

AGENDA FOR THE MARCH 11, 2010 EC MEETING

CASES TO BE CLOSED:

Quikrete-Cleveland	#2685	Akron	Final F&Os	Tom/Don
H.B. Fuller Company	#2731	112r	Final F&Os	Kim/Don
Ariel Corporation (HPV)	#2824	CDO	Final F&Os	John/Marc
Foti Contracting, LLC	#2834	Akron	Final F&Os	Tom/Marc
City of Youngstown, Wastewater Treatment Plant	#2879	112r	Final F&Os	Sherri/Marc

PENDING CASES:

Great Lakes Crushing, Ltd.	#2781	NEDO	Prop. F&Os	Tom/Steve
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OTHER BUSINESS:

- (1) Distribute updated schedule of progress for resolving all "old" cases for 2008, 2009 and 2010.
- (2) Jim is scheduled to provide food for today's meeting at 3:00 p.m. in DAPC Rm C.
- (3) The next meeting is scheduled for Thursday, March 25, 2010 at 3:00 p.m. in DAPC Rm C. John is scheduled for food. (Future food schedule: Don for April 8; Bryan for April 22.)

PENDING AIR ENFORCEMENT COMMITTEE CASES

Total Unresolved Cases (81)

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
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
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	Seivey'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, DSJWM 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
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

Updated: 03/11/10

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
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/JP	04/24/09	06/03/09
2833	Veterans of Foreign Wars Post 6519 (asbestos)	Lake Co.	DV/TT	04/29/08	06/22/09
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
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

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
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
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

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
2900	Clarkia Gas	Cleve.	MG/EY		03/01/10

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

March

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2685	Quikrete-Cleveland	3	Akron	TK	UD	DV	12/14/07					02/26/10	
2731 (112r)	H. B. Fuller Company	3	N/A	TK	KJ	DV	06/04/08					03/10/10	
2824	Ariel Corporation	3	CDO	JP	EY	MG	05/18/09					03/09/10	
2834	Foti Contracting, LLC	3	Akron	TK	FU	MG	06/29/09					03/10/10	
2879 (112r)	City of Youngstown, Wastewater Treatment Plant	3	N/A	TK	SS	MG	12/04/09					03/10/10	

Total for the month of March = 5

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 ID	Deadline in F&O	C y/n	Complete Date	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		11/02/07	222582
	Bus Fund \$14,050	634725	12/08/07		11/02/07	222583
	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	C y/n	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		08/24/09	8256
	\$139	644211	10/06/09		09/28/09	8316
	\$139	644212	11/06/09		10/27/09	8368
	\$139	644213	12/06/09		11/24/09	8427
	\$139	644214	01/06/10		12/28/09	8474
	\$139	644215	02/06/10		01/25/10	8521
	\$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 01/27/10*	
		\$ 600	645348	11/25/08	Y	
		\$ 600	645349	12/25/08	Y	

* Partial pymt of \$300 made, of which \$30 went to AGO for

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	Y		
	Bus Fund \$2,000	659539	08/08/08	Y		
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)					
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/i 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)					
Re-Gen, Inc. (01/15/09 - Consent Order)	Civil penalty: (\$70,000)					
	OEPA \$28,000	709526	02/14/09		02/11/09	4969
	\$28,000	709527	01/15/10		01/27/10	5049
	Bus Fund \$ 7,000	709528	02/14/09		02/11/09	4968
	\$ 7,000	709529	01/15/10		01/29/10	5048
	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 101226491
	Bus Fund	\$12,000	711746	04/24/09		03/26/09 101226492
	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				
	Cairo		(365 days after acceptance of short-term limit)				
Submit report re: how compliance will be	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				

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)					
	Have all vehicles tested and report results	714659	07/18/09		09/18/09	9925
Village of North Randall (06/30/09)	Civil penalty: (\$1,500)					
	Have all vehicles tested and report results	714660	07/30/09	Y		
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)					
	Have all vehicles tested and report results	714842	08/07/09		08/17/09	49645
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)					
	Have all vehicles tested and report results	726483	09/11/09		09/01/09	800046
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)	749108 749109 749110 749111	10/02/09		01/22/10 01/22/10 01/22/10 01/22/10	1162183344 1166047771 1171052079 1162183345
Speedway SuperAmerica, LLC (09/22/09)	Civil penalty: (\$35,880) OEPA \$28,704 Bus Fund \$ 7,176	727238 727239	10/05/09 10/22/09		09/29/09 09/29/09	960292 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 \$3,500 Bus Fund \$1,400	727235 727236 727237	10/22/09 03/22/10 10/22/09			
Stein, Inc. (10/13/09)	Civil penalty: (\$50,000) OEPA \$10,000 \$10,000 \$10,000 \$10,000 Bus Fund \$10,000	735696 735697 735698 735699 735700	05/13/10 08/13/10 11/13/10 02/13/11 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 Bus Fund \$ 46,000 Submit Title V permit application Submit plan for measuring OC content of stone Submit FERs for 1993-1996	735799 735800	11/19/09 11/19/09 w/i 90 days of issuance of PTI 01/19/10 04/19/10		11/05/09 11/05/09	3802097 3802098

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		03/12/10	2723
	\$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 ID	Deadline in F&O	C y/n	Complete Date	Check # / 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	747655	03/23/10		
	\$4,400	747656	06/23/10		
	\$4,400	747657	09/23/10		
	\$4,400	747658	12/23/10		
Bus Fund \$4,400	747659	01/23/10	01/25/10	2058	

Randy Wise (12/23/09)	Civil penalty: (\$250)	747654	01/23/10		

Ameriseal & Resoration, LLC (12/30/09)	Civil penalty: (\$6,700)				
	OEPA \$860	747818	01/15/10	01/15/10	8845
	\$2,200	747819	02/15/10	02/09/10	8870
	\$2,300	747820	03/15/10	03/08/10	8919
	Bus Fund \$1,340	747821	01/15/10	01/15/10	8846

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Mark A. Mirich, d.b.a.	Civil penalty: (\$25,000)					
All Demolition (12/28/09 - CO)	OEPA	\$800	748952	02/15/10		
		\$800	748953	03/15/10		
		\$800	748954	04/15/10		
		\$800	748955	05/15/10		
		\$800	748956	06/15/10		
		\$800	748957	07/15/10		
		\$800	748958	08/15/10		
		\$800	748959	09/15/10		
		\$800	748960	10/15/10		
		\$800	748961	11/15/10		
		\$800	748962	12/15/10		
		\$800	748963	01/15/11		
		\$800	748964	02/15/11		
		\$800	748965	03/15/11		
		\$800	748966	04/15/11		
		\$800	748967	05/15/11		
		\$800	748968	06/15/11		
		\$800	748969	07/15/11		
		\$800	748970	08/15/11		
		\$800	748971	09/15/11		
		\$800	748972	10/15/11		
		\$800	748973	11/15/11		
		\$800	748974	12/15/11		
		\$800	748975	01/15/12		
		\$800	748976	02/15/12		
		\$200	748977	02/15/10		
		\$200	748978	03/15/10		
		\$200	748979	04/15/10		
		\$200	748980	05/15/10		
		\$200	748981	06/15/10		
		\$200	748982	07/15/10		
		\$200	748983	08/15/10		
		\$200	748984	09/15/10		
		\$200	748985	10/15/10		
		\$200	748986	11/15/10		
		\$200	748987	12/15/10		
		\$200	748988	01/15/11		
		\$200	748989	02/15/11		
		\$200	748990	03/15/11		
		\$200	748991	04/15/11		
		\$200	748992	05/15/11		
		\$200	748993	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	748994	07/15/11			
	\$200	748995	08/15/11			
	\$200	748996	09/15/11			
	\$200	748997	10/15/11			
	\$200	748998	11/15/11			
	\$200	748999	12/15/11			
	\$200	749000	01/15/12			
	\$200	749001	02/15/12			

Tinkler Construction, Co. (12/30/09 - CO)	Civil penalty: (\$14,500)					
	OEPA \$11,600	752584	01/30/10			
	Bus Fund \$ 2,900	752585	01/30/10			

New Day Farms, LLC, et al. (01/11/10)	Civil penalty: (\$55,200)					
	OEPA \$44,160	752672	02/11/10			
	Bus Fund \$11,040	752673	02/11/10			

ConSun Food Industries, Inc. (01/14/10)	Civil penalty: (\$17,250)					
	OEPA \$1,600	751928	02/14/10	02/05/10	290041	
	\$4,000	751929	05/14/10			
	\$4,000	751930	08/14/10			
	\$4,200	751931	11/14/10			
	Bus Fund \$3,450	751932	02/14/10	02/05/10	290042	
	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)					
	753503	01/27/10				

The Afco Group (01/20/10)	Civil penalty: (\$1,000)					
	OEPA \$250	753493	02/20/10			
	\$250	753494	03/18/10			
	\$250	753495	04/18/10			
	\$250	753496	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	753405	02/03/10			
	Bus Fund \$2,400	753406	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	N/A	03/06/10	
	USEPA Hazardous Substances Superfund	\$ 70,000	N/A	03/06/10	
	HAMCO	\$ 382,500	N/A	03/06/10	
	Bus Fund	\$ 229,500	753743	03/06/10	
	SERC Fund	\$ 20,000	753742	03/06/10	
	OEPA, DAPC	\$ 256,000	753740	03/06/10	
	OEPA, EEF	\$ 612,000	753741	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	753753	03/31/11			
	\$20,000	753754	06/30/11			
	\$20,000	753755	09/30/11			
	\$20,000	753756	12/31/11			
	Bus Fund \$ 5,000	753757	03/31/11			
	\$ 5,000	753758	06/30/11			
	\$ 5,000	753759	09/30/11			
	\$ 5,000	753760	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				

Quikrete-Cleveland (02/26/10)	Civil penalty: (\$16,250)	753762	03/12/10		03/04/10	1006152
	Complete the asphalt paving SEP project		02/26/11			

H. B. Fuller Company (03/10/10)	Civil penalty: (\$9,375)					
	OEPA \$6,000		05/10/10			
	Bus Fund \$3,375		04/10/10			
	Submit a schedule for completion of the SEP		04/10/10			

Ariel Corporation (03/09/10)	Civil penalty: (\$25,000)					
	OEPA \$20,000		04/09/10		02/22/10	30151
	Bus Fund \$ 5,000		04/09/10		02/22/10	30152

Foti Contracting, LLC (03/10/10)	Civil penalty: (\$10,000)					
	OEPA \$8,000		04/10/10		02/19/10	26441
	Bus Fund \$2,000		04/10/10		02/19/10	26440

Facility Name	Milestone or Requirement*	Revenue ID	Deadline	C	Complete Date	Check # / Date
City of Youngstown, WWTP (03/10/10)	Civil penalty: (\$12,405)					
	OEPA \$9,924			03/24/10		
	Bus Fund \$2,481			03/24/10		
	Submit documentation that RMP deficiencies have been corrected			04/10/10		

ENFORCEMENT COMMITTEE MEETING MINUTES

(March 11, 2010)

Case Number: 2685	Dates:
Entity: Quikrete-Cleveland	EAR: 12/14/07
Field Office: Akron	DWL: N/A
Contact: Urvi Doshi/Tom Kalman	F&Os: 02/26/10
Attorney: Donald L. Vanterpool	Referral: N/A
	Dismissal: N/A

Background: On August 20, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Quikrete-Cleveland ("Quikrete") of 8951 Schaefer Highway, Bldg. #4, Detroit, Michigan, to attempt an administrative settlement of the air violations that occurred at its cement blending and packaging facility located at 2693 Lake Rockwell Road in Shalersville Township of Portage County, Ohio. The F&Os proposed to require Quikrete to do the following for its air contaminant sources [i.e., cement packaging operations with baghouse (emissions unit P901), a fluid bed dryer (emissions unit P902), roadways and parking areas (emissions unit F001), and storage piles (emissions unit F002)]:

- (1) upon the effective date of the F&Os and thereafter, maintain emissions units P901, P902, F001 and F002 in compliance with the visible emission limitations and control requirements in Permit to Install ("PTI") #16-1513;
- (2) pay a total civil penalty of \$85,500 to Ohio EPA;
- (3) within 14 days after the effective date of the F&Os, pay \$68,400 of the total civil penalty to Ohio EPA; and
- (4) within 14 days after the effective date of the F&Os, pay \$17,100 of the total civil penalty to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

The proposed F&Os addressed the following violations of air pollution control rules and law:

- (1) Between November 19, 2007 and July 29, 2008, on three days, visible particulate emission observations demonstrated violations of the visible particulate emission limit of one minute during any 60-minute period for the paved roadways of

emissions unit F001, in violation of PTI #16-1513, the PTO, and ORC § 3704.05(C).

- (2) PTI #16-1513 and the PTO for emissions unit P901 requires Quikrete to not allow any visible emissions of fugitive dust from the building housing this emissions unit. Between September 24, 2007 and October 8, 2008, on 19 days, visible particulate emissions of fugitive dust were observed from the building housing emissions unit P901, in violation of PTI #16-1513, the PTO and ORC § 3704.05(C). Quikrete corrected these violations by repairing the baghouse and the broken parts of the production building and storage bin vents.
- (3) PTI #16-1513 and the PTO for emissions unit P901 and OAC Rule 3745-15-07 prohibit Quikrete from causing a public nuisance by the emission of air contaminants from this emissions unit. Between September 20, 2007 and October 25, 2007, six fugitive dust emission incidents involving emissions unit P901 caused a public nuisance in the vicinity outside of the facility, which endangered the health, safety or welfare of the public, or caused unreasonable injury or damage to property, in violation of PTI #16-1513, the PTO, OAC Rule 3745-15-07, and ORC § 3704.05(C) and (G).
- (4) Quikrete failed to timely submit quarterly deviation reports for the following calendar quarters: 2nd, 3rd and 4th quarters of 2005; 1st, 2nd, 3rd and 4th quarters of 2006; 1st, 2nd, 3rd and 4th quarters of 2007; and 1st quarter of 2008, in violation of PTI #16-1513 and ORC § 3704.05(C). The delinquent reports were finally submitted on July 25, 2008.
- (5) Quikrete failed to keep records of daily inspections for determining the need to implement control measures for emissions unit F001, in violation of PTI #16-1513 and ORC § 3704.05(C). On February 15, 2009, Quikrete submitted information on the daily inspections and record-keeping of visible emissions for emissions units F001 and F002 from January 2008 through December 2008.

Quikrete and Ohio EPA exchanged comments and counteroffers before reaching a settlement with F&Os.

Action: On February 26, 2010, final F&Os were issued to Quikrete to resolve the violations that occurred. The F&Os require Quikrete to do the following:

- (1) Pay a total penalty of \$52,500;

- (2) Of the total penalty, pay Ohio EPA \$16,250 within 30 days after the effective date of the F&Os;
- (3) In lieu of paying \$36,250 of the total penalty, and to further minimize dust emissions in the vicinity of Quikrete's property, perform a penalty credit project within one year after the effective date of the F&Os, consisting of the asphalt paving of about 18,379 square feet of the unpaved portion of a storage yard at the facility;
- (4) Submit a report on the completion of the penalty credit project within 30 days after the completion of the paving project and include documentation showing the expenditure of at least \$65,500 on the penalty credit project; and
- (5) Upon the effective date of these F&Os, maintain emissions units P901, P902, F001 and F002 in compliance with the visible emission limitations and control requirements in PTI #16-1513.

Case Closed



Case Number: 2731	Dates:
Entity: H.B. Fuller Company	EAR: 06/04/08
Field Office: 112r	DWL: N/A
Contact: Kimberly Joseph	F&Os: 03/10/10
Attorney: Donald L. Vanterpool	Referral: N/A
	Dismissal: N/A

Background: H.B. Fuller Company ("HB Fuller") is located at 4440 Malsbary Road, in Blue Ash, Ohio. The facility is a polymer emulsion glue factory that makes water-based adhesives. The primary activity involves the polymerization of a vinyl acetate monomer ("VAM"). The VAM is stored in two above-ground tanks, reactors, and a railcar for a total of 648,000 pounds. The threshold amount for VAM is 15,000 pounds. As a result of storing the toxic substance VAM, the company was required to file a Risk Management Plan ("RMP") pursuant to OAC Chapter 3745-104.

HB Fuller submitted a RMP in 1999 and 2004 to Ohio EPA, stating that all of the information was complete for the RMP Program. A RMP is a plan for protecting against the release of certain amounts of toxic or flammable substances. In 2001, Ohio EPA

audited the RMP Program at the facility, discovered four deficiencies, and sent the company a deficiency letter notifying it of the deficiencies that must be corrected. All of the deficiencies were corrected.

In 2004, HB Fuller submitted its revised RMP five years after the first submittal, as required pursuant to OAC Chapter 3745-104. The second five-year RMP Program audit was conducted in 2008, and Ohio EPA discovered seven deficiencies, of which two were repeat violations from the first audit. The facility officials did not submit all of the required documentation as requested by Ohio EPA; therefore, the company was not in compliance at that time. Since this is the second time that the facility had violated the rules in OAC Chapter 3745-104, and has not submitted the requested documentation, Ohio EPA is pursuing enforcement.

On July 15, 2008, proposed Director's Final Findings and Orders ("F&Os") were sent to HB Fuller. The F&Os proposed a penalty of \$33,300 in accordance with DAPC's RMP penalty policy. 80% of the penalty was to be credited to the RMP reporting fund created pursuant to ORC § 3753.05, and 20% was to be paid to fund the clean diesel school bus program fund as a SEP. Also, the F&Os proposed to require HB Fuller, within 30 days after the effective date of the F&Os, to submit adequate documentation to correct violations referenced in certain findings of the F&Os.

A settlement meeting was held on October 28, 2008 regarding the proposed F&Os. Negotiations continued by oral and written correspondence until a settlement was reached that included another supplemental environmental project.

Action: On March 10, 2010, final F&Os were issued to HB Fuller. The F&Os require HB Fuller to pay a civil penalty of \$16,875, which is to be distributed as follows:

- (1) \$6,000 is payable to Ohio EPA's Risk Management Program Fund within 60 days after the effective date of the F&Os;
- (2) \$3,375 is payable to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP; and
- (3) \$7,500 is waived upon successful completion of a SEP involving the installation of a heat exchanger on a boiler at the facility.

The F&Os require HB Fuller, within 30 days after the effective date of the F&Os, to submit a schedule for the installation of the heat exchanger. Also, the F&Os require HB Fuller to remove VAM that is over the threshold amount from the shutdown process and

immediately deregister the process by notifying USEPA and Ohio EPA. Should the amount of VAM exceed the threshold level in the future, the F&Os require registration and the submission of a Risk Management Plan to USEPA and Ohio EPA, compliance with the RMP program, and the completion of specific recommendations that were not resolved from the 2003 process hazard analysis.

Case Closed



Case Number: 2824	Dates:
Entity: Ariel Corporation	EAR: 05/18/09
Field Office: CDO	DWL: N/A
Contact: Eric Yates/John Paulian	F&Os: 03/10/10
Attorney: Marcus Glasgow	Referral: N/A
	Dismissal: N/A

Background: On October 19, 2009, proposed Director's Final Findings and Orders were sent to Ariel in an attempt to obtain an administrative settlement. The proposed Orders required Ariel to pay a civil penalty of \$27,500, of which 20% was to be directed to the school bus diesel retrofit program.

Ariel owns a manufacturing facility located at 35 Blackjack Road in Mount Vernon. At the facility, Ariel designs and manufactures large compressors used in the natural gas gathering, pipeline, and gas storage industries.

On May 23, 2002, permit to install ("PTI") 01-08607 was issued for emissions unit K003 (paint booth).

On April 2, 2008, Ohio EPA Central District Office conducted an inspection of Ariel's facility and also completed a review of the records required to be maintained by PTI 01-08607.

PTI 01-08607 and OAC Rule 3745-21-09(U)(2)(e)(iii) limit the amount of coatings allowed in emissions unit K003 to 10 gallons per day. On at least 67 days between February 2007 and March 2008, Ariel exceeded the 10 gallons per day limit on coating usage, in violation of the terms and conditions of PTI 01-08607, OAC Rule 3745-21-09(U)(2)(e)(iii) and ORC § 3704.05(C).

PTI 01-08607 requires that deviation reports be submitted within 45 days of any daily record showing the use of more than the applicable maximum daily coating usage limit of 10 gallons per day. Ariel failed to submit deviation reports identifying the 67 days that the maximum daily coating usage limit of 10 gallons per day was exceeded, in violation of the terms and conditions of PTI 01-08607 and ORC § 3704.05(C).

PTI 01-08607 requires that Ariel keep records of the total VOC emission rate on a daily basis for all coatings and cleanup materials, in pounds per day. Since at least February 2007, Ariel has failed to maintain records of the total VOC emission rate on a daily basis for all coatings and cleanup materials, in pounds per day, in violation of PTI 01-08607 and ORC § 3704.05(C).

Ariel has since installed extensive monitoring equipment that tracks coating usage to the ounce and will allow Ariel to better track its coating usage and generate reports required by its PTIs.

On February 12, 2009, Ohio EPA Central District Office sent a notice of violation letter to Ariel for the above violations.

Action: On March 10, 2010, Director's Final Findings and Orders were sent to Ariel as an administrative settlement. The proposed Orders require Ariel to pay a civil penalty of \$25,000 within 30 days after the effective date of the Orders, of which 20% will be directed to the school bus diesel retrofit program.

Case Closed



Case Number: 2834	Dates:
Entity: Foti Contracting, LLC	EAR: 06/29/09
Field Office: Akron	DWL: N/A
Contact: Felix Udeani/Tom Kalman	F&Os: 03/11/10
Attorney: Marcus Glasgow	Referral: N/A
	Dismissal: N/A

Background: On January 20, 2010, proposed Director's Final Findings and Orders ("F&Os") were sent to Foti Contracting, LLC ("Foti") of 2501 West Third Street in Cleveland, Ohio, to attempt an administrative settlement of the violations of dust control requirements of OAC Rule 3745-17-08(B). The F&Os proposed to require Foti to

comply with the requirements of OAC Rule 3745-17-08(B) upon the effective date of the F&Os and maintain compliance thereafter. Specifically, it was proposed that Foti be required to equip all masonry sawing equipment with a water hose and canister assembly unit or equivalent device that will minimize or eliminate visible emissions of fugitive dust from all masonry sawing operations at its Ohio construction sites located in the Appendix A areas identified in OAC Rule 3745-17-08. Furthermore, the F&Os proposed to require Foti to pay a civil penalty of \$20,000 within 14 days after the effective date of the F&Os, of which \$4,000 is to be directed to the Ohio EPA Clean Diesel School Bus Program Fund as a SEP.

Foti is a masonry contractor and performed jobs involving the sawing of bricks, blocks and concrete at the University of Akron Stadium ("facility") construction project. The sawing of bricks, blocks and concrete generates visible emissions of fugitive dust, which are regulated by OAC Rule 3745-17-08(B). This rule requires the use of reasonably available control measures that minimize or eliminate visible emissions of fugitive dust. Foti possesses wet suppression equipment for use in minimizing or eliminating visible emissions of fugitive dust, which constitutes a reasonable available control measure.

The proposed F&Os addressed incidents that occurred on October 23, 2008 and February 25, March 5 and July 16, 2009, when Foti engaged in brick, block and concrete sawing operations at various job sites at the facility without employing any dust control measures, in violation of OAC Rule 3745-17-08(B) and ORC § 3704.05(G).

On March 11, 2009, the Akron Regional Air Quality Management District ("ARAQMD") issued a notice of violation ("NOV") letter to Foti, requesting a written commitment to cease all further generation of fugitive dust without employing reasonably available control measures and a description of all dust control measures to be utilized. Foti did not respond to the NOV letter.

On February 17, 2010, a meeting was held with Foti to discuss settlement via the proposed F&Os. A settlement was reached on the amount of the civil penalty during that meeting.

Action: On March 10, 2010, final F&Os were issued to Foti to its new offices at 1164 Lloyd Road in Wickliffe, Ohio. The F&Os require Foti to comply with the requirements of OAC Rule 3745-17-08(B) upon the effective date of the F&Os and maintain compliance thereafter. Foti must equip all masonry sawing equipment with a water hose and canister assembly unit or equivalent device that will minimize or eliminate visible emissions of fugitive dust from all masonry sawing operations at its Ohio construction sites located in the Appendix A areas identified in OAC Rule 3745-17-08.

Also, the F&Os require Foti to pay a civil penalty of \$10,000 within 30 days after the effective date of the F&Os, of which \$4,000 is to be directed to the Ohio EPA Clean Diesel School Bus Program Fund as a SEP.

Case Closed



Case Number: 2879	Dates:
Entity: City of Youngstown WWTP	EAR: 12/04/09
Field Office: 112r	DWL: N/A
Contact: Sherri Swihart	F&Os: 03/10/10
Attorney: Marcus Glasgow	Referral: N/A
	Dismissal: N/A

Background: The City of Youngstown is a municipal corporation that owns the Wastewater Treatment Plant located at 725 Poland Avenue in Youngstown. Chlorine and sulfur dioxide are used in the chlorination process. An initial Risk Management Plan (“RMP”) audit was conducted in April 2004 and eleven deficiencies were discovered during the audit. The deficiencies were corrected in August 2004.

On July 23, 2009, a second five-year audit was conducted at the facility and Ohio EPA, DAPC discovered eight violations of the rules including (a) OAC Rule 3745-104-07 (written management system); (b) OAC Rules 3745-104(C)(1)(d) and (e) (process safety information); (c) OAC Rule 3745-104-24(D)(1)(h) (safety systems); (d) OAC Rule 3745-104-26(C) (certification of operating procedures); (e) OAC Rules 3745-104-27 (A) and (B) (training); (f) OAC Rule 3745-104-28(A) (written mechanical integrity program); (g) OAC Rule 3745-104-28(D) (inspections/tests on process equipment); and (h) OAC Rule 3745-104-33 (written employee participation plan). Furthermore, the facility has not reviewed and resubmitted its RMP by June 21, 2009, in violation of Rule 3745-104-49(B)(1).

A deficiency letter was sent to the facility on August 6, 2009. No information was received and a warning letter was issued on October 15, 2009. Ohio EPA, DAPC contacted the facility via telephone on November 19, 2009, and spoke with the Assistant Superintendent of the plant, but no documentation has been submitted to Ohio EPA.

On December 23, 2009, proposed Director’s Final Findings and Orders (“F&Os”) were sent to the City of Youngstown to attempt an administrative settlement of the violations.

The F&Os propose to (1) require the City to pay a civil penalty of \$12,405 within 14 days of the effective date of the F&Os, with \$2,481 of that amount to be directed to the Clean Diesel School Bus Program Fund, (2) resubmit an RMP; and (3) correct the deficiencies and implement the compliant RMP program thereafter.

A settlement was reached in a phone discussion between the Ohio EPA attorney and the WWTP's Superintendent.

Action: On March 10, 2010, final F&Os were issued to the City of Youngstown. The F&Os require the City of Youngstown to: (1) pay a civil penalty of \$12,405 within 14 days after the effective date of the F&Os, with \$2,481 of that amount to be directed to Ohio EPA's Clean Diesel School Bus Program Fund, (2) within 30 days after the effective date of the F&Os, submit adequate documentation to Ohio EPA that verifies all deficiencies identified in the Findings have been corrected and the second 5-year process hazard analysis has been conducted, and (3) resubmit its RMP to USEPA and Ohio EPA.

Case Closed



Case Number: 2781	Dates:
Entity: Great Lakes Crushing, Ltd.	EAR: 11/18/08
Field Office: NEDO	DWL: N/A
Contact: Patty Porter/Tom Kalman	F&Os: 03/10/10 (prop.)
Attorney: Stephen Feldmann	Referral: N/A
	Dismissal: N/A

Background: Great Lakes Crushing, Ltd. ("GLC") of 35650 Lakeland Blvd., Eastlake, Ohio, is a demolition business. It was hired by the Cleveland Municipal School District to demolish two former residential structures located at 3142 and 3148 West 44th Street in Cleveland, Ohio. The demolitions were a part of the Thomas Jefferson School Project and were a "facility" under the Asbestos Emission Control Standards in OAC Chapter 3745-20.

Asbestos surveys of the two structures were performed prior to demolition and found the total amount of regulated asbestos-containing material ("RACM") in the facility to be above the threshold levels in OAC Rule 3745-20-02(B)(1) and, therefore, subject to the notification and work practice requirements of OAC Rules 3745-20-03, 3745-20-04 and

3745-20-05. Specifically, the structure at 3148 West 44th Street had 5,950 square feet of RACM and the structure at 3142 West 44th Street had 100 square feet of RACM, which all had to be removed prior to beginning demolition.

The Cleveland Municipal School District hired A&D Contracting, Inc. to remove the RACM from the facility. A&D Contracting, Inc. submitted the notifications required by OAC Rule 3745-20-03 on June 4, 2008. The notifications indicated the RACM would be removed on June 18, 2008 and the demolition performed between June 18 and 27, 2008 for the 3142 West 44th Street structure, and the RACM would be removed between June 18 and 27, 2008 and the demolition performed between June 30 and July 30, 2008 for the 3148 West 44th Street structure.

On June 18, 2008, GLC telephoned Northeast District Office of Ohio EPA ("NEDO") to inform it that on June 11, 2008, GLC had mistakenly and prematurely demolished the facility without the RACM being removed. GLC indicated it became aware of the problem when A&D Contracting, Inc. showed up on June 18, 2008 to remove the RACM. Furthermore, GLC stated that four truck loads of asbestos-contaminated demolition debris had been transported to a construction and demolition debris ("C&DD") landfill. GLC took full responsibility for the violations associated with the demolition.

As a result of the demolition, GLC violated the following rules and State law:

- (1) OAC Rule 3745-20-03(A), by failing to timely submit a notification amending the previous schedule for demolition;
- (2) OAC Rule 3745-20-04(A)(1), by failing to remove the RACM prior to start of demolition;
- (3) OAC Rule 3745-20-04(B), by failing to have a trained representative at the site when the RACM was handled and disturbed;
- (4) OAC Rule 3745-20-05(A), by failing to deposit the asbestos-containing waste material at an acceptable waste disposal site;
- (5) OAC Rule 3745-20-05(B), by failing to employ any of the control measures for asbestos emissions;
- (6) OAC Rule 3745-20-05(C), by failing to properly containerize and label the containers; and

- (7) OAC Rule 3745-20-05(E), by failing to maintain asbestos-containing waste material shipment records.

From June 18 through August 4, 2008, GLC was in contact with Ohio EPA to develop and implement the removal, handling, transportation and disposal of the asbestos-contaminated waste that was deposited in the C&DD landfill. On August 4 and 5, 2008, GLC removed the asbestos-contaminated waste from the C&DD landfill in accordance with the requirements of OAC Chapter 3745-20 and deposited it at a landfill permitted to accept RACM.

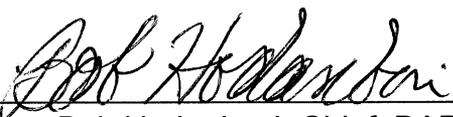
On November 18, 2008, NEDO submitted an Enforcement Action Request to Central Office for the violations.

Action: On March 10, 2010, proposed Director's Final Findings and Orders ("F&Os") were sent to GLC to attempt an administrative settlement of the violations. The F&Os propose to require GLC to pay Ohio EPA, within 30 days after the effective date of the F&Os, a civil penalty amount of \$60,000, of which \$12,000 is to be directed to the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. A mitigation of 20% or \$15,000 of the total civil penalty was provided due to GLC's reporting and cleanup of the problem.

Case Continued



ACTIONS & MINUTES APPROVED BY:



Bob Hodanbosi, Chief, DAPC

NEXT MEETING:
March 25, 2010
10:30 a.m.
DAPC Room C



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

February 26, 2010

Certified Mail

Mr. Jay Owens
Vice President
Quikrete-Cleveland
8951 Schaefer Highway, Bldg. #4
Detroit, Michigan 48228

Re: Final Findings and Orders for
Violations of Ohio's Air Regulations

Dear Mr. Owens :

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date stamped on the first page of the Orders.

Sincerely,

James A. Orlemann, P.E.
Assistant Chief, SIP Development & Enforcement Section
Division of Air Pollution Control

JAO/ud

Enclosure

xc: Frank J. Markunas, ARAQMD
Tom Kalman, DAPC
Urvi Doshi, DAPC
Donald L. Vanterpool, Legal
Priscilla Roberson, DAPC
Brenda Case, Fiscal Office (Agency #13)
Carol Hester, PIC

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

Ohio EPA is an Equal Opportunity Employer

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

OHIO E.P.A.

FEB 26 2010

By: [Signature] Date: 2/26/10

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Quikrete-Cleveland
2693 Lake Rockwell Road
Ravenna, Ohio 44266

:
:
:

Director's Final Findings
and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Quikrete-Cleveland ("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 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 operates a cement blending and packaging facility ("Facility") located at 2693 Lake Rockwell Road in Shalersville Township, Portage County, Ohio. The facility consists of cement packaging plant operations with emissions units that include a baghouse (emissions unit ("EU") P901), and roadways and parking areas (EU F001), that are subject to the terms and conditions of Permit to Install ("PTI") #16-1513 issued by Ohio EPA to Respondent on October 18, 1995.

2. Emissions units P901 and F001 are "air contaminant sources" as that term is defined in Ohio Administrative Code ("OAC") Rules 3745-15-01(C) and (W), 3745-31-01(I) and former 3745-35-01(B)(4) and emit "particulate matter" ("PM") and particulate matter with an aerodynamic diameter of 10 microns or less ("PM₁₀"), which are defined as "air pollutants" or "air contaminants" in OAC Rule 3745-15-01(C).

3. ORC § 3704.05(C) prohibits any person from violating any terms or conditions of any permit issued by the Director of Ohio EPA pursuant to ORC Chapter 3704. Any PTIs and permits to operate ("PTOs") issued by the Director of Ohio EPA were issued pursuant to ORC Chapter 3704.

4. ORC § 3704.05(G) prohibits any person from violating any order, rule or determination of the Director of Ohio EPA issued, adopted, or made under ORC Chapter 3704. Any OAC rule identified in these Orders was adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704.

5. On July 5, 2005, Respondent was issued PTOs by Ohio EPA for each of emissions units P901 and F001, which expire on July 5, 2010. On November 3, 2008, Respondent was issued a Permit-to-Install-and-Operate ("PTIO") by Ohio EPA for a modification to emissions unit P901.

6. PTI #16-1513 and the PTO for F001 required Respondent to limit visible particulate emissions from the paved roadways of emissions unit F001 to one minute during any 60-minute period. Also, the PTO requires the Respondent to treat paved roadways and parking areas by sweeping, water flushing, or other cleaning methods periodically at sufficient frequencies to minimize or eliminate fugitive dust emissions and to ensure compliance with the visible particulate emission limitation. Compliance with such prohibition is to be determined using the test methods and procedures specified in 40 CFR Part 60, Appendix A, Method 22.

7. Between November 19, 2007 and July 29, 2008, the Akron Regional Air Quality Management District ("ARAQMD"), Ohio EPA's contractual representative in Portage County, conducted Method 22 visible particulate emissions observations on a number of dates to determine whether the roadways at the facility were in compliance with PTI #16-1513. On three of those dates, ARAQMD observed visible particulate emissions in violation of the limit of one minute during any 60-minute period for the paved roadways. The exceedances, as summarized in the following table, were in violation of PTI #16-1513, the PTO, and ORC § 3704.05(C):

Date	Observation Point Noted	Total Observation Time of VEs (in minutes:seconds)	Total Observation Time (in minutes:seconds)
November 19, 2007	South of EU P901	7:38	58:00
June 5, 2008	West of EU P901	20:00	38:00
July 29, 2008	Northwest of EU P901	10:20	15:00

8. PTI #16-1513 and the PTO and PTIO for emissions unit P901 prohibit any visible emissions of fugitive dust from the building housing this emissions unit. Compliance with such prohibition is to be determined using the test methods and procedures specified in 40 CFR Part 60, Appendix A, Method 22.

9. On at least the following dates, Respondent and/or ARAQMD observed visible emissions of fugitive dust using Method 22 from the following areas or parts of the building housing emissions unit P901, in violation of PTI #16-1513, the PTO and ORC § 3704.05(C):

Date	Location of Visible Emissions
September 24, 2007	building
September 27, 2007	building
October 6, 2007	upper door of building
October 26, 2007	bucket elevator area
October 30, 2007	bucket elevator leaks
January 28, 2008	bucket elevator leaks
March 28, 2008	material leaking from discharge chute at top of dryer elevator
April 23, 2008	top of elevator
June 3, 2008	sand leaking from pipe on bin vent level
June 5, 2008	sand leaking from pipe on bin vent level
June 19, 2008	sand leaking from pipe on bin vent level
July 23, 2008	cement unloading pipe leaking

July 28, 2008	bin vent for cement leaking
July 29, 2008	building roof and elevator
August 14, 2008	cement unloading pipe leaking
August 26, 2008	outside diverter gate leaking
August 28, 2008	interior baghouse unloading pipe leaking
September 4, 2008	top of elevator
October 8, 2008	interior duct collection discharge pipe

10. A Notice of Violation ("NOV") letter dated November 14, 2007, was sent to Respondent by ARAQMD requesting abatement of the violations concerning emissions unit P901. In a response letter dated November 28, 2007, Respondent indicated it had repaired the broken baghouse, patched a hole, and replaced the off-load pipe on the bin vent level for emissions unit P901. On November 28, 2007, ARAQMD extended the time to provide a detailed and comprehensive compliance plan and schedule to December 21, 2007. On December 28, 2007, Respondent provided a letter outlining improved procedures and steps that had been taken to address the non-compliance issues.

11. PTI # 16-1513, the PTO for emissions unit P901, and OAC Rule 3745-15-07 prohibit Respondent from causing a public nuisance by the emission of air contaminants from, in part, this emissions unit. OAC Rule 3745-15-07(A) specifies that the emission or escape into the open air from any source or sources of dust in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property is deemed to be a public nuisance and is unlawful.

12. On several occasions between September 20, 2007 and October 25, 2007, ARAQMD responded to complaints by a neighbor of Respondent and observed the following:

Date	Description of Observations
September 20, 2007	dust fallout resulting in citizen's sweeping of driveway
September 21, 2007	dust fallout-driveway covered in dust
September 23, 2007	dust fallout resulting in citizen's washing of truck and driveway

September 24, 2007	dust fallout resulting in citizen's truck washing
October 17, 2007	dust fallout
October 25, 2007	dust fallout-driveway covered in dust

13. PTI #16-1513 requires Respondent to submit quarterly reports for the facility for deviations from control measure requirements, emission limitations, control device operating parameter limitations, and operating restrictions, by April 30, July 31, October 31, and January 31 for the preceding calendar quarter.

14. Respondent failed to timely submit quarterly deviation reports for the following calendar quarters: 2nd, 3rd and 4th quarters of 2005; 1st, 2nd, 3rd and 4th quarters of 2006; and 1st, 2nd, 3rd and 4th quarters of 2007, and 1st quarter of 2008, in violation of PTI #16-1513 and ORC § 3704.05(C). A NOV letter was sent to Respondent by ARAQMD on November 14, 2007, which requested the submittal of the delinquent reports. The remaining delinquent reports were submitted on July 25, 2008.

15. The PTO for EU F001 requires Respondent to keep records of the daily inspections for determining the need to implement control measures for emissions unit F001.

16. The NOV letter dated November 14, 2007 requested the Respondent to correct the record-keeping and reporting violations at the facility by submitting all deviation reports of such daily inspections by no later than November 30, 2007. In a letter dated November 28, 2007, Respondent informed ARAQMD that an attached summary form would immediately be used for keeping records of daily inspections.

17. On March 3, 2009, ARAQMD received a letter dated February 15, 2009 from Respondent, which summarized the information on the daily inspections and record-keeping of visible emissions observed from EU F001 from January 2008 through December 2008. Based on the February 15, 2009 letter, the facility reported four deviations from the visible emissions limit for emissions unit F001 during this period.

18. On March 3, 2009, ARAQMD received a second letter dated February 15, 2009 from Respondent, which summarized the annual reporting requirements related to monitoring and record-keeping for EU P901 from January 2008 through December 2008. Based on the second February 15, 2009 letter, the facility reported thirty occurrences of visible emissions for EU P901 during this period, including some which were observed inside the building housing EU P901. Subsequently, Respondent provided information to Ohio EPA that it had taken a number of steps to address the noncompliance and improve fugitive dust management at the facility.

19. 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 fifty-two thousand five hundred dollars (\$52,500) 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 sixteen thousand two hundred fifty dollars (\$16,250). 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
50 West Town Street
Suite 700
Columbus, Ohio 43216-1049

2. A copy of the official check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

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

3. In lieu of paying the remaining thirty-six thousand two hundred fifty dollars (\$36,250) of the civil penalty and to further minimize dust in the vicinity of Respondent's property, Respondent shall complete a penalty credit project consisting of the asphalt paving of approximately 18,379 square feet of the unpaved portion of the facility as identified in the attachment to these Orders. The paving shall consist of 3 inches of 448 Type 2 asphalt and 2 inches of Type 1 asphalt. The project shall be completed by not later than one year after the effective date of these Orders.

4. Within thirty (30) days after the completion of the paving project specified in Order 3, Respondent shall submit a report to Ohio EPA and ARAQMD that indicates the date by which the paving project was completed and provides documentation of the expenditure of at least sixty-five thousand five hundred sixty dollars (\$65,560) for the paving project.

5. Should Respondent fail to spend at least \$65,560 on the paving project, complete the paving project by the deadline, or complete the paving project as specified in these Orders, Respondent shall immediately pay to Ohio EPA thirty-six thousand two hundred fifty dollars (\$36,250) of the civil penalty in accordance with the procedures in Order 1.

6. Upon the effective date of these Orders, Respondent shall maintain emissions units P901, P902, F001 and F002 in compliance with the visible emission limitations and control requirements specified in PTI #16-1513.

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. Ohio EPA agrees to act on Respondent's request for termination in an expeditious manner.

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 his duly authorized representative, if such representative is responsible for the overall operation of the facility.

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:

Akron Regional Air Quality Management District
Citicenter-Suite 904
146 South High Street
Akron, Ohio 44308
Attn: Frank J. Markunas

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
50 West Town Street, Suite 700
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.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

2/24/10
Date

IT IS SO AGREED:

Quikrete-Cleveland


Signature

2/20/10
Date

JAY OWENS
Printed or Typed Name

V.P. Operations - MIDWESTERN REGION
Title



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

March 10, 2010

CERTIFIED MAIL

Ms. Maureen A. Brennan, Esq.
Baker & Hostetler LLP
3200 National City Center
1900 East 9th Street
Cleveland, OH 44114-3485

Re: Final Findings and Orders for:
Violations of the accidental release
prevention program rules in OAC
Chapter 3745-104 by H.B. Fuller
Company in Blue Ash, Ohio

Dear Ms. Brennan:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

James A. Orlemann, P.E.
Assistant Chief, SIP Development and Enforcement
Division of Air Pollution Control

JAO/pr

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Carol Hester, PIC
Priscilla Roberson, DAPC
Brenda Case, Fiscal Office (Agency #N/A)
Donald L. Vanterpool, Legal Office
Kim Joseph, DAPC
Joan Steinmann, H.B. Fuller Co.

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

BEFORE THE OHIO
ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

MAR 10 2010

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

H.B. Fuller Company
4440 Malsbary Road
Blue Ash, Ohio 45242

Directors Final Findings
and Orders

PREAMBLE

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

It is agreed by the parties hereto as follows:

I. JURISDICTION

By: [Signature] Date: 3-10-10

These Director's Final Findings and Orders ("Orders") are issued to H.B. Fuller Company ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3753.01 and 3753.08.

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 facility identified below 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 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a polymer emulsion glue factory that makes water based adhesives. The primary activity involves the polymerization of a vinyl acetate monomer ("VAM"). This facility is located at 4440 Malsbary Road in Blue Ash, Ohio. The VAM is stored in two above-ground storage tanks, reactors, and a railcar for a total of approximately 648,000 lbs. Respondent has more than a threshold quantity of a "regulated substance," namely VAM, as defined in OAC Rule 3745-104-01. The Risk Management Plan ("RMP") threshold amount for VAM is 15,000 pounds.
2. Pursuant to Ohio Administrative Code ("OAC") Rule 3745-104-02, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, shall comply with the requirements of this Rule by submitting an RMP no

later than June 21, 1999. Respondent submitted an RMP in June 1999 as required.

-
3. On December 19, 2001, Ohio EPA, Division of Air Pollution Control ("DAPC") inspectors conducted an audit at Respondent's facility and discovered four rule violations. No penalty was assessed, and Respondent corrected the violations after Ohio EPA gave Respondent notice of the violations.
 4. On March 26, 2008, the Ohio EPA conducted a second audit at Respondent's facility and discovered seven violations of the rules. The violations were as follows:
 - (a) Respondent failed to maintain records for the hazard assessment population data, in violation of OAC Rule 3745-104-15(E).
 - (b) Respondent failed to address the recommendations in the process hazard analysis (PHA), in violation of OAC Rule 3745-104-25(E).
 - (c) Respondent failed to develop and implement all of the written operating procedures for the process, in violation of OAC Rule 3745-104-26. (This is a repeat violation.)
 - (d) Respondent failed to provide refresher training pertaining to the standard operating procedures at least every three years, in violation of OAC Rule 3745-104-27(B). (This is a repeat violation.)
 - (e) Respondent failed to correct deficiencies in equipment before further use, in violation of OAC Rule 3745-104-28(E).
 - (f) Respondent failed to implement a contractor program, in violation of OAC Rule 3745-104-35.
 - (g) Respondent failed to maintain a hard copy of the emergency response plan and coordinate the plan with emergency responders, in violation of OAC 3745-104-36.
 5. The violations referenced in subparagraphs (c) and (d) of Finding 4 are repeats of violations cited in the 2001 audit.
 6. On April 3, 2008, the Ohio EPA sent Respondent a deficiency letter requiring the violations to be corrected and documentation submitted within thirty days of receipt of the letter.
 7. On May 5, 2008, Respondent submitted documentation pertaining to the violations; however, only violations (f) and (g) of Finding 4 were remedied.

8. As of November 17, 2009, all of the violations were remedied except for fourteen PHA recommendations that pertain to the shut down of the process indefinitely.

9. During the negotiations, Respondent proposed to shut down and remove from the RMP Program the process using the RMP regulated chemical VAM on December 14, 2009. In order to be removed from the RMP program, the chemical VAM shall not be on site at any given time over the threshold amount of 15,000 pounds.
10. ORC § 3753.06 prohibits violations of provisions of ORC Chapter 3753 or any rule adopted or issued under it. From March 26, 2008 (the second compliance audit), to the present, Respondent violated rules adopted under ORC Chapter 3753, specifically, the rules cited in Findings 4(a), (b), (c), (d), and (f).
11. The Director has given consideration to, and based on his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Within thirty (30) days after the effective date of these Orders, Respondent shall submit a schedule for the Supplemental Environmental Project (SEP) that was approved by the Ohio EPA (the installation of the heat exchangers for the boiler), which shall include the construction completion date for the SEP.
2. Since the process has been shut down, the chemical shall be removed from the facility over the threshold amount, and Respondent shall immediately de-register their VAM process by notifying the U.S. EPA and the Ohio EPA of the removal of the chemical. During the time VAM is de-registered, Respondent is not required to comply with the RMP Program.
3. If at any time the chemical, VAM, is on site over the threshold amount after the de-registration, Respondent shall register and submit an RMP to U.S. EPA and Ohio EPA, comply with and implement all applicable laws and regulations regarding the RMP Program, and complete all recommendations that were not resolved from the 2003 PHA. The following are the incomplete recommendations from the PHA:

Recommendation 3: The potential may exist for the static electricity to build up during the transfer of VAM into the process vessels.

Recommendation 13: When the transfer piping was installed several valves were placed

in un-rated areas.

Recommendation 63: There is a potential to overfill process vessels rated for atmospheric pressure should the existing controls fail.

Recommendation 71: The process vessels rated for atmospheric pressure should be protected from the high pressure.

Recommendation 86: Update the controls to automatically stop all additions once a pre-determined level is reached in the process vessel rated for atmospheric pressure.

Recommendation 90: Verify the operation of the interlock logic throughout the control scheme.

Recommendation 96: Evaluate how out of limit process issues are communicated to the operators.

Recommendation 114: Determine the appropriate rating for the emergency relief system using specific process operating parameters.

Recommendation 116: Include the operating logic appropriate controls to prevent the overfill of pressure rated vessels.

Recommendation 118: Add an alarm and control to prevent a situation where reactants are being added to an unagitated process vessel.

Recommendation 120: Add an alarm and control to prevent a situation where reactants are being added to reacting mixture that exceeds the safe operating temperature within a pressure rated vessel.

Recommendation 123: Add a system to the pressure rated vessels to ensure that the vent line is always open during a reaction.

Recommendation 156: Review the cooling control system logic for the potential cooling shutdown during operations.

Recommendation 177: Remove the remaining non-hazardous contents of the overflow tank.

Recommendation 179: Determine the appropriate size for the emergency relief system piping using specific process operating parameters.

Recommendation: 182: Prevent ignition of fumes emanating from the overflow tank.

-
4. Pursuant to ORC § 3753.09, Respondent is assessed a civil penalty in the amount of sixteen thousand eight hundred seventy five dollars (\$16,875) in settlement of Ohio EPA's claim for civil penalties. Within sixty (60) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of six thousand dollars (\$6,000) which will be deposited into the Risk Management Plan fund established pursuant to ORC § 3753.05. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for six thousand dollars (\$6,000). The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, attention Brenda Case, 50 West Town Street, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility.
 5. In lieu of paying the remaining ten thousand eight-hundred seventy-five dollars (\$10,875) of the civil penalty, Respondent shall fund two SEPs by making a contribution in the amount of three thousand three hundred seventy-five dollars (\$3,375) to the Ohio EPA's fund for the Clean Diesel School Bus Program (Fund 5CD0). Respondent shall make payment within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for three thousand three hundred seventy-five dollars (\$3,375). The official check shall be submitted to Brenda Case, together with a letter identifying the Respondent, the facility, and Fund 5CD0, to the above-stated address.
 6. In lieu of the payment of the remaining seven thousand five hundred dollars (\$7,500), Respondent shall fund the agreed upon SEP by installing heat exchangers on the boiler at the facility, pursuant to the schedule in Order 1.
 7. 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 Environmental Protection Agency
Division of Air Pollution Control
50 West Town St., Suite 700
P. O. Box 1049
Columbus, Ohio 43216
 8. Should Respondent fail to fund the SEP in Order 5 within the required time frame, Respondent shall immediately pay to Ohio EPA, three thousand three hundred seventy-five dollars (\$3,375.00).

9. Should Respondent fail to fund the SEP in Order 6, within the required time frame, Respondent shall immediately pay to the Ohio EPA, seven thousand five hundred dollars (\$7,500).
-

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.

This 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 "facility official" who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of the 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:

Kimberly Joseph
Ohio Environmental Protection Agency
Division of Air Pollution Control
50 West Town St., Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

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

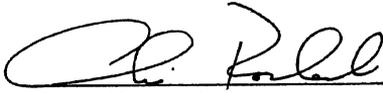
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

3/2/10
Date

IT IS SO AGREED:

H.B. Fuller Company



Signature

2/22/10
Date

James J. Owens

Printed or Typed Name

SR. Vice President
Title



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

March 9, 2010

Certified Mail

Mr. Kent Dubbe
Plant Manager
Ariel Corporation
35 Blackjack Road
Mount Vernon, Ohio 43050

Re: Final Findings and Orders for
Violations of Ohio's Air Regulations

Dear Mr. Dubbe:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date stamped on the first page of the Orders.

Sincerely,

James A. Orlemann, P.E.
Assistant Chief
SIP Development & Enforcement Section

JAO/ey

Enclosure

xc: Carol Hester, PIC
Marc Glasgow, Legal Office
Brenda Case, Fiscal Office
Priscilla Roberson, DAPC
John Paulian, DAPC
Eric Yates, DAPC
Tom Kalman, DAPC
Jim Orlemann, DAPC
John McGreevy, CDO

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

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
MAR 10 2010

In the Matter of:

ENTERED DIRECTOR'S JOURNAL

Ariel Corporation
35 Blackjack Road
Mount Vernon, Ohio 43050

: Director's Final Findings
: and Orders
:

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

PREAMBLE

It is agreed by the parties hereto as follows:

By: [Signature] Date: 3-10-10

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ariel Corporation ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES

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 meanings 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 a manufacturing facility located at 35 Blackjack Road in Mount Vernon (OEPA facility ID# 0142000060). At the facility Respondent designs and manufactures large compressors used in the natural gas gathering, pipeline, and gas storage industries.

2. ORC Section 3704.05(G) states that no person shall violate any order, rule, or determination of the Director.

3. ORC Section 3704.05(C) states that no person who is the holder of a permit issued under section (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms.

4. On May 23, 2002, permit to install ("PTI") 01-08607 was issued for emissions unit K003 (paint booth).

5. On April 2, 2008, Ohio EPA Central District Office conducted an inspection of Ariel's facility and also completed a review of the records required by PTI 01-08607.

6. PTI 01-08607 and Ohio Administrative Code ("OAC") Rule 3745-21-09(U)(2)(e)(iii) limit the amount of coatings allowed in emissions unit K003 to ten (10) gallons per day.

7. On at least 67 days between February 2007 and March 2008, Respondent exceeded the ten gallons per day limit of coating usage, in violation of the terms and conditions of PTI 01-08607 and OAC Rule 3745-21-09(U)(2)(e)(iii).

8. PTI 01-08607 requires that deviation reports be submitted within 45 days of any daily record showing the use of more than the applicable maximum daily coating usage limit of 10 gallons per day.

9. Respondent failed to submit deviation reports identifying the 67 days that the maximum daily coating usage limit of 10 gallons per day was exceeded, in violation of the terms and conditions of PTI 01-08607 and ORC Section 3705.05(C).

10. PTI 01-08607 requires that Respondent keep records of the total volatile organic compounds ("VOC") emission rate on a daily basis for all coatings and cleanup materials in pounds per day.

11. Since at least February 2007 and continuing to July 2009, Respondent failed to maintain records of the total VOC emission rate on a daily basis for all coatings and cleanup materials, in pounds per day, in violation of PTI 01-08607.

12. Respondent has since installed monitoring equipment that will track coating usage to the ounce and will allow Respondent meet the record keeping requirements in PTI 01-08607.

13. On February 12, 2009, Ohio EPA Central District Office sent a notice of violation to Respondent for the above violations.

14. 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-five thousand dollars (\$25,000) 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 twenty thousand dollars (\$20,000) 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
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining five thousand dollars (\$5,000) of civil penalty, Respondent shall within 30 days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$5,000. 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

3. A copy of each check 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, OH 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 \$5,000 of the civil penalty in accordance with the procedures in Order 2.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the valid official check required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Respondent's activities at the 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. 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
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Adam Ward

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: John Paulian

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

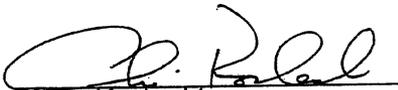
Ohio EPA Director=s journal.

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 3/8/10

AGREED:

Ariel Corporation


Signature

February 16, 2010
Date

Kent E. Dubbe
Printed or Typed Name



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

March 10, 2010

CERTIFIED MAIL

Mr. Fred Innamorato
President
Foti Contracting, LLC
2501 West 3rd Street
Cleveland, OH 44113

Re: Final Findings and Orders for:
Violations of dust control rules at work
sites of Foti Contracting, LLC

Dear Mr. Innamorato:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

James A. Orlemann, P.E.
Assistant Chief, SIP Development and Enforcement
Division of Air Pollution Control

JAO/pr

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Carol Hester, PIC
Priscilla Roberson, DAPC
Brenda Case, Fiscal Office (Agency #16)
Marcus Glasgow, Legal Office
Felix Udeani, DAPC
Frank Marcunas/Bonetta Guyette, Akron

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

OHIO E.P.A.

MAR 10 2010

BEFORE THE

ENTERED DIRECTOR'S JOURNAL

OHIO ENVIRONMENTAL PROTECTION AGENCY



In the Matter of:

Foti Contracting, LLC
2501 West Third Street
Cleveland, Ohio 44113

:
:
:

Director's Final Findings
and Orders

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Foti Contracting, LLC ("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 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 ("Director") makes the following findings:

1. Respondent is a masonry contractor with an office located at 2501 West Third Street, Cleveland, Ohio. Respondent is incorporated with the Secretary of State to do business in Ohio. When conducting masonry operations, Respondent employs concrete/brick sawing equipment.

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

By: Janet Lassiter Date: 3-10-10

2. Akron Regional Air Quality Management District ("ARAQMD") is a contractual agent for Ohio EPA in Summit County.

3. A "fugitive dust source," in part, is defined in OAC Rule 3745-17-01(B)(7) as any source which emits "fugitive dust" as defined in OAC Rule 3745-17-01(B)(6). "Fugitive dust" means particulate matter which is emitted from any source by means other than a stack. The outdoor operation of masonry sawing equipment emits fugitive dust and constitutes a fugitive dust source and an "air contaminant source," as defined in OAC Rule 3745-15-01(C) and (X).

4. OAC Rule 3745-17-08(A)(1) states, in part, that the requirements of OAC Rule 3745-17-08(B) apply to any fugitive dust source which is located in any of the areas identified in Appendix A of OAC Rule 3745-17-08. The City of Akron is listed in Appendix A.

5. OAC Rule 3745-17-08(B) states, in part, that no person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building to be constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to, the use of water or other suitable dust suppression chemicals for control of fugitive dust from construction operations and/or the use of adequate containment methods.

6. On October 23, 2008, Respondent conducted masonry sawing operations at the University of Akron Stadium ("UAS") jobsite at the corner of Vine and South Union streets at approximately 2:00 p.m. Respondent's employees generated visible emissions of fugitive dust as a result of sawing masonry, including brick and block. Respondent's employees failed to employ reasonably available control measures to minimize or eliminate such emissions, in violation of OAC Rule 3745-17-08(B).

7. On October 29, 2008, Respondent conducted masonry sawing operations at the UAS jobsite location using a water tank assembly and effectively minimized the fugitive dust.

8. On February 25, 2009, Respondent conducted masonry sawing operations at the UAS jobsite at Spicer Street at 11:05 a.m. and at the southeast corner of the jobsite at approximately 1:30 p.m. Respondent's employees generated visible emissions of fugitive dust as a result of sawing masonry, including brick and block. Respondent failed to employ reasonably available control measures to minimize or eliminate such emissions, in violation of OAC Rule 3745-17-08(B).

9. On March 5, 2009, Respondent conducted masonry sawing operations at the northeast corner of a UAS jobsite at approximately 2:25 p.m. Respondent generated visible emissions of fugitive dust as a result of sawing masonry, including brick and block. Respondent's employees failed to employ reasonably available control measures to minimize or eliminate such emissions, in violation of OAC Rule 3745-17-08(B).

10. On March 11, 2009, ARAQMD issued a Notice of Violation ("NOV") letter to Respondent, wherein it was requested that Respondent submit, within seven days of receipt of the letter, a written commitment to cease all further generation of fugitive dust without employing reasonably available control measures and a detailed description of the dust control measures that will be utilized. To date, ARAQMD has not received a written response from Respondent.

11. On July 16, 2009, Respondent conducted masonry sawing operations at the southeast end of the UAS jobsite at approximately 11:30 a.m. Respondent's employees generated visible emissions of fugitive dust as a result of sawing masonry. Respondent failed to employ reasonably available control measures to minimize or eliminate such emissions, in violation of OAC Rule 3745-17-08(B).

12. ORC § 3704.05(G) prohibits any person from violating any rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704. OAC Rule 3745-17-08 was adopted by the Director pursuant to ORC Chapter 3704. The above-mentioned violations of OAC Rule 3745-17-08 also constituted violations of ORC § 3704.05(G).

13. 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. Upon the effective date of these Orders, Respondent shall employ reasonably available control measures as required pursuant to OAC Rule 3745-17-08(B), when employing masonry sawing equipment, by equipping each piece of such equipment with a hose and canister assembly unit or equivalent device that will minimize or eliminate visible emissions of fugitive dust from all masonry sawing operations at its Ohio construction sites located in the Appendix A areas identified in OAC Rule 3745-17-08. Respondent shall maintain compliance with OAC Rule 3745-17-08(B) thereafter.

2. Respondent shall pay the amount of ten thousand dollars (\$10,000) in settlement of Ohio EPA's claim 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 official check made payable to "Treasurer, State of Ohio" for eight thousand dollars (\$8,000). 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

3. In lieu of paying the remaining two thousand dollars (\$2,000) 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 \$2,000 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 \$2,000. 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.

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

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1045

5. Should Respondent fail to fund the SEP within the required time frame set forth in Order 3, Respondent shall immediately pay to Ohio EPA \$2,000 of the civil penalty in accordance with the procedures in Order 2.

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 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 Respondent's operations.

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:

Akron Regional Air Quality Management District
146 South High Street, Room 904
Akron, Ohio 44308
Attn: Bonetta Guyette

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

3/8/10
Date

AGREED:

Foti Contracting, LLC



Signature

2/19/10
Date

FRED INNAMORATO

Printed or Typed Name

PRESIDENT

Title



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

March 10, 2010

CERTIFIED MAIL

Mr. Thomas S. Mirante
Superintendent
Wastewater treatment Plant
City of Youngstown
725 Poland Avenue
Youngstown, OH 44502-2026

Re: Final Findings and Orders for:
Violations of the accidental release
prevention program rules in OAC
Chapter 3745-104 by the City of
Youngstown, Wastewater Treatment
Plant, at 725 Poland Avenue in
Youngstown

Dear Mr. Mirante:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

James A. Orlemann, P.E.
Assistant Chief, SIP Development and Enforcement
Division of Air Pollution Control

JAO/pr

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Carol Hester, PIC
Priscilla Roberson, DAPC
Brenda Case, Fiscal Office (Agency # N/A)
Marcus Glasgow, Legal Office
Sherri Swihart, DAPC

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

BEFORE THE OHIO
ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
MAR 10 2010

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

City of Youngstown
Wastewater Treatment Plant
725 Poland Avenue
Youngstown, Ohio 44502-2026

Directors Final Findings
and Orders

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

PREAMBLE

It is agreed by the parties hereto as follows:

By: Jim Cassiter Date: 3-10-10

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the City of Youngstown, Wastewater Treatment Plant ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3753.08 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 facility owned by the Respondent 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 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA makes the following findings:

1. Respondent is a municipal corporation that owns the Wastewater Treatment Plant located at 725 Poland Avenue in Youngstown, Ohio. Chlorine and sulfur dioxide are used in the chlorination process. Chlorine is stored in one-ton cylinders with up to twelve cylinders on site at any one time (24,000 pounds). Sulfur dioxide is stored in one-ton cylinders with up three cylinders on site at any one time (6,000 pounds). Respondent has more than a threshold quantity of a "regulated substance," namely chlorine and sulfur dioxide, as defined in OAC Rule 3745-104-01. The Risk Management Plan ("RMP") threshold amount for chlorine and sulfur dioxide, respectively, is 2,500 pounds and 5,000 pounds.

2. Chlorine and sulfur dioxide are regulated substances listed in Ohio Administrative Code ("OAC") Rule 3745-104-04. An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by OAC Rule 3745-104-02, shall comply with the requirements of OAC Rules 3745-104-06 through 49, where applicable, by submitting a Risk Management Plan ("RMP") and implementing a prevention program no later than June 21, 1999 or no later than when the threshold limit is exceeded in a process. On January 3, 2000, Ohio EPA, DAPC received delegation for the RMP program from U.S. EPA.
3. Chlorine has a threshold of 2,500 pounds and sulfur dioxide has a threshold of 5,000 pounds. Respondent stores both chlorine and sulfur dioxide in the amounts that exceed the thresholds established in OAC Rule 3745-104-04; and, as a result, Respondent is subject to the RMP requirements detailed in OAC Rule 3745-104-06.
4. An initial RMP audit was conducted on April 30, 2004. Eleven deficiencies were discovered during the audit. In response to the May 13, 2004 deficiency letter, the facility corrected six of the eleven deficiencies. A warning letter was sent on July 28, 2004 to correct the remaining deficiencies. A completion letter indicating that the remaining deficiencies were corrected was mailed on August 23, 2004.
5. On July 23, 2009, the Ohio EPA conducted the second five-year RMP audit at Respondent's facility and discovered eight violations of the rules. The violations were as follows:
 - (a) Respondent failed to update the management system to oversee the implementation of the RMP elements, in violation of OAC Rule 3745-104-07.
 - (b) Respondent failed to include in the process safety information, the safe upper and lower limits as well as consequences of deviations from these limits for the sulfur dioxide process, in violation of OAC Rules 3745-104-24(C)(1)(d) and (e). (This is a repeat violation.)
 - (c) Respondent failed to include in the process safety information, documentation on the safety systems (i.e., gas monitors), in violation of OAC Rule 3745-104-24(D)(1)(h).
 - (d) Respondent failed to document that the operating procedures were annually certified, in violation of OAC Rule 3745-104-26(C). (This is a repeat violation.)
 - (e) Respondent failed to conduct training on the operating procedures, operating limits, and safety systems at least every three years, in violation of OAC Rules 3745-104-27(A) and (B). (This is a repeat violation.)

-
- (f) Respondent failed to establish and implement written procedures to maintain the on-going integrity of the process, in violation of OAC Rule 3745-104-28(A).
 - (g) Respondent failed to perform inspections and tests on process equipment and document each inspection and test performed, in violation of OAC Rule 3745-104-28(D).
 - (h) Respondent failed to update the written plan of action regarding the implementation of employee participation, in violation of OAC Rule 3745-104-33.
6. Respondent failed to resubmit their RMP to U.S. EPA and Ohio EPA by June 21, 2009, in violation of OAC Rule 3745-104-49(B)(1).
 7. A deficiency letter was mailed to Respondent on August 6, 2009. No documentation was submitted, and a warning letter was sent on October 15, 2009. Ohio EPA, DAPC phoned the responsible official to inquire about the documentation on November 19, 2009 and he stated that he would return the call. A phone call was not received. To date, no documentation to resolve the deficiencies in Findings 5(a) through (g) has been received.
 8. ORC § 3753.06 prohibits violations of provisions ORC Chapter 3753 or any rule adopted or issued under it. Respondent violated rules adopted under ORC Chapter 3753, specifically, the rules cited in Findings 5 and 6.
 9. 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 benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Within thirty (30) days after the effective date of these Orders, Respondent shall submit adequate documentation to the Ohio EPA, that verifies all deficiencies in Findings 5(a) through 5(h) have been corrected and the second five-year process hazard analysis has been conducted (due August 2009), as required by OAC Rules 3745-104-25(C), (D), and (E). The Respondent shall resubmit their RMP to U.S. EPA and Ohio EPA, as required by OAC Rule 3745-104-(B)(1).

2. Pursuant to ORC § 3753.09, Respondent shall pay the amount of twelve thousand four hundred five dollars (\$12,405) in settlement of Ohio EPA's claim for civil penalties. 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 nine thousand nine hundred twenty four dollars (\$9,924) of the total amount which will be deposited into the Risk Management Plan fund established pursuant to ORC § 3753.05. 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

3. In lieu of paying the remaining two thousand four hundred eighty one dollars (\$2,481) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$2,481 to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$2,481 within fourteen (14) days after the effective date of these Orders. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondent, the facility, and fund 5CD0 to:

Ohio EPA
Office of Fiscal Administration
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049

4. 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
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049

5. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 3, Respondent shall immediately pay to Ohio EPA \$2,481 of the civil penalty in accordance with the procedures in Order 2.

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 purposes of these Orders, a responsible official is a "facility official" who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to 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:

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Sherri Swihart

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

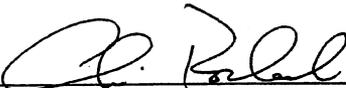
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

3/8/10

Date

IT IS SO AGREED:

City of Youngstown, Wastewater Treatment Plant



Signature

2/22/10

Date

Thomas S. Mirante

Printed or Typed Name

2/22/10

Date

Superintendent

Title



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

MAR 1 0 2010

CERTIFIED MAIL

Mr. Mark Belich, Owner
Great Lakes Crushing, Ltd.
35650 Lakeland Blvd.
Eastlake, Ohio 44095

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

Dear Mr. Belich:

My staff has informed me of violations of Ohio Administrative Code ("OAC") Rules 3745-20-03, 3745-20-04 and 3745-20-05 and ORC § 3704.05(G) associated with the demolitions in June 2008 of two residential structures previously located at 3142 and 3148 West 44th Street Cleveland, Ohio. I understand that the sites have now been cleaned and the asbestos-containing waste materials have been properly disposed in an acceptable landfill.

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 in the event that the settlement cannot be finalized.

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 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 negotiate a settlement, please contact Stephen Feldmann, Ohio EPA Attorney, at (614) 644-3037. If he does not hear from Great Lakes Crushing, Ltd. within fourteen (14)

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

Ohio EPA is an Equal Opportunity Employer

Mr. Mark Belich
Great Lakes Crushing, Ltd.
Page 2 of 2

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 Great Lakes Crushing, Ltd. 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
Robert Princic/Ed Fasko, NEDO

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

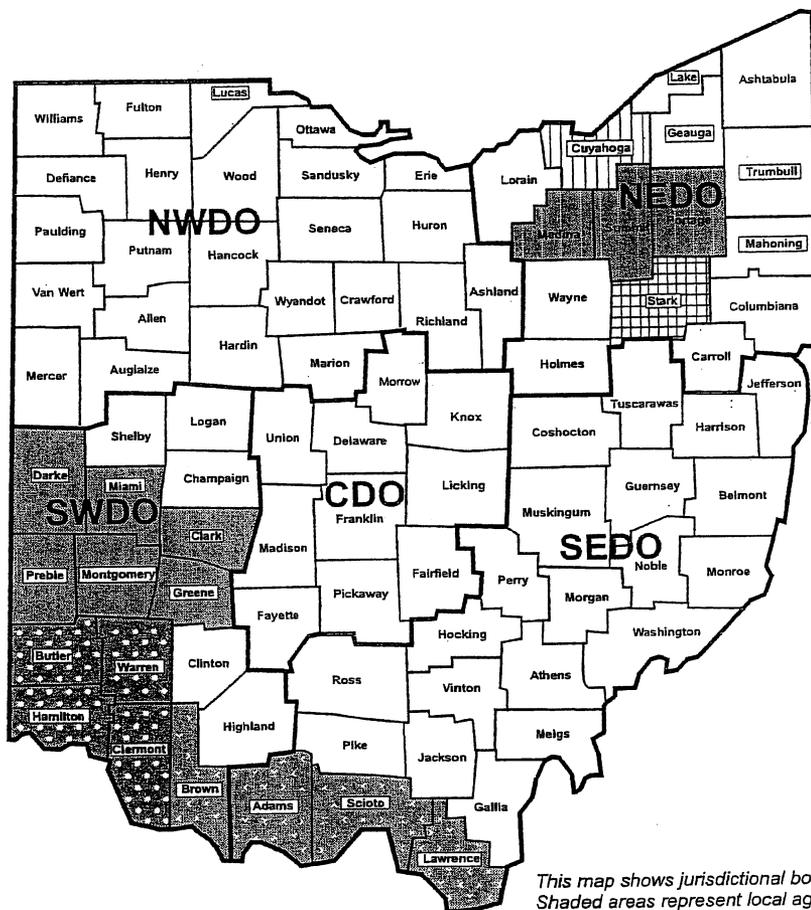
Please be aware that Ohio EPA may issue a news release to the media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about 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.

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.

OhioEPA

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

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

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
Montgomery County Health Dept.
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

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Great Lakes Crushing, Ltd.	:	<u>Director's Final Findings</u>
35650 Lakeland Boulevard	:	<u>and Orders</u>
Eastlake, Ohio 44095	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Great Lakes Crushing, Ltd. ("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 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. Great Lakes Crushing, Ltd. ("Respondent") is a demolition company with an office located at 35650 Lakeland Boulevard, Eastlake, Ohio. Respondent was contracted by the Cleveland Municipal School District to demolish two residential "installations" which were previously located at 3142 and 3148 West 44th Street, Cleveland, Ohio. The demolitions were part of the Thomas Jefferson School Project; therefore, they were considered to be one "installation" or one "facility" as defined in Ohio Administrative Code ("OAC") Rule 3745-20-01(B)(28) and (B)(18), respectively, and were subject to all applicable requirements specified in OAC Chapter 3745-20 ("Asbestos Emission Control Standards").

2. Asbestos surveys of the two structures were performed prior to demolition that identified regulated asbestos-containing material ("RACM") that had to be removed by a licensed asbestos abatement contractor prior to the start of any demolition activities. Specifically, 5,950 square feet of RACM had to be removed from the installation located at 3148 West 44th Street and 100 square feet of RACM had to be removed from the installation located at 3142 West 44th Street. The Cleveland Municipal School District hired A&D Contracting, Inc. as the asbestos abatement company to remove the RACM from both structures. The asbestos surveys also identified 1,000 square feet of asbestos-containing "category I" roofing material that could remain in the structure located at 3142 West 44th Street during demolition as long as steps were taken to ensure that material did not become "friable."

3. On June 4, 2008, A&D Contracting, Inc. submitted two separate notifications of demolition ("Notification") to Northeast District of Ohio EPA ("NEDO") for the planned asbestos abatement and demolition of the two structures. The notifications were postmarked June 3, 2008. The notification for the structure located at 3142 West 44th Street stated that the RACM would be removed on June 17, 2008; later A&D Contracting, Inc. revised the notification to remove the RACM on June 18, 2008. Similarly, the notification stated that the demolition activities would occur between June 18, 2008 and June 27, 2008. The notification for the structure located at 3148 West 44th Street indicated that the RACM would be removed between June 18, 2008 and June 27, 2008 and the demolition would occur between June 30, 2008 and July 30, 2008. All notifications listed Respondent as the demolition contractor and confirmed the amount of RACM and category I material identified in Finding 1.

4. On June 18, 2008, Respondent telephoned NEDO stating that on June 11, 2008, it had mistakenly demolished the two structures without the RACM being removed. Respondent stated that it became aware of the problem when A&D Contracting, Inc. showed up on June 18, 2008, to remove the RACM and discovered the structures were gone. Respondent also informed NEDO that four truck loads of demolition debris containing the RACM had been transported to a construction and demolition debris landfill called Rosby Resource Recycling ("landfill"). In a letter dated June 19, 2008, Respondent stated that it had inadvertently and prematurely demolished the structures. In doing so, Respondent stated it did not follow Ohio EPA requirements to submit a timely notification and follow abatement procedures. The letter also stated that the landfill was taking the proper steps to remediate Respondent's liability and that Respondent would take responsibility to correct any problems occurring from its error.

5. OAC Rule 3745-20-02(B)(1) specifies, in part, that the requirements of OAC Rules 3745-20-03, 3745-20-04 and 3745-20-05 apply to each owner or operator of a demolition operation if the combined amount of RACM is at least 260 linear feet on pipes or at least 160 square feet on other facility components (i.e., work practice thresholds). The two structures contained a combined 6,050 square feet of RACM; thus, the demolition

operations were subject to the notification and work practice requirements of OAC Chapter 3745-20.

6. OAC Rule 3745-20-01(B)(38) defines, in part, the "owner or operator" as any person who owns, leases, operates, controls, or supervises the facility being demolished. Respondent operated, controlled, and supervised the demolition of the facility; therefore, Respondent retained responsibility for the submitting the notification, and ensuring that proper handling, removal and disposal of all asbestos-containing material was completed before initiating the demolition operation.

7. OAC Rule 3745-20-03(A) requires, in part, the owner or operator of a demolition operation to provide Ohio EPA with written notification prior to starting of any demolition operation. Such notification must be postmarked by at least ten (10) days before any planned demolition operation begins. Similarly, OAC Rule 3745-20-03(D) requires the owner or operator to inform Ohio EPA's field office of any deviation in the demolition schedule and to submit written amended notification as soon as possible but not later than one working day of the discovery of the change. The envelope for the original notifications referenced in Finding 2, was postmarked June 3, 2008. Respondent demolished the installations on June 11, 2008, not on the dates listed in the notices, and only eight days from the postmark. Additionally, Respondent did not timely amend the demolition dates contained in the notifications mentioned in Finding 2. Therefore, Respondent failed to comply with the notification requirements, in violation of OAC Rules 3745-20-03(A) and (D).

8. OAC Rule 3745-20-04(A)(1) requires, in part, the removal of all RACM before any activity begins that could break up, dislodge, or similarly disturb the material or preclude assess to the materials for subsequent removal. On June 11, 2008; Respondent demolished the two structures prior to the removal of the RACM, in violation of OAC Rule 3745-20-04(A)(1).

9. OAC Rule 3745-20-04(B) states, in part, if a facility being demolished exceeds the work practice thresholds, no RACM shall be stripped, removed, or otherwise handled or disturbed without at least one authorized representative trained in the requirements of OAC Chapter 3745-20 present at the site location. Respondent did not have an authorized representative present that was trained in the requirements of the Ohio asbestos regulations when it disturbed and handled the RACM during the facility demolition operations, in violation of OAC Rule 3745-20-04(B).

10. OAC Rule 3745-20-05(A) requires the waste generator to deposit all asbestos-containing waste material as soon as practical at either a waste disposal site in Ohio operated in accordance with the provisions of OAC Rule 3745-20-06 of the Administrative Code, or a waste disposal site not in Ohio operated in accordance with the provisions of 40 CFR 61.154, or a site that converts regulated asbestos-containing material and asbestos-containing waste material into non-asbestos (asbestos-free) material in

accordance with the provisions of OAC Rule 3745-20-13. Respondent is the waste generator, as defined in OAC Rule 3745-20-01(B)(52). Therefore, Respondent was required to deposit the asbestos-containing waste material in accordance with the options specified in OAC Rule 3745-20-05(A). Respondent failed to deposit the asbestos-containing waste material in one of these options. Therefore, Respondent violated the requirements of OAC Rule 3745-20-05(A). The violation occurred from at least June 18, 2008, the estimated date Respondent transferred the asbestos-containing waste material to the landfill, and continued until around August 5, 2008, when the contaminated waste debris was properly disposed.

11. OAC Rule 3745-20-05(B), in part, requires the owner and operator of any subject demolition to use one of the methods specified in paragraph (B)(1) to (B)(4) of the rule to control emissions asbestos. Respondent failed to employ any of the methods defined in paragraphs (B)(1) to (B)(4) of this rule during the demolition and handling of the asbestos-containing waste material, in violation of OAC Rule 3745-20-05(B).

12. OAC Rule 3745-20-05(C) requires the owner or operator of a demolition operation that exceeds the work practice thresholds to seal all asbestos-containing waste material in durable leak-tight disposal containers complying with the rule and to clearly label the containers. Respondent did not seal the asbestos-containing waste material in durable leak-tight containers, as specified by rule, when it was originally shipped to Rosby Resource Recycling landfill ("Rosby"), in violation of OAC Rule 3745-20-05(C).

13. OAC Rule 3745-20-05(E) requires, for all asbestos-containing waste material transported off the facility site, each waste generator and owner or operator of a waste disposal site to maintain waste shipment records as defined. Respondent violated this rule when it failed to maintain the waste shipment records required by OAC Rule 3745-20-05(E) when the asbestos-containing waste material was originally transported off the site.

14. The OAC violations cited in the above findings also constituted violations of ORC § 3704.05(G), which prohibits any person from violating any OAC rule adopted by the Director of Ohio EPA. OAC Chapter 3745-20 was adopted by the Director pursuant to ORC Chapter 3704.

15. From June 18, 2008, through August 4, 2008, Respondent worked closely with Ohio EPA to develop and implement a plan for the removal, handling, transportation and disposal of the asbestos-containing waste debris that was improperly deposited at Rosby. On August 4 and 5, 2008, Ohio EPA observed the removal activities and confirmed that the applicable requirements specified in OAC Chapter 3745-20 were followed.

16. 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 sixty thousand dollars (\$60,000) in settlement of Ohio EPA's claim 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 forty-eight thousand dollars (\$48,000) 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 twelve thousand dollars (\$12,000) 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 twelve thousand dollars (\$12,000) to 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 \$12,000. 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 timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$12,000 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 by Respondent.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Robert Princic

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:

Great Lakes Crushing, Ltd.

Signature

Date

Printed or Typed Name

Title

ASBESTOS DEMOLITION OR RENOVATION PROJECTS			
ENTITY NAME:	Great Lakes Crushing, Ltd.		
location:	3142 and 3148 West 44th Street, Cleveland, OH		
Note:	Use input and comment columns only for data entry and comments respectively. Enter "NA" in input column if the requested data is not applicable.		
	Input	Initial Output	Final Output
			Comment
Strictly no entries in both "Initial Output" and "Final Output" columns.			
A. GRAVITY COMPONENT:			
Note: Complete (1) or (2) and (3) and (4) below:			
(1) No notice per section 3745-20-03			
First (1) Second (2) Subsequent(3)	1		
Must enter 1 or 2 or 3,4,5, ... or NA		\$15,000	Notice submitted late but prior to demolition starting date. However, demolition completed prior to asbestos removal and not in accordance with notification schedule, tantamount to no notice.

(2) No notice but substantive compliance					
First (1) Second (2) Subsequent (3)	NA				
Must enter 1 or 2 or 3,4,5, ... or NA			\$0		
(3) Late/incomplete/inaccurate notice (see below):	NA		\$0		
(4) Substantive violations:					
First (1) Second (2) Subsequent (3)	1				
Must enter 1 or 2 or 3,4,5, ... or NA					
Number of Asbestos Units:					
(Do not enter units) auto-computed		38			(6,050 sq. ft./160 sq. ft.)
Violation(s) of OAC Rule 3745-20-04(A)(1) and (B).	2				Violations of: OAC Rule 3745-20-04(A)(1)- failure to remove RACM prior to commencing demolition operations; and OAC Rule 3745-20-04(B)- failure to have a trained representative on site.

Violations of OAC Rule 3745-20-05(A), (B) and(C).	3			Violation of:OAC Rule 3745-20-05(A) - failure to properly dispose of the asbestos-containing waste material - OAC Rule 3745-20-05(B) - failure to employ control method for asbestos emissions and OAC Rule 3745-20-05(C)- failure to employ proper containers and labeling.
Penalty per violation according to USEPA				
Number of sections violated:	5	\$10,000	\$50,000	> 10 units but < 50 units
(Do not enter amount) auto-computed				
Waste shipment violations: OAC Rule 3745-20-05(E)	1	\$1,000		OAC Rule 3745-20-05(E)- failure to maintain waste transport records; however, information regarding the disposal was available.
Enter additional days violation occurred				
	0			
Penalty/additional day(autocomputed)				
		\$1,000		
Total penalty (auto computed)				
			\$0	

Size of violator:					
Must enter entity's assets or X if 0;	\$1,234,000	\$10,000			Net worth information not publicly available - net worth estimated to be \$1,234,400 (20% of estimated annual sales of \$6,192,000 - Reference: Reference USA).
Initial penalty amount (auto computed)		\$65,000			
Initial preliminary deterrent amount:					
Penalty amount adjusted(?):			\$10,000		
TOTAL GRAVITY COMPONENT:			\$75,000		
B. ECONOMIC BENEFIT COMPONENT:					
(1) For asbestos on pipes-					
Linear feet involved in project, ft:					
Amount improperly removed:					
Dollar amount per linear foot:					
Percent improperly removed (autocomputed):		0%			Not applicable.
(2) For asbestos on other components					

Square feet involved in project, ft:	6,050			Total RACM from 3148 (5,950 sq. ft.) and 3142 (100 sq. ft.) West 44th Street.
Amount improperly removed:	6,050			100% improperly removed.
Dollar amount per Square feet :	\$20.00			Cost estimated.
Percent improperly removed (autocomputed):		100%		
TOTAL ECONOMIC BENEFIT:			\$0	No economic benefit due to cost of cleanup and the fact that GLC would not have paid for the removal.
Late, Incomplete or Inaccurate Notice				
Enter "X" if applicable otherwise leave as "NA"				
Notice submitted after asbestos removal completed (tantamount to no notice)	x			
Amount:			\$15,000	
Notice lacks both job location and asbestos removal starting and completion dates.	NA			
Amount:			\$0	
Notice submitted while asbestos removal was in progress.	NA			

Amount:				\$0	
Notice lacks either job location or asbestos removal starting and completion dates					
Amount:		NA		\$0	
Failure to update notice when the amount of asbestos changes by at least 20%.					
Amount:		NA		\$0	
Failure to provide telephone and written notice when start date changes.					
Amount:		NA		\$0	
Notice lacks either asbestos removal starting or completion dates, but not both.					
Amount:		NA		\$0	
Amount of asbestos in notice missing, improperly dimensioned, or for multiple facilities.					
Amount:		NA		\$0	
Notice lacks any other required information.					
Amount:		NA		\$0	

Notice submitted late but prior to asbestos removal starting date.	NA			
Amount:		\$0		
Semi-Total		\$15,000		
C. Flexibility-Adjustment Factors:				
1. Degree of Willfulness or Negligence: Percentage augmentation of gravity component	0%			
2. Degree of Cooperation: Percentage mitigation of gravity component	20%	(\$15,000)	20% mitigation for cooperation and contacting Ohio EPA.	
3. History of noncompliance: Percentage augmentation of gravity component	0%			
4. Ability to pay: Percentage mitigation of gravity component	0%			
5. Other unique factors: Percentage mitigation or augmentation of gravity component	0%	\$0		
Net Flexibility-Adjustment Factor:		(\$15,000)		

