted with particulate emission controls?

Only school buses that meet the following criteria will be retrofitted with particulate emission controls:

- a. The school bus must be equipped with a diesel engine.
- b. The school bus must have a gross vehicle rating of 19,500 pounds or more (Types C & D).
- c. The school bus must be driven not less than 5,000 miles per year.
- d. The school bus model year must be 1994 or newer.

4. Which types of control equipment would be acceptable for installation?

The USEPA publishes a "Verified Technology List." Only control equipment found on this list may be purchased and installed. As additional technologies are found to be acceptable by the USEPA, they will be added to the list. A copy of this list can be accessed at the following web site:
<http://www.epa.gov/otaq/retrofit/retroverifiedlist.htm>.

This table summarizes all the diesel retrofit technologies that the USEPA has approved for use in engine retrofit programs. The table shows the percent reduction (from verified or tested levels) that USEPA will recognize for emission reductions for each technology.

5. Is there a special type of fuel that must be used with the control equipment?

In some cases, yes. Each bus equipped with a particulate filter must use ultra low sulfur diesel (ULSD) fuel. Because of the high sulfur content of regular diesel fuel, the use of regular diesel fuel would cause the particulate filter to clog. This, in turn, could cause exhaust back-pressure increases and engine damage. The ULSD fuel contains less than 10% of the sulfur content of regular diesel fuel. Regular diesel fuel may contain 150 to 500 ppm of sulfur, compared to the maximum of 15 ppm for the ULSD fuel. As a result of recent changes in the U.S. federal fuel standards, ULSD fuel will become the standard diesel fuel throughout the U.S. beginning in June of 2006. Many parts of the country, including certain parts of Ohio, are already being supplied with ULSD fuel. The price differential between ULSD fuel and regular diesel fuel currently ranges between eight and 25 cents per gallon. In 2006, when ULSD fuel is available nationwide, the cost differential should be much less.

Diesel oxidation catalysts and crankcase filtration systems do not require special fuel.

6. What costs are associated with the installation and operation of the emission controls?

The estimated cost to retrofit each bus with a diesel particulate filter ranges from \$6,500 to \$7,500. On an annual basis, or about every 100,000 miles, these filters must be disassembled and cleaned either with compressed air or by heating the filter in a filter cleaning device. (The cost of such a device ranges from \$300 to \$350.) The cost for the annual maintenance for each filter, which normally takes less than 3 hours to complete, will depend upon whether the work is performed by school district personnel, the engine dealer, or the filter vendor. Also, until ULSD fuel becomes available nationwide in June of 2006, there will be an increased cost for the diesel fuel burned in each retrofitted bus. The current price differential between ULSD fuel and regular diesel fuel varies between 8 and 25 cents per gallon.

Crankcase filters are fairly inexpensive (a replacement element typically costs less than \$50.00). Crankcase filters must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first.

The estimated cost to retrofit each bus with a diesel oxidation catalyst ranges from \$600 to \$2,000. Installation takes approximately one to three hours to complete. Diesel oxidation catalysts do not require annual maintenance and will operate with regular diesel fuel.

7. How will the control devices be funded by the Ohio EPA?

Ohio EPA enforcement case settlements will be the source of the funding for the diesel retrofit installations. Each enforcement case resolved either through administrative Findings and Orders or a Consent Order, that contains a significant civil penalty (a total civil penalty assessment of \$5,000 or greater), will also include a Supplemental Environmental Project (SEP) that is equal in value to 20 percent of the total assessed civil penalty. The entity that is the subject of the enforcement case will be required to pay the SEP monies directly to a specific fund that Ohio EPA has established for the retrofitting of school buses.

8. How will the school systems receive the SEP monies for the diesel retrofit installations?

A school system that desires to participate in the retrofit program must apply to Ohio EPA to receive funding to purchase and install USEPA approved control equipment. Once or twice per year, the Ohio EPA will solicit applications from the eligible school systems. In the application, an eligible school system must describe the proposed project, providing details such as the number and ages of the buses to be retrofitted, the type of equipment that will be purchased and installed (must be on the USEPA-published list of "Verified Retrofit Technologies"), a schedule for installation of the equipment, and a detailed cost breakdown. Ohio EPA will evaluate each application and provide funding to applicant school systems that meet the criteria specified by Ohio EPA's regulations. Priority will be given to those applicants that are located in a nonattainment county for PM 2.5 and/or that include a commitment to implement an anti-idling program.

9. What oversight will be provided by the Ohio EPA to ensure that the diesel retrofit control equipment is installed and maintained properly?

Ohio EPA will closely track the amount of enforcement monies directed to each public school system. Each participating school system must submit regular progress reports providing information regarding the equipment purchased and installed to date, as well as a final report summarizing the project results. Periodic inspections also may be conducted by District Office or local air agency staff to confirm that the control equipment has been correctly installed, that the diesel particulate filters are being maintained properly, and that the monies are being spent appropriately.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ron Piper, dba Piper Excavation : **Director's Final Findings**
512 Cron Street : **and Orders**
Celina, Ohio 45822 :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ron Piper, dba Piper Excavation ("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

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 regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates an excavation and demolition company located at 512 Cron Street, in Celina, Mercer County.
2. On or about November 24, 2008, Respondent demolished a commercial building located at 155 South Main Street in Rockford, Mercer County and transported the demolition debris to Respondent's property (parcel number 02-16-102-002), located just outside the Village of Rockford on State Route 117 in Mercer County, where the demolition

debris was open burned. The open burning activity occurred approximately 1,100 feet outside the Village of Rockford in an "unrestricted area," as defined in Ohio Administrative Code ("OAC") Rule 3745-19-01(K), where the open burning of any commercial demolition debris is prohibited by OAC Rule 3745-19-04(A). The structure was a "facility," as defined in OAC Rule 3745-20-01(B)(18).

3. According to the Ohio EPA records, no inspection was conducted in the structure prior to demolition, and no notification of demolition form was submitted to Ohio EPA prior to the commencement of demolition, as required in accordance with OAC Rule 3745-20-02(A) and 3745-20-03(A).

4. On April 21, 2009, a Notice of Violation ("NOV") letter was sent to Respondent by certified mail.

5. Respondent was in violation of the following rules and law:

a. failure to provide the Director of Ohio EPA with a written notice of intention to demolish a facility at least 10 days before beginning demolition of the facility, in violation of OAC Rule 3745-20-03(A) and ORC § 3704.05(G);

b. failure to have the facility thoroughly inspected prior to commencement of demolition for the presence of asbestos, including category I and category II non-friable asbestos-containing materials, in violation of OAC Rule 3745-20-02(A) and ORC § 3704.05(G); and

c. open burning of demolition debris in an unrestricted area, in violation of OAC Rule 3745-19-04(A).

6. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their 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, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for sixteen thousand dollars (\$16,000) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

2. In lieu of paying the remaining four thousand dollars (\$4,000) of the civil penalty, Respondent shall, within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$4,000 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$4,000. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$4,000 of the civil penalty in accordance with the procedures in Order 1.

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 of 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:

Ohio Environmental Protection Agency
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: Tom Sattler

and to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Thomas Kalman

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

Chris Korleski
Director

Date

AGREED:

Ron Piper, dba Piper Excavation

Signature

Date

AIR CIVIL PENALTY WORK SHEET

Ron Piper, dba Piper Excavation
 512 Cron Street, Celina, Ohio
 Demolition Site: 155 South Main St., Rockford, Ohio
 (for settlement purposes only)

| | | | |
|---|------------------|-----------------|--|
| A. Benefit Component: | | <u>\$0</u> | The economic benefit cannot be determined since the amount of demolition debris and the amount of regulated asbestos-containing material, if any, in the structure are not known. Respondent may have benefited from the violations by avoiding building survey and notification preparation costs, asbestos abatement costs, and landfill disposal costs. |
| B. Gravity Component: | | | |
| 1. No notification submitted and asbestos survey performed. | <u>\$15,000</u> | | Respondent failed provide the Director of Ohio EPA with a written notice of intention to demolish a facility at least 10 days before beginning demolition of the facility, and failed to have the facility thoroughly inspected prior to commencement of demolition for the presence of asbestos, including category I and category II non-friable asbestos-containing materials, in violation of OAC Rules 3745-20-03(A) and 3745-20-02(A), respectively, and ORC § 3704.05(G). |
| 2. Open burning violation. | <u>\$1,000</u> | | Respondent open burned demolition debris material on Respondent's property located in Rockford, in violation of OAC Rule 3745-19-04(A). |
| 3. Size of violator: | <u>\$5,000</u> | | Net worth (~\$120,000) is estimated at 20% of annual sales (annual sales are ~\$600,000 from Reference USA database). Penalty associated with this amount is \$5,000. |
| Total Gravity Component: | | <u>\$21,000</u> | |
| Preliminary Deterrence Amount: (sum of benefit and gravity components) | | <u>\$21,000</u> | |
| C. Flexibility-Adjustment Factor: | | | |
| 1. Degree of willfulness or negligence: (total gravity component times an augmentation percentage) | <u>\$0</u> | | not applicable |
| 2. Degree of cooperation: (total gravity component times any mitigation percentage) | <u>\$0</u> | | not applicable |
| 3. History of noncompliance: (total gravity component times any augmentation percentage) | <u>\$0</u> | | not applicable |
| 4. Ability to pay: (any mitigation amount) | <u>\$0</u> | | not known at this time |
| 5. Other unique factors: (total gravity component times any mitigation or augmentation percentage) | <u>(\$1,000)</u> | | Due to the fact that the Rockford Volunteer Fire Department was present and allowed the open burning, Ohio EPA has mitigated the open burning penalty by 100%. |
| All augmentation (+) and mitigation (-) amounts added: (if negative, cannot exceed total gravity component) | <u>\$0</u> | | |

| | | | |
|---|--|-----------------|--|
| D. Initial Minimum Settlement Amount: [preliminary deterrence amount + or - sum of flexibility adjustment factors plus administrative component (A+B+C+D)] | | <u>\$20,000</u> | |
|---|--|-----------------|--|



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

FEB 22 2010

CERTIFIED MAIL

Mr. Paramjit Singh
Sartaj Oil Company
1538 West 117th Street
Lakewood, Ohio 44107

**Re: Proposed Director's Final Findings and Orders for Sartaj Oil Company/Shell
#2332**

Dear Mr. Singh:

My staff has informed me of the violations of Ohio Administrative Code Rule 3745-21-09(DDD) and ORC § 3704.05(G) associated with your gasoline dispensing facility ("GDF") located at 1538 W. 117th Street, in Lakewood, Ohio. I would like to express my concern regarding the violations of the Stage II vapor control system requirements at the above-mentioned GDF located in an area that has been in nonattainment of the National Ambient Air Quality Standard for ozone. Compliance with Stage II vapor control system requirements is an important element in our State Implementation Plan and in avoiding nonattainment of the ambient air quality standard. In addition, it is my understanding that all violations have been corrected.

In order to resolve this matter, I am proposing to issue the enclosed Findings and Orders prepared by my staff, which include a provision for civil penalties for the settlement of claims resulting from your violations of the State's air pollution control laws. Also, enclosed is an administrative enforcement process guide to facilitate your review of the proposed Findings and Orders. I am proposing the use of Findings and Orders because this is the most expeditious means of resolving the violations. Because this letter and the attached document summarize a proposed settlement, I consider them to be inadmissible for any purpose in any enforcement action the State may take if settlement cannot be reached.

Please note that the proposed Findings and Orders include a provision for 20 percent of the total civil penalty amount to go toward the funding of a supplemental environmentally beneficial project involving the retrofitting of school buses with control equipment to reduce diesel particulate emissions. This project has the primary benefits of reducing children's exposure to harmful diesel exhaust emissions and helping attain the National Ambient Air Quality Standards for fine particulates (i.e., particles less than 2.5 microns in diameter). Information concerning the school bus retrofit program is provided in an enclosed document.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Mr. Paramjit Singh
Sartaj Oil Company
Page 2 of 2

Please review the attached documents carefully. If you have any questions concerning the proposed Findings and Orders, or if you would like to arrange a meeting or conference call to try to negotiate a settlement via the Findings and Orders, please contact Donald Vanterpool of the Ohio EPA Legal Office, at (614) 644-3037. If he does not hear from you, within fourteen (14) days of receipt of this letter, concerning your willingness to accept the Findings and Orders as currently written, or with mutually agreed upon modifications, I will consider alternative enforcement mechanisms including referral of the matter to the Ohio Attorney General's Office for legal action.

I hope that you and Ohio EPA are able to resolve this matter via the enclosed proposal, and I thank you in advance for your cooperation.

Sincerely,



Chris Korleski
Director

xc: Jim Orlemann, DAPC
John Paulian, DAPC
Eric Yates, DAPC
Donald L. Vanterpool, Legal Office
Megan Murphy, CDAQ
Linda Kimmy, CDAQ

Enclosures

CK:EY:ey

A guide to the...

Administrative Enforcement Process

Within the Division of Air Pollution Control

Introduction

This information sheet has been prepared to help you understand the administrative enforcement process within the Agency. With an understanding of the process and adequate preparation, you can facilitate a prompt resolution of this enforcement action. Included are answers to the questions most frequently asked by parties involved in the administrative enforcement process.

I have been working with the District Office or local air agency inspector to correct the violations. Why is an enforcement action necessary?

The Agency considers the following factors in deciding that an enforcement action is necessary: (1) Ohio EPA needs to obtain civil penalties for your violations; (2) your violations are serious; (3) you have taken too long to address the violations; (4) you need to be on a formal schedule to address the violations; (5) you have been recalcitrant in addressing the violations; and/or (6) you are a chronic violator.

Why should I try to negotiate an administrative consent order with Ohio EPA?

- Negotiating administrative findings and orders ("Order") with the Ohio EPA avoids expensive and time-consuming litigation.
- Negotiation can be a swift resolution of the State's claims against you for the non-compliance.
- We can quickly identify any obstacle to agreement.
- Negotiation can minimize or prevent any intervention by the USEPA to address the violations.

Should I continue working with the District or local air agency inspector?

Yes, the District Office or local air agency inspector is the best person to work with you to resolve the technical aspects of the violations, and prepare an acceptable control plan and schedule for submission to the Agency. Central Office personnel will also be available to provide assistance.

What should I do now that I received the proposed administrative consent order?

You should review the enclosed Order and the summary of the penalty calculation. If you accept the enclosed Order as written, sign the Order and send it within two weeks to the staff attorney referenced in the Director's letter. If you cannot accept the Order as written, the Agency would like to meet with you to discuss your concerns. Please contact the designated staff attorney at (614) 644-3037 to arrange a meeting.

If I want to have a meeting, what should I do to prepare for it?

Generally, the most productive meetings occur when both parties come prepared to discuss all issues. The Order and correspondence from the District Office or local air agency inspector contain the Agency's position. Since you were not willing to agree to the Order as written, we need to know whether you: (1) disagree with the facts outlined in the Order; (2) are not able or willing to comply with the Order; or (3) have information you feel may mitigate the civil penalty settlement amount. Send the staff attorney a written summary of your issues within two weeks from the date of the Director's letter. Additionally, if you believe you are financially unable to pay the penalty, contact the staff attorney for a list of information we need to evaluate your ability to pay.

What will happen at the meeting?

During the meeting, we will respond to any information you have provided. We are willing to work with you to arrive at mutually agreed upon modifications to the Order. Except in the most complex cases, our goal is to complete all negotiations at the meeting. If we cannot agree at the meeting and we feel we are making adequate progress, we will hold our offer of settlement open. Thereafter, if resolution of the negotiations is not achieved within the time frame agreed to by the parties at the settlement meeting or if we feel we are not making adequate progress, the offer of settlement may be withdrawn, and we may consider other enforcement alternatives, including a referral to the Office of the Attorney General.

Why do I have to pay a civil penalty?

A civil penalty is necessary to deter future violations and to remove any economic advantage you may have realized from not complying with Ohio's regulations. Instead of a full cash payment, the Agency may be willing to accept a supplemental environmentally beneficial project ("SEP"), that meets certain guidelines.

How did the DAPC arrive at the civil penalty settlement amount?

Ohio EPA relied on U.S. EPA's Air Civil Penalty Policy to calculate the penalty. The DAPC uses this Policy to ensure that we calculate penalties fairly and consistently and that the penalty is appropriate for the gravity of the violations. Enclosed is a summary of the DAPC's civil penalty settlement calculation. If you want a copy of the U.S. EPA's Air Civil Penalty Policy, contact the designated staff attorney at (614) 644-3037.

Who from Ohio EPA will be at the meeting?

Everyone necessary to resolve the matter will be at the meeting or available during the meeting to provide settlement authority. This includes the staff attorney, the District Office or local air agency inspector, and Central Office technical personnel.

Who should I bring to the meeting?

Similarly, you should bring anyone familiar with the issues as well as anyone who has the authority to settle this matter. You are welcome to be represented at this meeting by your attorney and your consultant.

News releases

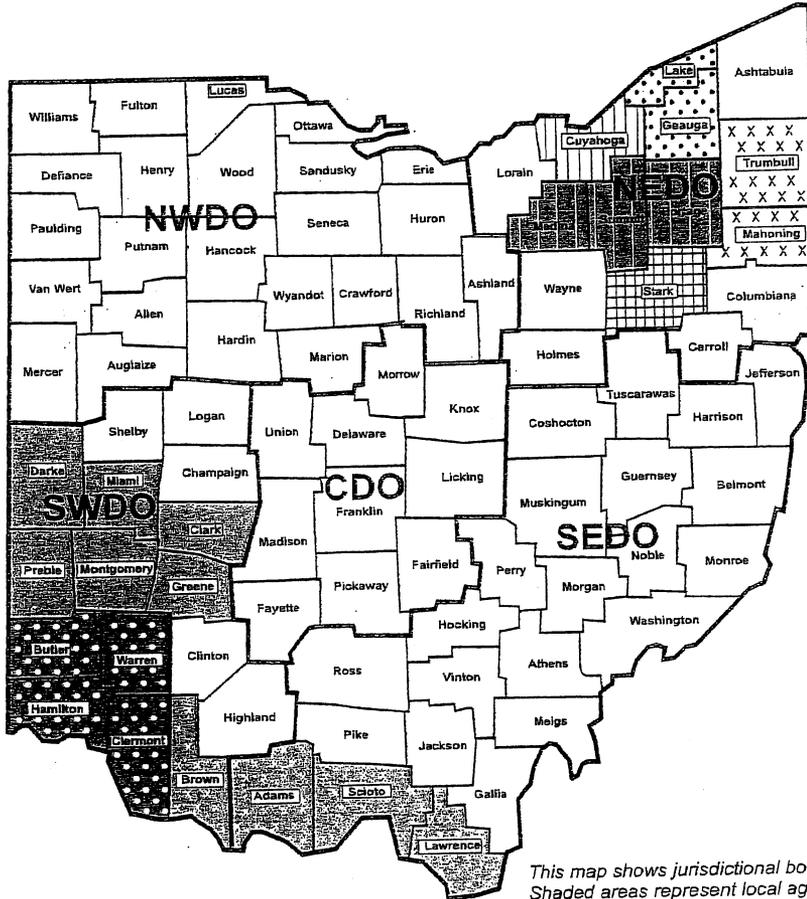
Please be aware that Ohio EPA may issue a news release to the media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about our enforcement efforts. Ohio EPA's news release represents our position, and so we do not negotiate the language in the news release with you. If we prepare a news release, you will receive a courtesy copy shortly before it is released to the media and posted on our web site. You can read all of our news releases at: <http://www.epa.state.oh.us/pic/current.html>.

District Office and Local Air Agency Addresses and Phone Numbers

See the following pages.

Local Air Pollution Control Agencies

Division of Air Pollution Control
Ohio EPA, Central Office
(614) 644-2270
www.epa.state.oh.us/dapc/general/dolaa.html



This map shows jurisdictional boundaries.
Shaded areas represent local agencies within Ohio EPA districts.



District Offices

- CDO Adam Ward, APC Manager**
01 Central District Office
50 West Town Street, Suite 700
Columbus, OH 43215
(614) 728-3778 FAX (614) 728-3898
e-mail: adam.ward@epa.state.oh.us
- SEDO Bruce Weinberg, APC Manager**
06 Southeast District Office
2195 Front St.
Logan, OH 43138
(740) 385-8501 FAX (740) 385-6490
e-mail: bruce.weinberg@epa.state.oh.us
- NEDO Dennis Bush, APC Manager**
02 Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 425-9171 FAX (330) 487-0769
e-mail: dennis.bush@epa.state.oh.us
- NWDO Mark Budge, APC Manager**
03 Northwest District Office
347 North Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461 FAX (419) 352-8468
e-mail: mark.budge@epa.state.oh.us
- SWDO Tom Schneider, APC Manager**
05 Southwest District Office
401 E. Fifth St.
Dayton, OH 45402-2911
(937) 285-6357 FAX (937) 285-6249
e-mail: tom.schneider@epa.state.oh.us



Frank Markunas, Interim Administrator
Akron Regional Air Quality
Management District
146 South High St, Room 904
Akron, Ohio 44308
(330) 375-2480 FAX (330) 375-2402
e-mail: markufr@ci.akron.oh.us



Richard L. Nemeth, Commissioner
Cleveland Dept. of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114
(216) 654-2297 FAX (216) 420-8047
e-mail: Rnemeth@city.cleveland.oh.us



Cindy Charles, Director
Portsmouth Local Air Agency
605 Washington St., Third Floor
Portsmouth, Ohio 45662
(740) 353-5156 FAX (740) 353-3638
e-mail: cindy.charles@epa.state.oh.us



Dan Aleman, Administrator
Air Pollution Control Division
Canton City Health Dept.
420 Market Ave. North
Canton, Ohio 44702-1544
(330) 489-3385 FAX (330) 489-3335
e-mail: daleman@cantonhealth.org



John Paul, Administrator
Regional Air Pollution Control Agency
Public Health Dayton and Montgomery Cnty.
117 South Main St.
Dayton, Ohio 45422-1280
(937) 225-4435 FAX (937) 225-3486
e-mail: paulja@rapca.org



Karen Granata, Administrator
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604
(419) 936-3015 FAX (419) 936-3959
e-mail: karen.granata@toledo.oh.gov



Cory R. Chadwick, Director
Dept. of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
(513) 946-7777 FAX (513) 946-7778
e-mail: cory.chadwick@hamilton-co.org



Bert Mechenbier, Supervisor *
Lake County General Health District
Air Pollution Control
33 Mill Street
Painesville, Ohio 44077
(440) 350-2543 FAX (440) 350-2548
e-mail: BMechenbier@lchgd.org

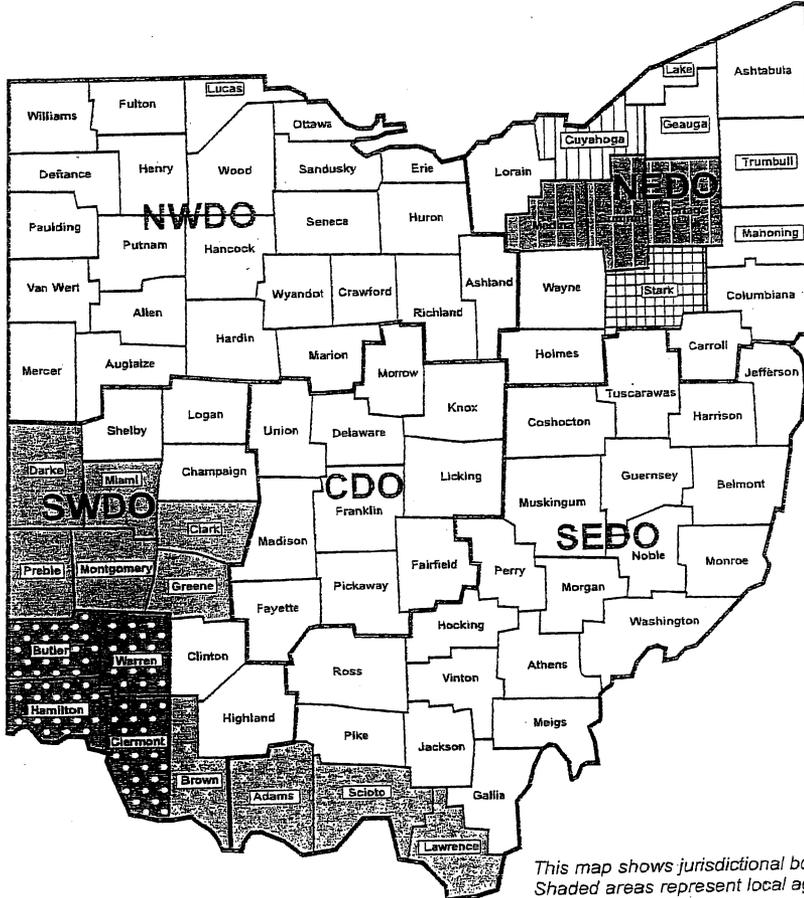


Misty Koletich, Administrator *
Mahoning-Trumbull APC Agency
345 Oak Hill Ave., Suite 200
Youngstown, Ohio 44502
(330) 743-3333 FAX (330) 744-1928
e-mail: mtapca@cboss.com

*Facilities located within these jurisdictions should file air permit applications with Ohio EPA's Northeast District Office (NEDO).

Air Permit Review Agencies

Division of Air Pollution Control
Ohio EPA, Central Office
(614) 644-2270
www.epa.state.oh.us/dapc/general/dolaa.html



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Cindy Charles, Director
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Air Pollution Control Division
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Canton, Ohio 44702-1544
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John Paul, Administrator
Regional Air Pollution Control Agency
Public Health Dayton and Montgomery Cnty.
117 South Main St.
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e-mail: paulja@rapca.org



Karen Granata, Administrator
City of Toledo
Division of Environmental Services
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e-mail: karen.granata@toledo.oh.gov



Cory R. Chadwick, Director
Dept. of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
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e-mail: cory.chadwick@hamilton-co.org

General Guidelines for Ohio EPA's Program for the Retrofitting of School Buses with Control Equipment to Reduce Diesel Particulate Emissions

The following questions and answers explain the Ohio EPA's program for the retrofitting of school buses with diesel particulate filters and crankcase filters and provide the general guidelines that must be followed by any school system that participates in the program.

1. Why is there a need to reduce diesel particulate emissions from school buses?

The exhaust gases from diesel, school bus engines contain significant amounts of organic compounds, carbon monoxide, nitrogen oxides (NO_x) and fine particulates. If inhaled, the fine particulates are so small that they are able to penetrate deep into the lungs and pose serious health risks such as aggravated asthma and lung damage. In addition, USEPA has identified diesel exhaust as a likely human carcinogen. These fine particulate emissions contribute to the poor ambient air quality in 27 counties in Ohio, which currently are not meeting the national health-based ambient air quality standards for fine particulates (i.e., PM 2.5, particles less than 2.5 microns in diameter). Reducing the particulate emissions from diesel school bus engines will have two primary benefits:

- a. For the children who ride buses, it will reduce their exposure to the harmful diesel exhaust emissions. Children are more susceptible to air pollution than healthy adults because their respiratory systems are still developing and they have a faster breathing rate.
- b. It will help in attaining the National Ambient Air Quality Standards for PM 2.5 in Ohio's nonattainment counties.

2. What retrofit options are available to reduce particulate emissions from school buses?

There are three primary ways to retrofit a school bus for particulate emission control:

- a. **Diesel particulate filters** are ceramic devices that collect particulate matter in the exhaust stream. The high temperature of the exhaust heats the ceramic structure and allows the particles inside to break down into less harmful components. These filters must be used in conjunction with ultra-low sulfur diesel ("ULSD") fuel, which is a fuel with a sulfur content of less than 15 parts per million. The combination of particulate filters and ULSD fuel can reduce emissions of particulates, organic compounds, and carbon monoxide in the exhaust gases by 60 to 90 percent. Particulate filters work best on engines built after 1994 and cost \$6,500 to \$7,500.

- b. **Crankcase filtration systems** allow a diesel engine's crankcase to be closed and use an air filter to trap blow-by aerosols consisting mainly of oil droplets, with some carbon and traces of wear debris and PM10. Blow-by gas emissions can be as much as 25% of the total emissions from a diesel engine. The crankcase filter must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first. Crankcase filters are inexpensive (a replacement element typically costs less than \$50.00) and are best used in conjunction with some type of filtration system in the exhaust stream.
- c. **Diesel oxidation catalysts** are devices that use a chemical process to break down pollutants in the exhaust stream into less harmful components. Diesel oxidation catalysts can reduce emissions of particulates by 20 percent, hydrocarbons by 50 percent, and carbon monoxide by 40 percent. Oxidation catalysts cost \$600 to \$2,000 and can be used with regular diesel fuel.

Based on the comparative effectiveness of the three types of particulate emission controls, only particulate filters and crankcase filters will be considered for this retrofit program.

3. **Which types of school buses will be eligible to be retrofitted with particulate emission controls?**

Only school buses that meet the following criteria should be retrofitted with particulate emission controls:

- a. The school bus must be equipped with a diesel engine.
- b. The school bus must have a gross vehicle rating of 19,500 pounds or more (Types C & D).
- c. The school bus must be in operation at least 4 days per week during the school year and travel at least 10,000 miles per year.
- d. The school bus model year must be 1994 or newer.

4. **Which types of diesel particulate filters and crankcase filters would be acceptable for installation?**

The USEPA has published a list of "Verified Retrofit Technologies." A copy of this list can be accessed at the following website:

<http://www.epa.gov/otag/retrofit/retroverifiedlist.htm>.

Only the particulate filters and crankcase filters on this list may be purchased and installed. As additional technologies are found to be acceptable by the USEPA,

they will be added to the list. Field experience indicates it takes six to eight hours to install one of these diesel particulate filters. Crankcase filters are relatively simple to install and are easily serviced.

5. How efficient are the diesel particulate filters and crankcase filters in reducing the particulate emissions?

The diesel particulate filters will reduce the particulate emissions in the exhaust gases by 60 to 90 percent. These control devices also will reduce the emissions of organic compounds and carbon monoxide by 60 to 90 percent. Most particulate filters come with a 100,000 to 150,000-mile warranty and have a useful life of seven to 15 years. The filtration efficiency of crankcase filters averages between 80% and 97%.

6. Is there a special type of fuel that must be used with the diesel particulate filters?

Yes. Each bus equipped with a particulate filter must use ultra low sulfur diesel (ULSD) fuel. Because of the high sulfur content of regular diesel fuel, the use of regular diesel fuel would cause the particulate filter to clog. This, in turn, could cause exhaust back-pressure increases and engine damage. The ULSD fuel contains less than 10% of the sulfur content of regular diesel fuel. Regular diesel fuel may contain 150 to 500 ppm of sulfur, compared to the maximum of 15 ppm for the ULSD fuel. As a result of recent changes in the U.S. federal fuel standards, ULSD fuel will become the standard diesel fuel throughout the U.S. beginning in June of 2006. Many parts of the country, including certain parts of Ohio, are already being supplied with ULSD fuel. The price differential between ULSD fuel and regular diesel fuel currently ranges between eight and 25 cents per gallon. In 2006, when ULSD fuel is available nationwide, the cost differential should be much less.

7. What costs are associated with the installation and operation of the diesel particulate filters and crankcase filters?

The estimated cost to retrofit each bus with a diesel particulate filter ranges from \$6,500 to \$7,500. On an annual basis, or about every 100,000 miles, these filters must be disassembled and cleaned either with compressed air or by heating the filter in a filter cleaning device. (The cost of such a device ranges from \$300 to \$350.) The cost for the annual maintenance for each filter, which normally takes less than 3 hours to complete, will depend upon whether the work is performed by school district personnel, the engine dealer, or the filter vendor. Also, until ULSD fuel becomes available nationwide in June of 2006, there will be an increased cost for the diesel fuel burned in each retrofitted bus. The current price differential between ULSD fuel and regular diesel fuel varies between 8 and 25 cents per gallon. Crankcase filters are fairly inexpensive (a replacement element typically costs less than \$50.00). Crankcase filters must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first.

8. How will the control devices be funded by the Ohio EPA?

Ohio EPA enforcement case settlements will be the source of the funding for the diesel particulate filters and crankcase filters. Each enforcement case resolved either through administrative Findings and Orders or a Consent Order, that contains a significant civil penalty (a total civil penalty assessment greater than \$5,000); will also include a Supplemental Environmental Project (SEP) that is equal in value to 20 percent of the total assessed civil penalty. The entity that is the subject of the enforcement case will be required to pay the SEP monies directly to a specific fund that Ohio EPA will establish for the retrofitting of school buses.

9. How will the school systems receive the SEP monies for the diesel particulate filters and crankcase filters?

A school system that desires to participate in the retrofit program must apply to Ohio EPA to receive funding to purchase and install the diesel particulate filters and crankcase filters. In the application, an eligible school system (i.e., one located in a nonattainment county for PM 2.5) must describe the proposed project, providing details such as the number and ages of the buses to be retrofitted, the types of filters that will be purchased and installed (must be on the USEPA-published list of "Verified Retrofit Technologies"), a schedule for installation of the filters, and a detailed cost breakdown. Ohio EPA will evaluate each application and provide funding to applicant school systems on a first come-first served basis as monies become available in the retrofit fund. Preference will be given to those applicants that include a commitment to implement an anti-idling program at the applicant's school system. Once or twice per year, the Ohio EPA will solicit applications from the eligible school systems.

10. What oversight will be provided by the Ohio EPA to ensure that the diesel particulate filters are installed and maintained properly?

Ohio EPA will closely track the amount of enforcement monies directed to each public school system. Each participating school system must submit regular progress reports providing information regarding the equipment purchased and installed to date, as well as a final report summarizing the project results. Periodic inspections also may be conducted by District Office or local air agency staff to confirm that the diesel particulate filters and crankcase filters are being installed and maintained properly and that the monies are being spent appropriately.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

| | | |
|--|---|----------------------------------|
| Sartaj Oil Company/Shell #2332 | : | <u>Director's Final Findings</u> |
| 1538 W. 117th Street | : | <u>and Orders</u> |
| Lakewood, Ohio 44107 | : | |

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Sartaj Oil/ Shell #2332 ("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 the Respondent's 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 owns and operates a gasoline dispensing facility ("GDF") located at 1538 W. 117th Street, in Lakewood (Cuyahoga County), Ohio (Ohio EPA ID 1318286800). This GDF is subject to the requirements of Ohio Administrative Code ("OAC") Rule 3745-21-09(DDD) concerning Stage II vapor control systems.

2. On January 5, 2007, Respondent was issued a permit-by-rule ("PBR") by Ohio EPA, in accordance with OAC Rule 3745-31-03. The PBR required Respondent to comply with the requirements for Stage II vapor control systems as specified in OAC Rule 3745-21-09(DDD).

3. ORC § 3704.05(G) states, in part, that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Rule 3745-21-09(DDD) was adopted by the Director pursuant to ORC Chapter 3704.

4. OAC Rule 3745-21-09(DDD)(1)(b) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless a vapor control system is installed, operated, and maintained in accordance with the manufacturer's specifications and the applicable California Air Resources Board ("CARB") certification, and is free from defect.

5. OAC Rule 3745-21-09(DDD)(1)(c) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

6. OAC Rule 3745-21-09(DDD)(2)(f) requires the owner or operator of a GDF to perform and comply with any vapor control system tests specified in the applicable CARB certification. As part of the required CARB testing for the above-mentioned GDF, an air-to-liquid ("A/L") ratio test and a static leak test are required to be performed annually and any fueling point not capable of demonstrating compliance with the performance standards of the A/L ratio test is deemed to be defective and is required to be removed from service.

7. On November 10, 2008, Respondent attempted to conduct the annual Stage II compliance tests at this GDF. The static leak test passed but the A/L ratio test failed for all dispensers. Respondent was dispensing gasoline prior to and after the failed A/L ratio test. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements contained in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). On December 22, 2008, Respondent passed an A/L ratio retest for all dispensers.

8. On October 30, 2009, Respondent attempted to conduct the annual Stage II compliance tests at this GDF. The static leak test passed but the A/L ratio test failed for all dispensers. Respondent was dispensing gasoline prior to and after the failed A/L ratio test. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements contained in OAC

Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). On December 18, 2009 Respondent passed an A/L ratio retest for all dispensers.

9. By letters dated December 2, 2009 and January 22, 2010, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 7 and 8 of these Orders.

10. The Director has given consideration to, and based his 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. For the next two ozone-producing seasons (April 1, 2010 – October 31, 2010 and April 1, 2011 – October 31, 2011), starting two weeks prior to the start of the ozone season, i.e., by March 15, 2010 and March 15, 2011, and continuing until October 31, 2010 and October 31, 2011, respectively, Respondent shall conduct weekly inspections of the Stage II vapor control system, checking for leaks, malfunctions or other damage to the system and shall keep records of these inspections and any repairs made. The inspections shall be recorded in an inspection log or checklist. Copies of the inspection logs or checklists shall be submitted to Ohio EPA during the middle and at the end of each ozone season. Specifically, copies of the weekly inspection records for the period from March 15 through July 31 shall be submitted by August 14 of that year. Copies of the weekly inspection records for August 1 through October 31 shall be submitted by November 14 of that year.

2. For the next two ozone-producing seasons (i.e., April 1, 2010 – October 31, 2010 and April 1, 2011 – October 31, 2011), Respondent shall perform static leak and A/L ratio tests prior to the beginning (during March) of each ozone season and during August of each ozone season. Respondent shall notify Ohio EPA of such testing at least fourteen (14) days prior to any test. The results of these tests shall be submitted to Ohio EPA within fourteen (14) days after completion of the tests.

3. Respondent shall pay the amount of ten thousand four hundred fifty dollars (\$10,450) 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" for eight thousand three hundred sixty dollars (\$8,360) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

4. In lieu of paying the remaining two thousand ninety dollars (\$2,090) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$2,090 to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$2,090. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

5. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

6. Should Respondent fail to fund the SEP within the required time frame set forth in Order 4, Respondent shall immediately pay to Ohio EPA \$2,090 of the civil penalty in accordance with the procedures in Order 3.

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 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 the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative.

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, the operation of Respondent's facility.

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 Department of Public Health
Division of Air Quality
75 Erieview Plaza – 2nd Floor
Cleveland, Ohio 44114
Attn: George Baker

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049
Attn: Jim Orlemann

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

Chris Korleski
Director

Date

AGREED:

Sartaj Oil Company/Shell #2332

Signature

Date

Printed or Typed Name

Title

GDF PENALTY WORK SHEET
 Sartaj Oil/Shell #3223
 1538 W. 117th Street Lakewood, Ohio
 (for settlement purposes only)

| | | | |
|--|---------|----------|--|
| A. Benefit Component: | | \$0 | Economic benefit is negligible (i.e., less than \$5,000). |
| B. Gravity Component: | | | |
| 1. Testing violations- Consecutive test failures: | \$5,000 | | On 11/10/08, Respondent failed the 2008 annual A/L ratio tests for dispensers 1, 2, 3, 4, 5, and 6. On 12/22/08, a retest was conducted and the A/L ratio test passed for all dispensers. On 10/30/09, Respondent failed the 2009 annual A/L ratio test for all dispensers. On 12/18/09, a retest was conducted and the A/L ratio test passed for all dispensers. Respondent was operating the dispensers prior to and after each failed test. Operating the vapor control system with malfunctions and the failure to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). Per the GDF penalty policy, when a facility fails any test in two consecutive years or fails two consecutive tests the penalty is \$5,000. |
| 2. Length of violation: | \$450 | | Respondent initially failed the A/L test on October 30, 2009. Respondent has 30 days to conduct a retest showing compliance (i.e., November 30, 2009). Compliance was not demonstrated until December 18, 2009. Respondent missed the compliance deadline by 18 days (18 days x \$25 per day = \$450) |
| 4. Size of violator: | \$5,000 | | Net worth >\$100,000 based on facilities of similar size and location. Penalty associated with this amount is \$5,000. |
| Preliminary Deterrence Amount: | | \$10,450 | |

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|---|-----|----------|----------------|
| Initial Gravity Component: | | \$10,450 | |
| C. Adjustment Factors: | \$0 | | Not applicable |
| 1. Degree of willfulness or negligence: (total gravity component times any augmentation percentage) | | | |
| 2. Degree of cooperation: (total gravity component times any mitigation percentage) | \$0 | | Not applicable |
| 3. History of noncompliance: (total gravity component times any augmentation percentage) | \$0 | | Not applicable |
| 4. Ability to pay: (any mitigation amount) | \$0 | | Not known |
| 5. Other unique factors: (total gravity component times any mitigation or augmentation percentage) | \$0 | | Not applicable |
| D. Adjusted Gravity Component: | | \$10,450 | |
| E. Administrative Component: | | \$0 | Not applicable |
| F. Initial Settlement Amount: | | \$10,450 | |