

# **AGENDA FOR THE JUNE 17, 2010 EC MEETING**

## **CASES TO BE CLOSED:**

Heartland Refinery Group, LLC      #2916      CDO      AGO Ref.      John/Marc

## **PENDING CASES:**

Burnham Foundry, LLC.      #2858      SEDO      Prop. F&Os      Tom/Don

## **OTHER BUSINESS:**

- (1) Distribute updated schedule of progress for resolving all "old" cases for 2009 and 2010.
- (2) Jim is scheduled to provide food for today's meeting at 9:30 a.m. in DAPC Rm B.
- (3) The next meeting is scheduled for Thursday, July 1, 2010 at 3:00 p.m. in DAPC Rm C. John is scheduled for food. (Future food schedule: Don for July 15; Bryan for July 29.)
- (4) If anyone has business involving Don Waltermeyer at NWDO, please expedite its resolution since Don is retiring end of business day on July 30, 2010.

## ENFORCEMENT COMMITTEE MEETING MINUTES

(June 17, 2010)

<b>Case Number:</b>	2916	<b>Dates:</b>	
<b>Entity:</b>	Heartland Refinery Group, LLC	<b>EAR:</b>	05/13/10
<b>Field Office:</b>	CDO	<b>DWL:</b>	N/A
<b>Contact:</b>	John Paulian	<b>F&amp;Os:</b>	N/A
<b>Attorney:</b>	Marc Glasgow	<b>Referral:</b>	06/07/10
		<b>Dismissal:</b>	N/A

**Background:** Heartland Refinery Group, LLC (“HRG”) owns and operates a used oil re-refining facility located at 4001 East Fifth Avenue in Columbus. The facility refines used oil into a variety of products, including a light fuel oil and a base lubricant oil. Since the plant began operations in February 2009, it has experienced technical and operational problems that have resulted in violations of the terms and conditions of the facility’s PTIO and numerous odor complaints from the surrounding community.

Since February 6, 2009, CDO has received numerous odor complaints about the facility from businesses and government offices near the facility and reports of employees being sent home ill from sulfur-type odors from the facility. A failed gasket on a high pressure process vessel on December 14, 2009, resulted in the release of a plume of process gases, including hydrogen sulfide gas, causing the evacuation of the surrounding office buildings and temporary closure of East Fifth Avenue. Also, since February 5, 2010, when the facility resumed operations, CDO has received over 30 odor complaints concerning HRG. The substantial odors are primarily caused by the bypassing of the dry scrubber/baghouse and the hot oil heater firebox serving emissions unit P005. DAPC has determined that the emissions from this facility are causing a public health and odor nuisance, in violation of OAC Rule 3745-15-07(A) and ORC § 3704.05(G).

HRG’s PTIO requires that all process emissions be vented first to one of two hot oil heaters. One heater (emissions unit B001) controls hydrocarbon emissions from the “front half” of the facility’s processes (emissions units P001 – P004) and another controls the “back half” (emissions unit P005) hydrocarbon emissions. The emissions from the two halves of the facility are then sent to a sodium bicarbonate-injected dry scrubber/baghouse to control sulfur dioxide and hydrochloric acid emissions.

From October 20, 2009 to the December 14, 2009 shutdown, and from February 5, 2010 to April 27, 2010, HRG was continuously venting waste gas from emissions unit P005 to either an open or enclosed flare rather than venting through the hot oil heater and dry scrubber/baghouse, resulting in uncontrolled sulfur dioxide and hydrochloric acid emissions and violations of its PTIO's terms and conditions. The open flare is only permitted to be used to vent waste gas during emergency situations. The enclosed flare is only allowed to be used during the controlled shutdown of the plant.

In response to odor complaints received on April 22, 2010, CDO conducted an inspection of the facility and found that HRG had begun a new, unpermitted operation involving the loading of rail tank cars with light end fuel oil. The operation was conducted with no controls in place for the odors from this process stream. Installation and operation of this new source of emissions without first obtaining a PTIO is a violation of OAC Rule 3745-31-02(A) and ORC § 3704.05(G).

On April 28, 2010, HRG informed CDO that it had shut down the dry scrubber/baghouse due to acid degradation of the scrubber's filter bags. HRG stated that it was continuing operation of emissions unit B001 (the hot oil heater that serves emissions units P001-P004) and emissions unit P005 without the baghouse until such time as the filter bags could be replaced with acid-resistant bags. The continued operation of emissions units B001 and P005 without the required dry scrubber/baghouse is an ongoing violation of the facility's PTIO terms and conditions and is the primary cause for the ongoing public health and odor nuisance.

The facility's current PTIO (permit number P0105498), issued October 1, 2009, required emissions testing of all of the facility's emissions units within 60 days of issuance. To date, HRG has not conducted any of the required testing, in violation of the PTIO and ORC § 3704.05(C).

In a letter dated May 13, 2010, HRG provided a compliance plan and schedule to CDO. HRG stated that the new acid-resistant filter bags had been ordered and would be installed by June 17, 2010, and that emissions testing would be conducted by July 1, 2010. CDO has found that the company has a history of missing proposed deadlines and is concerned that without enforceable deadlines HRG will continue to operate beyond the above date without the required control equipment.

DAPC has calculated a proposed civil penalty of \$653,100. A large part of this penalty (\$355,000) is due to the facility's exceedance of its PTIO limit for SO<sub>2</sub> emissions when operating without the dry scrubber/baghouse (i.e., an estimated uncontrolled SO<sub>2</sub>

emissions rate of 34.7 lbs/hr versus the permit limit of 1.7 lbs. lbs/hr). The gravity portion of the penalty was also augmented by 30% for bypassing control equipment, for continuing to operate the facility after the failure of control equipment, and for causing an ongoing public health and odor nuisance.

**Action:** Due to the size of the proposed penalty, the lack of cooperation from the company in correcting the violations at the facility, and the significant impact the continuing odor emissions have on nearby businesses and office workers, DAPC recommended to the Director that this case be referred to the AGO for prompt action and resolution of the odor nuisance and PTIO violations. On June 4, 2010, this case was referred to the AGO to be resolved by obtaining a consent order or court order requiring HRG to correct the violations at its facility and pay a substantial civil penalty for the violations of its permit. In referring this case, Ohio EPA requested that the AGO pursue the following injunctive relief:

- Install new acid resistant filter bags and cages and resume operation of the dry scrubber/baghouse no later than June 17, 2010.
- Submit an Intent-To-Test notification form no later than June 15, 2010, and complete the emissions testing required by the PTIO by no later than July 1, 2010.
- Operate and maintain nuisance odor control equipment for any rail car loading operation.
- Install a bag leak detection system for the dry scrubber/baghouse within 90 days.
- Submit a preventive maintenance and malfunction abatement plan within 90 days that addresses maintenance and inspection schedules for each air contaminant source at the facility.
- Hire an independent third party consultant within 45 days to conduct an odor abatement study of the facility and identify additional control measures and/or practices that could be employed to further minimize odors, submit the study within 165 days, and implement those control measures that are identified as being both technically feasible and cost-effective in accordance with the expeditious schedules defined by the study.
- Pay a civil penalty.

**Case Closed**



<b>Case Number:</b> 2858	<b>Dates:</b>
<b>Entity:</b> Burnham Foundry, LLC	<b>EAR:</b> 09/22/09
<b>Field Office:</b> SEDO	<b>DWL:</b> N/A
<b>Contact:</b> Jim Kavalec/Tom Kalman	<b>F&amp;Os:</b> 06/07/10 (prop.)
<b>Attorney:</b> Donald L. Vanterpool	<b>Referral:</b> N/A
	<b>Dismissal:</b> N/A

**Background:** Burnham Foundry, LLC. (“Burnham”) owns and operates as iron castings manufacturing facility located at 2345 Licking Road, Zanesville, Muskingum County, Ohio. The facility employs a grey iron cupola (emissions unit P905) to produce iron from melting foundry returns, scrap metal and fluxes. Emissions from the cupola are vented to an afterburner for carbon monoxide combustion and a wet scrubber for capture and removal of particulate emissions.

The facility possesses a Title V permit that was issued on May 6, 2003, and expired on May 6, 2008; however, the requirements of the Title V permit remain in effect pursuant to OAC Rule 3745-77-08(E)(1) until a renewal Title V permit is issued by Ohio EPA. (A renewal Title V permit application was timely submitted by Burnham to Ohio EPA on November 5, 2007.)

The Title V permit requires compliance with a particulate emission limitation of 23.69 pounds per hour (“lbs/hr”) for emissions unit P905. Furthermore, the permit also requires Burnham to conduct an emissions test for emissions unit P905 within one year prior to the expiration of the Title V permit in order to demonstrate compliance with the particulate emission limitation.

On April 1, 2008, Burnham had the required particulate emission test conducted for emissions unit P905. The test results indicated the measured particulate emission rate was 27.23 lbs/hr, in violation of the 23.69 lbs/hr limit in the Title V permit and ORC § 3704.05(A) and (J)(2).

The Southeast District Office of Ohio EPA (“SEDO”) sent a notice of violation (“NOV”) letter to Burnham on August 8, 2008, wherein a compliance plan and schedule were requested to achieve compliance with the particulate emission limitation. Burnham responded in a letter dated October 21, 2008, wherein it indicated that two courses of alumina block in the scrubber disk venturi section would be replaced, the top for the

scrubber disk would be re-profiled, and an emissions retest would be conducted during the December 2008 plant shutdown.

Burnham had repairs made to the scrubber and had emission testing conducted on February 26, 2009. The test report indicated a measured particulate emission rate of 19.32 lbs/hr, which was in compliance with the limitation of 23.69 lbs/hr.

The Title V permit also required Burnham to submit quarterly deviation reports for the facility to Ohio EPA within 30 days after the end of each calendar quarter. Burnham failed to report the particulate emission limitation exceedances for emissions unit P905 in the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarterly deviation reports for 2008, in violation of the Title V permit and ORC § 3704.05(J)(2). On March 16, 2009, SEDO sent a NOV letter to Burnham notifying it of these reporting violations. On April 3, 2009, Burnham submitted a revised quarterly deviation report for the 2<sup>nd</sup> quarter of 2008.

On September 22, 2009, SEDO submitted an Enforcement Action Request to Central Office for the above-mentioned violations.

**Action:** On June 7, 2010, proposed Director's Final Findings and Orders ("F&Os") were sent to Burnham to attempt an administrative settlement of the violations. The F&Os propose to require Burnham to:

- (1) within 30 days from the effective date of the F&Os, submit revised quarterly deviation reports for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2008 to Ohio EPA, which include the deviation from the particulate emission limitation for emissions unit P905;
- (2) within 30 days from the effective date of the F&Os, pay Ohio EPA a civil penalty of \$50,000, of which \$10,000 is to be directed to the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP; and
- (3) in lieu of paying the remaining \$10,000 to Ohio EPA and within one year after the effective date of the F&Os, perform a pollution prevention study of the facility.

No civil penalty was assessed for the quarterly deviation reporting violations since they are first-time paperwork violations and are exempt from penalty under State law.

**Case Continued**



ACTIONS & MINUTES APPROVED BY:



Bob Hodanbosi, Chief, DAPC

NEXT MEETING:

July 1, 2010

3:00 p.m.

DAPC Room C

## PENDING AIR ENFORCEMENT COMMITTEE CASES

Total Unresolved Cases (100)

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
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	Selvey's Dirt Works / Famous Supply (asbestos)	NWDO	DV/UD	06/12/08	11/05/08
2777	Sawbrook Steel LLC	HAMCO	BZ/MM	11/13/06	11/07/08
2781	Great Lakes Crushing, Ltd. (asbestos)	NEDO	SF/PP	06/18/08	11/18/08
2782	International Converter, Inc. - Caldwell (HPV)	SEDO	DV/FU	07/05/08	11/26/08
2789	Complete Clearing, Inc. (asbestos)	NWDO	MG/PP	07/09/08	02/05/09
2790	Erie Materials, Inc.	NWDO	SF/TT	04/16/08	02/05/09
2791	Carmeuse Lime, Inc. (Millersville) (HPV)	NWDO	DV/FU	02/14/06	02/09/09
2793	Combs' Trucking Incorporated	HAMCO	SF/MM	07/16/08	02/09/09
2794	Kenmore Construction Co., Inc.	Akron	DV/UD	05/14/08	02/13/09
2795	Evans Landscaping, Inc.	HAMCO	MG/TT	05/01/08	02/23/09
2803	Wheeling Brake Band & Friction Mfg., Inc./Investment Capital of America, Inc./Rob Burgess Enterprises, LLC (asbestos) (multi-media case, DSIWM lead)	SEDO	DV/PP	01/13/09	02/26/09
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
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
2821	OmniSource Corporation, Mansfield Division	NWDO	MG/MM	05/08/08	05/04/09
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
2829(VC)	ODNR, Division of Forestry (regarding the Shawnee State Forest open burning)	Ports.	DV/JP	04/24/09	06/03/09

Updated: 06/17/10

**PENDING AIR ENFORCEMENT COMMITTEE CASES**

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
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	BZJO	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
2858	Burnham Foundry, LLC	SEDO	DV/TK	04/01/08	09/22/09
2859	Rollin Cooke, d.b.a. Concord Sunoco, Cooke's Car Care, Incorporated, and Munson Corners Sunoco	NEDO	SF/JK	07/20/09	09/17/09
2860	Richard C. Zahn	Akron	SF/PP	06/15/09	09/14/09
2861	Scott Klem	Akron	DV/TT	08/14/09	09/14/09
2864	Forest Creek Mobile Home Park	HAMCO	SF/FU	03/19/09	09/25/09
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
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

**PENDING AIR ENFORCEMENT COMMITTEE CASES**

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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/MM	09/28/07	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/JP	11/10/08	01/25/10
2893	Sterling Professional Group, LLC/Cleveland Public Library (asbestos)	NEDO	SF/MM	11/09/09	01/28/10
2894	The University of Akron	Akron	MG/JK	05/23/08	02/01/10
2895	Medhurst Mason Contractors, Inc.	Akron	DV/FU	09/19/07	02/11/10
2896 (VC)	Lorain County II Landfill	NEDO	SF/JK	11/27/09	02/11/10
2897	Clark Sunoco	Cleve.	MG/JP	10/14/08	02/17/10
2898	Stark C & D Landfill/Marshall Land Company/The City of Canton	NEDO	DV/UD	11/13/09	02/23/10
2900	Clarkia Gas	Cleve.	MG/JP	02/10/09	03/01/10
2902	True North #316	Cleve.	DV/JP	02/24/09	03/17/10
2903	D & D Marathon	Cleve.	SF/JP	02/02/09	03/22/10
2904	United States Gypsum Company (HPV)	NWDO	MG/	03/14/07	03/24/10
2905	Pilot Travel Centers, LLC (Pilot #0002)	NEDO	DV/JK	12/10/09	03/24/10
2906	Denison Gas USA	Cleve.	SF/JP	09/16/08	03/29/10
2907	Vicky L. Walls	SWDO	MG/JP	10/14/09	04/02/10
2908	Oglebey Norton Glass Rock Plant (HPV)	SEDO	DV/	09/27/07	04/13/10
2909	Puritas Gas	Cleve.	SF/JP		04/13/10

**PENDING AIR ENFORCEMENT COMMITTEE CASES**

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2910(VC)	Dan & Sheryl Nellis (regarding outdoor wood-fired boiler)	NEDO	MG/		03/26/10
2911	International Paint, LLC	Cleve.	DV/JJP		04/26/10
2912	Wallace L. Geuy	SWDO	SF/JJP		04/23/10
2913	Crown Battery Manufacturing Company	NWDO	MG/		05/03/10
2914	City of Akron/Akron Energy Systems, LLC	Akron	BZ/TK		05/01/10
2915	The Hygenic Corporation	Akron	DV/		05/10/10
2917	Al Brice	NWDO	SF/		05/21/10
2918	POET Biorefining - Leipsic	NWDO	DV/		06/02/10
2919	Ohio One Contractors and Developers, LLC/Sergio Dipaolo/Edgar C. Knieriem, d.b.a. Diversified Resources, Inc./Von Vittersan Le Copla USA, LLC (asbestos)	MTAPCA	MG/JJK	03/09/10	04/16/10
2920	The Kreidler Construction Co./Burdman Group, Inc. (asbestos)	MTAPCA	SF/FU	02/24/10	04/16/10
2921	Troy Noble	CDO	DV/JJP		05/27/10
2922	John Schneider	CDO	MG/JJP		05/27/10
2923	Delbert Troyer / A & J	CDO	SF/JJP		05/27/10
2924	Berkshire Campgrounds	CDO	DV/JJP		05/27/10
2925	William Pizzuto, d.b.a. All Excavating Co./M. S. Consultants, Inc./City of Campbell (asbestos)	MTAPCA	MG/MM	02/09/10	04/20/10
2926	Hidden Valley Fruit Farm, LLC/Robert E. Ullrich	HAMCO	SF/JJK	10/05/09	04/30/10
2927	Career Driving and Learning Centers, Ltd.	Akron	DV/TT	04/16/10	05/28/10
2928	Karen Suiter	SWDO	MG/JJP		06/18/10
2929	Don and Dwayne Detrick	SWDO	SF/JJP		06/18/10
2930	City of East Cleveland (E-check)	N/A	DV/JJP		06/25/10
2931	City of Eastlake (E-check)	N/A	DV/JJP		06/25/10
2932	Village of Highland Hills (E-check)	N/A	DV/JJP		06/25/10
2933	Village of Lakemore (E-check)	N/A	DV/JJP		06/25/10
2934	Village of North Randall (E-check)	N/A	DV/JJP		06/25/10
2935	J. W. Pustelak, d.b.a. J. W. Pustelak, Inc.	Akron	MG/FU	08/20/19	06/28/10

# 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**

<b>Docket #</b>	<b>Case Name</b>	<b>Rank</b>	<b>Field Office</b>	<b>EC Contact</b>	<b>Staff</b>	<b>Att.</b>	<b>Complaint Referral</b>	<b>Returned to FO</b>	<b>Warning Letter</b>	<b>Status</b>	<b>Source in Compliance</b>	<b>Direcor's F&amp;O's</b>	<b>Referred to AGO</b>
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**

<b>Docket #</b>	<b>Case Name</b>	<b>Rank</b>	<b>Field Office</b>	<b>EC Contact</b>	<b>Staff</b>	<b>Att.</b>	<b>Complaint Referral</b>	<b>Returned to FO</b>	<b>Warning Letter</b>	<b>Status</b>	<b>Source in Compliance</b>	<b>Direcor's F&amp;O's</b>	<b>Referred to AGO</b>
2817	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**

<b>Docket #</b>	<b>Case Name</b>	<b>Rank</b>	<b>Field Office</b>	<b>EC Contact</b>	<b>Staff</b>	<b>Att.</b>	<b>Complaint Referral</b>	<b>Returned to FO</b>	<b>Warning Letter</b>	<b>Status</b>	<b>Source in Compliance</b>	<b>Direcor's F&amp;O's</b>	<b>Referred to AGO</b>
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	
2901	Rumpke Sanitary Landfill, Inc.	3	HAMCO	TK	JO	BZ	03/01/10					03/18/10	
2527	Carneuse Lime, Inc. (Maple Grove Facility)	3	NWDO	TK	FU	DV	06/19/06					03/19/10	
2820	Bailey-PVS Oxides Delta LLC.	3	NWDO	TK	JK	MG	04/27/09					03/19/10	

**Total for the month of March = 8**

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

**April**

<b>Docket #</b>	<b>Case Name</b>	<b>Rank</b>	<b>Field Office</b>	<b>EC Contact</b>	<b>Staff</b>	<b>Att.</b>	<b>Complaint Referral</b>	<b>Returned to FO</b>	<b>Warning Letter</b>	<b>Status</b>	<b>Source in Compliance</b>	<b>Direcor's F&amp;O's</b>	<b>Referred to AGO</b>
2722	Tuscarawas County YMCA (asbestos)	3	SEDO	TK	UD	BZ	05/05/08					04/02/10	
2827	Evelyn M. Koch	1	MTAPCA	TK	UD	MG	06/01/09			Closed-NFA	04/08/10		
2856	Dorothy Jeannine Slessman	1	NWDO	TK	MM	MG	09/14/09			Closed-NFA	04/08/10		
2865	The Great Lakes Construction Co.	3	HAMCO	TK	UD	DV	09/25/09					04/02/10	
2871	MARA2-DNA Inc., d.b.a. Nates Marathon	3	NEDO	TK	JK	SF	10/15/09					04/02/10	
2899	Servestal Wheeling, Inc./Mingo Junction Energy Center, LLC	3	SEDO	TK	JO	BZ	02/01/10					03/30/10	
2806	Raman Patel, d.b.a. Marathon Quick Mart	3	NEDO	TK	JK	DV	03/02/09					04/20/10	

**Total for the month of April = 7**

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

**May**

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
Total for the month of May = 0												

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

**June**

<b>Docket #</b>	<b>Case Name</b>	<b>Rank</b>	<b>Field Office</b>	<b>EC Contact</b>	<b>Staff</b>	<b>Att.</b>	<b>Complaint Referral</b>	<b>Returned to FO</b>	<b>Warning Letter</b>	<b>Status</b>	<b>Source in Compliance</b>	<b>Direcor's F&amp;O's</b>	<b>Referred to AGO</b>
2814	Barrett Paving Materials, Inc. (HPV)	3	HAMCO	TK	PP	SF	04/01/09					06/02/10	
2822	J. S. Paris Excavating, Inc. (asbestos)	3	MTAPCA	TK	TT	SF	04/28/09					06/02/10	
2839	John Harb, Liberty Gas USA #10, Liberty Gas, JS Solon LLC., Plaxy, Inc.	3	NEDO	TK	JK	DV	07/21/09						05/27/10
2857	Pure Gas Incorporated	3	NEDO	TK	JK	SF	09/22/09					05/28/10	
2869	Bridgestone APM Company, Foam Products Division (HPV)	3	NWDO	JP	EY	DV	10/06/09					05/28/10	
2916	Heartland Refinery Group, LLC	3	CDO	JP	JP	MG	05/13/10						06/07/10

**Total for the month of June = 6**

# 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. The facility has been permanently shut down since some time in 2006. Incorporation status w/ Secretary of State was dissolved in 2006.						
-----						
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	Y	FSC**	
-----						
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 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 <sup>2</sup> 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 <sup>2</sup> 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.							
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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.							
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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 <sup>2</sup> report			11/24/05			
	Submit P <sup>2</sup> report			02/24/06			
	Submit final P <sup>2</sup> 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			

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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	
		\$1,000	541434	02/27/06		02/25/06

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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)	Civil penalty: (\$61,538)					
* - CD modification on 11/26/08	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	*	02/26/10	
	Test and establish an allowable short-term VOC limit for each scrubber stack serving P032, P033 and P034 at Dayton		02/28/10	*	02/26/10	
	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 <sup>2</sup> 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	605637	12/14/07	Y		
	Bus Fund \$ 800	605638	01/14/07	Y	07/29/07	
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	
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	

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
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			
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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			
	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			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O y/n	C Complete Date	Check # / Date	
The Premcor Refining Group, Inc. (Con't)	Submit 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		12/18/09	
	Certify compliance for all flaring devices		12/31/13			
	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	

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)	Pay \$200,000 to develop and implement a Traffic Signal Synchronization study for City of Lima		02/20/08		1/25/08 04/26/10 (final disbursement)	1007
	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	
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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				
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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	
	\$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		

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	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		02/24/10	8572
	\$139	644217	04/06/10		03/29/10	8634
	\$139	644218	05/06/10		04/27/10	117
	\$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	
		\$ 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	

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

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
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		
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			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Douglas Kehres (08/13/08)	Civil penalty: (\$500)	666363	09/13/08	Y		
Great Lakes Crushing Ltd. (10/01/08)	Civil penalty: (\$12,000)					
	OEPA \$9,600	686990	10/31/08	Y	09/10/09*	
	Bus Fund \$2,400	686991	10/31/08	Y	04/23/09*	
* Paid the \$9,600 plus \$1,095.45 in interest to AGO Revenue recovery. Ago tool \$1,069.55 for its collection efforts. ** AGO took \$240 of this amount for its collect efforts.						
Robert Montgomery, Sr., d.b.a. Montgomery Auto Salvage (10/16/08)	Civil penalty: (\$3,000)	688462	11/15/08	Y		
Re-Gen, Inc. (01/15/09 - Consent Order)	Civil penalty: (\$70,000)					
	OEPA \$28,000	709526	02/14/09		02/11/09	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	
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			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date	
Ultimate Industries, Inc. (con't)	\$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				
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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		09/16/09		
	Submit documentation of SEP cost		10/24/09		10/13/09		
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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					
					(365 days after acceptance of short-term limit)		
Submit report re: how compliance will be	Oregon	07/01/11					
	Cairo	07/01/11					

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Lagrange Township Trustees (04/14/09)	Civil penalty: (\$250) Report the results of vehicle inspections	713233	05/14/09 12/31/09	Y	07/26/09 04/20/09	23728
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 \$21,762.50 \$21,762.50 Bus Fund \$10,881.25 \$10,881.25	713429 713430 713431 713432 713433	10/23/09 01/18/10 04/16/10 06/05/09 07/17/09		10/21/09   06/01/09 07/16/09	22101   21779 21859
Plasti-Kote Company, Inc. (06/17/09)	Civil penalty: (\$240,000) OEPA \$192,000 Bus Fund \$ 48,000 Submit either a Title V permit app or synthetic minor PTI/FESOP appl. (FEPTIO appl.)	714631 714632	07/01/09 07/17/09 10/17/09		08/21/09 08/21/09 10/12/09	6000197973 6000197973
T. S. Trim Industries, Inc. (06/17/09)	Civil penalty: (\$85,200) OEPA \$68,160 Bus Fund \$17,040 Conduct emission tests Submit test report	714704 714705	07/17/09 07/17/09 08/07/09 09/07/09		06/25/09 06/25/09	146684 146683
Village of North Randall (06/30/09)	Civil penalty: (\$1,500) Have all vehicles tested and report results	714660	07/30/09 12/31/09	Y		
Precision Aggregates III, LLC (07/08/09)	Civil penalty: (\$15,000) OEPA \$4,500 \$7,500 Bus Fund \$3,000	715181 715182 715183	09/15/09 09/15/10 09/15/09		09/14/09  09/14/09	5008  5010
Village of Oakwood (07/07/09)	Civil penalty: (\$2,500) Have all vehicles tested and report results	714842	08/07/09 11/02/09		08/17/09	49645

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date	
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			01/06/10	Upon receipt of invoice from OEPA	08/14/09	
	Submit SO2 FERs for CY 1993 thru 2000 For Plant 8, pay difference in emission fees for CY 1999 and 2000			01/06/10	Upon receipt of invoice from OEPA	12/23/09	
Saif Khan, d.b.a. Lakeland Citgo (08/20/09)	Civil penalty: (\$10,000)						
	OEPA	\$ 500	726488	09/20/09	08/06/09	23336993	
		\$2,500	726489	12/20/09	11/30/09	23469420	
		\$2,500	726490	03/20/10	03/23/10	23705865	
	Bus Fund	\$2,500	726491	06/20/10			
	Bus Fund	\$2,500	726492	09/20/09	08/06/09	23336992	
Joseph Parker (08/18/09)	Civil penalty: (\$250) 725188 09/18/09 Y						
Speedway SuperAmerica, LLC (09/22/09)	Civil penalty: (\$35,880)						
	OEPA	\$28,704	727238	10/05/09	09/29/09	960292	
	Bus Fund	\$ 7,176	727239	10/22/09	09/29/09	960291	
	Submit weekly inspection records			11/14/10			
	Submit weekly inspection records			11/14/11			
	Submit results of static leak and A/L ratio tests for 2010			04/14/10	09/14/10		
	Submit results of static leak and A/L ratio tests for 2011			04/14/10	09/14/10		
	Pioneer Environmental Companies (09/22/09)	Civil penalty: (\$7,000)					
OEPA		\$2,100	727235	10/22/09	Y		
		\$3,500	727236	03/22/10			
Bus Fund		\$1,400	727237	10/22/09	Y		

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Stein, Inc. (10/13/09)	Civil penalty: (\$50,000)					
	OEPA	\$10,000	735696	05/13/10	05/12/10	18805
		\$10,000	735697	08/13/10		
		\$10,000	735698	11/13/10		
		\$10,000	735699	02/13/11		
	Bus Fund	\$10,000	735700	11/13/09	10/23/09	16035
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Joseph and Marie Eberz (10/19/09 - CO)	Civil penalty: (\$500)					
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CertainTeed Corp (10/19/09 - CO)	Civil penalty: (\$230,000)					
	OEPA	\$184,000	735799	11/19/09	11/05/09	3802097
	Bus Fund	\$ 46,000	735800	11/19/09	11/05/09	3802098
	Submit Title V permit application			w/i 90 days of issuance of PTI		
	Submit plan for measuring OC content of stone			01/19/10		
Submit FERs for 1993-1996			04/19/10			
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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		

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date	
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				
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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			
		\$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			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Sunoco, Inc. (Toledo Refinery) (11/12/09)	Civil penalty: (\$32,250)					
	OEPA	\$25,800	746355	11/26/09	11/06/09	6.9E+09
	Bus Fund	\$6,450	746356	12/12/09	11/06/09	6.9E+09
	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		
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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	03/26/10	52926
		\$2,000	747316	05/01/10	04/30/10	53077
		\$2,000	747317	06/01/10	05/21/10	53155
		\$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			
	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
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D & R Supply, 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	03/10/10	3934
		\$2,750	746315	07/01/10	06/11/10	4038
		\$2,750	746316	10/01/10		
		\$2,750	746317	01/01/11		
	Bus Fund	\$4,000	746318	12/01/09	11/06/09	3791
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Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
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		
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Robert Schiekh (12/22/09)	Civil penalty: (\$750) 747648 01/22/10					
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D. Todd Hosea, d.b.a. Hosea Project Movers (12/23/09)	Civil penalty: (\$22,000)					
	OEPA	\$4,400	747655	03/23/10	03/25/10	29831
		\$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
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Randy Wise (12/23/09)	Civil penalty: (\$250) 747654 01/23/10					
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Mark A. Mirich, d.b.a. All Demolition (12/28/09 - CO)	Civil penalty: (\$25,000)					
	OEPA	\$800	748952	02/15/10	04/09/10	263242
		\$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			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Mark A. Mirich, d.b.a. All Demolition (con't)	\$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			
	\$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				

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
ConSun Food Industries, Inc. (01/14/10)	Civil penalty: (\$17,250)					
	OEPA	\$1,600	751928	02/14/10		290041
		\$4,000	751929	05/14/10		290151
		\$4,000	751930	08/14/10		
		\$4,200	751931	11/14/10		
	Bus Fund	\$3,450	751932	02/14/10		290042
	Perform static leak & A/L ratio tests at each GDF			03/31/10		02/22/10
			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	05/18/10*	2504
* \$1,000 paid as settlement of the ERAC appeal of the F&O's						
-----						
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		
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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			03/31/10		
-----						
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			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
S. H. Bell Company (con't) (02/08/10)	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			
	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 (con't) (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	02/26/10	9494104298
	SERC Fund	\$ 20,000	753742	03/06/10	02/26/10	9494104299
	OEPA, DAPC	\$ 256,000	753740	03/06/10	02/26/10	9494104300
	OEPA, EEF	\$ 612,000	753741	03/06/10	02/26/10	9494104301
	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			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O y/n	Complete Date	Check # / Date
<b>INEOS ABS Corporation (con't) <u>Biofilter milestones:</u></b>					
(02/04/10 - Consent Decree)	Submit work plan		03/21/10	03/19/10	
	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		
<b><u>LDAR program milestones:</u></b>					
	Develop a written facility-wide LDAR Program Plan		05/06/10		
	Monitor all equipment in accordance with more stringent frequencies		05/06/10		
	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.	Civil penalty: (\$100,000)				
(02/19/10 - Consent Order)	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	

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
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	757445	05/10/10		03/18/10	165805
	Bus Fund \$3,375	757446	04/10/10		03/08/10	165806
	Submit a schedule for completion of the SEP		04/10/10			
City of Youngstown, WWTP (03/10/10)	Civil penalty: (\$12,405)					
	OEPA \$9,924	757447	03/24/10		03/26/10	71966
	Bus Fund \$2,481	757448	03/24/10		03/26/10	71965
	Submit documentation that RMP deficiencies have been corrected		04/10/10			
Lafarge North America, Inc. (Paulding) (03/18/10 - Consent Decree)	Civil penalty: (\$55,250)					
	OEPA \$44,200	757491	04/18/10		04/08/10	71820
	Bus Fund \$11,050	757492	04/18/10		04/08/10	71819
	Install NOx and SO2 CEMs for both kilns		03/18/11			
	Install SNCR and DAA for one kiln		11/01/11			
Install SNCR and DAA for the other kiln		12/01/11				
Carause Lime, Inc. (Maple Grove Facility) (03/19/10)	Civil penalty: (\$180,740)					
	OEPA \$144,592	757439	04/19/10		03/31/10	252166
	Bus Fund \$ 36,148	757440	04/19/10		03/31/10	252165
	Submit Title V permit modification for transloaders and roadways		06/19/10			
Submit PTI application for the modification of P905		06/19/10				
Bailey-PVS Oxides Delta LLC. (03/19/10)	Civil penalty: (\$55,000)					
	OEPA \$ 8,800	757469	07/19/10			
	\$ 8,800	757470	10/19/10			
	\$ 8,800	757471	01/19/11			
	\$ 8,800	757472	04/19/11			
	\$ 8,800	757473	07/19/11			
	Bus Fund \$11,000	757474	04/19/10			
Submit PTIO applications		04/19/10		5/7/2010		

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
MARA2-DNA, Inc. (Nates Marathon) (04/02/10)	Civil penalty: (\$5,000)					
	OEPA	\$250	757483	05/02/10		04/15/10 995002
		\$750	757484	08/02/10		
		\$750	757485	11/02/10		
		\$750	757486	02/02/11		
		\$750	757487	05/02/11		
		\$750	757488	08/02/11		
		\$750	757489	11/02/11		
		\$250	757490	02/02/12		
		Perform static leak & A/L ratio tests at each GDF		04/30/10 08/31/10 04/30/11 08/31/11		
Severstal Wheeling, Inc. (03/30/10)	Civil penalty: (\$15,000)					
	OEPA	\$12,000	757477	04/30/10		
	Bus Fund	\$ 3,000	757478	04/30/10		
	Obtain and achieve compliance w/ PTI modification for burning COG in the co-generation boilers			08/15/10		
Demetrius "Duke" Ball, d.b.a. Ball Wrecking Company (03/10/10 - Court Order)	Civil penalty: (\$7,000)		757442	04/10/10		
Raman Patel, d.b.a. Marathon Quick Mart (04/20/10)	Civil penalty: (\$8,000)					
	OEPA	\$ 400	758060	05/20/10		05/17/10 293424
		\$2,000	758061	08/20/10		
		\$2,000	758062	11/20/10		
		\$2,000	758063	02/20/11		
	Bus Fund	\$1,600	758016	05/20/10		05/17/10 293425
	Perform static leak & A/L ratio tests at each GDF			03/30/10 08/31/10 03/30/11 08/31/11		
	Submit proof of training			05/20/10		
Summit Equipment and Supplies, Inc. (03/01/10 - Consent Order)	Civil penalty: (\$1,250)		758079	04/01/10		

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O y/n	C Complete Date	Check # / Date	
Pure Gas Incorporated (05/28/10)	Civil penalty: (\$7,000)					
	OEPA	\$ 800		09/28/10		
		\$ 800		11/28/10		
		\$ 800		01/28/11		
		\$ 800		03/28/11		
		\$ 800		05/28/11		
		\$ 800		07/28/11		
		\$ 800		09/28/11		
	Bus Fund	\$1,400		07/28/10	06/07/10	1986
	Perform static leak & A/L ratio tests at each GDF			03/30/11		
			08/31/11			
			03/30/12			
			08/31/12			
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Bridgestone APM Company (05/28/10)	Civil penalty: (\$90,628)					
	OEPA	\$72,502		06/28/10	06/10/10 037312	
	Bus Fund	\$18,126		06/28/10	06/10/10 037313	
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Norton Environmental Company (09/21/09 - Consent Order)	Civil penalty: (\$5,000)			06/15/10		
	(DAPC's portion)			(by DSIWM)		
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J. S. Paris Excavating, Inc. (06/02/10)	Civil penalty: (\$7,000)					
	OEPA	\$5,600		07/02/10		
	Bus Fund	\$1,400		07/02/10		
-----						
Barrett Paving Materials, Inc. (06/02/10)	Civil penalty: (\$141,700)					
	OEPA	\$113,360		06/16/10	05/07/10 048039	
	Bus Fund	\$ 28,340		06/16/10	05/07/10 048040	
	Develop and implement a regular inspection and maintenance plan for the air pollution control equipment at each of the asphalt plants			08/02/10		
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State of Ohio Environmental Protection Agency

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**JUN 07 2010**

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

**Re: Heartland Refinery Group, LLC**

Dear Mr. Cordray:

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

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

Sincerely,

Chris Korleski  
Director

xc: Gregg Bachmann, AGO  
Jim Orlemann, DAPC  
John Paulian, DAPC  
Bryan Zima, Legal  
Marc Glasgow, Legal  
Adam Ward DAPC/CDO  
John McGreevy, DAPC/CDO

Enclosures  
CK/JP/jp

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

Ohio EPA is an Equal Opportunity Employer

**Ohio EPA**  
**Division of Air Pollution Control**

# **inter-office communication**

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

**from:** Marc Glasgow, Legal Office, and Jim Orlemann, DAPC Enforcement Coordinator

**subject:** Referral of Heartland Refinery Group, LLC to the Attorney General's Office (EC case #2916)

**date:** June 4, 2010

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

The Director has requested that the AGO take enforcement action against Heartland Refinery Group, LLC ("HRG") for violations of Ohio Revised Code ("ORC") Chapter 3704 and regulations adopted thereunder. A brief synopsis of the case follows. A copy of the case file is attached. More details regarding the facility and the enforcement case may also be found in the attached draft Director's Final Findings and Orders.

## **SYNOPSIS OF THE CASE**

HRG owns and operates a used oil re-refining facility (Ohio EPA facility ID number 0125043205) located at 4001 East Fifth Avenue, in Columbus. The facility refines used oil into a variety of products, including a light fuel oil and a base lubricant oil. Since the plant began operations in February, 2009, it has experienced technical and operational problems that have resulted in violations of the terms and conditions of the facility's permit to install and operate ("PTIO") and numerous odor complaints from the surrounding community. A failed gasket on a high pressure process vessel on December 14, 2009, resulted in the release of a plume of process gases, including hydrogen sulfide gas, causing the evacuation of the surrounding office buildings and temporary closure of East Fifth Avenue.

The latest permit, PTIO P0105498, was issued to HRG on October 1, 2009. The terms and conditions of PTIO P0105498 contain applicable emissions limitations; operational restrictions; emissions control requirements; monitoring and reporting requirements; and emissions testing requirements for emissions units B001 (PESCO front-end hot oil heater), P001 (DLOR front-end skid dehydration and light oil removal), P002 through P004 (Luwa wiped film short path evaporators), and P005 (CEP hydrofinishing and product stripping system).

HRG's PTIO requires that all process emissions be vented first to one of two hot oil heaters. One heater (emissions unit B001) controls hydrocarbon emissions from the "front half" of the facility's processes (emissions units P001 –P004) and another controls the "back half" (emissions unit P005) hydrocarbon emissions. The emissions from the two halves of the facility are then sent to a sodium bicarbonate-injected dry scrubber/baghouse to control sulfur dioxide and hydrochloric acid emissions.

PTIO P0105498 also required emissions testing of all of the facility's emissions units within 60 days of issuance (i.e., no later than November 30, 2009). To date, HRG has not conducted any of the required testing, in violation of PTIO term and condition C.(3)f.1 and ORC § 3704.05(C).

From October 20, 2009 to the December 14, 2009 shutdown and from February 5, 2010 to April 27, 2010, as the result of operational problems, HRG has been continuously venting waste gas from P005 to either an open or enclosed flare rather than to the hot oil heater and dry scrubber/baghouse, resulting in uncontrolled sulfur dioxide and hydrochloric acid emissions. HRG previously had been intermittently venting waste gas from emissions unit P005 to the flares since operations began in February, 2009. The open flare is only permitted to be used gas during emergency situations. The enclosed flare is only permitted to be used during controlled shutdown of the facility. Venting process waste gas to the enclosed flare during periods other than facility maintenance or shutdown, and venting to the open flare during non-emergency conditions are violations of PTIO P0105498 term and condition C.3.b)2. and ORC § 3704.05(C).

In response to odor complaints received April 22, 2010, Central District Office ("CDO") conducted an inspection of the facility and found that HRG had begun a new, unpermitted operation involving the loading of rail tank cars with light end fuel oil. The operation was conducted with no controls in place to control emissions and odors from this process stream. Installation and operation of a new source of emissions without first obtaining a PTIO is a violation of OAC 3745-31-02(A) and ORC § 3704.05(C).

On April 28, 2010, HRG informed CDO that it had shut down the dry scrubber due to acid degradation of the scrubber's filter bags. HRG stated that it was continuing operation of the facility without the baghouse operating until such time as the filter bags could be replaced with acid-resistant bags. The continued operation of the facility's emissions units without the required control equipment is an ongoing violation of PTIO P0105498 term and condition C.(2)e. and ORC § 3704.05(C).

Since February 6, 2009, CDO has received numerous odor complaints about the facility from businesses and government offices near the facility and reports of employees being sent home ill from sulfur odors from the facility. Since February 5, 2010, when the facility began resumption of operations, CDO has received over 30 odor complaints concerning HRG. The odors appear to result from the emission of sulfur-containing compounds without first venting through the dry scrubber/baghouse, from hydrocarbon emissions from truck and rail car loading operations, and from pressure venting of storage tanks. DAPC has determined that the odors released from this facility are causing a public health and odor nuisance in violation of Ohio Administrative Code ("OAC") 3745-15-07(A).

In a letter dated May 13, 2010, HRG provided a compliance plan and schedule to CDO. HRG stated that the new acid-resistant filter bags had been ordered and would be installed by June 17, 2010, and that emissions testing would be conducted by June 29, 2010. CDO has found that the company has a history of missing proposed deadlines and is concerned that without enforceable deadlines HRG will continue to operate beyond the above date without the required dry scrubber/baghouse.

### **STATUTE OF LIMITATIONS**

Under the statute of limitations law, ORC § 3745.31, any action under any environmental law for civil or administration penalties of any kind brought by any agency or department of the State or by any other governmental authority charged with enforcing environmental laws shall be commenced within five years of the time the agency, department, or governmental authority actually knew or was informed of the occurrence, omission, or facts on which the cause of action is based. A conservative interpretation of ORC § 3745.31 would mean that Ohio EPA actually knew or was informed of the violations on October 27, 2009, when DAPC/CDO reviewed HRG's quarterly report and found that HRG was venting waste gas to the open and closed flares. Therefore, the Attorney General's Office has five years from that date to pursue civil penalties for the aforementioned violations.

### **RECOMMENDATION**

This case is being referred to the AGO to be resolved by obtaining a preliminary injunction and either a consent order or court order requiring HRG to correct all remaining violations at its facility and pay a substantial civil penalty for the violations of its permit. The calculated civil penalty for the above violations is \$653,100 (see the attached penalty worksheet for details).

Ohio EPA is also seeking injunctive relief that would require HRG to:

- Install new acid resistant filter bags and cages and resume operation of the dry scrubber/baghouse no later than June 17, 2010.
- Submit an Intent-To-Test notification no later than June 15, 2010, and complete the emissions testing required by no later than July 1, 2010.
- Operate and maintain nuisance odor control equipment for any rail car loading operation.
- Install a bag leak detection system for the dry scrubber/baghouse within 90 days.
- Submit a preventive maintenance and malfunction abatement plan within 90 days that addresses maintenance and inspection schedules for each air contaminant source at the facility.
- Hire an independent third party consultant within 45 days to conduct an odor abatement study of the facility and identify additional control measures and/or

practices that could be employed to further minimize odors, submit the study within 165 days, and implement those control measures that are identified as being both technically feasible and cost effective in accordance with the expeditious schedule defined by the study.

- Pay a civil penalty.

It is our understanding that a preliminary injunction would involve all of the above-mentioned injunctive relief except for the implementation of any additional odor control measures and the payment of the civil penalty.

(DRAFT FOR USE BY THE AGO)

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Heartland Refinery Group, LLC : Director's Final Findings  
4001 East Fifth Avenue : and Orders  
Columbus, Ohio 43219 :

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

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

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a used oil re-refining facility (Facility ID 0125043205) located at 4001 East Fifth Avenue, Columbus, Franklin County, Ohio ("Facility").
2. ORC Section 3704.05(A) states that "[n]o person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection..."

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

4. Ohio Administrative Code ("OAC") rule 3745-15-07(A) states, in part, that, "the emission or escape into the open air from any source or sources whatsoever, of ...gases, vapors, odors, or other substances or combinations of substances, in such manner or in such amounts as to endanger the ...welfare of the public health, or cause unreasonable injury or damage to the property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."

5. OAC rule 3745-31-02(A) states, in part, that "...no person shall cause, permit, or allow the installation or modification and subsequent operation of any new source ...without first obtaining a PTIO from the Director."

6. On January 3, 2008, Ohio EPA issued permit-to-install ("PTI") 01-12184 to Respondent for the initial installation of the "front-half" of the Facility, consisting of emissions units B001 (PESCO front-end hot oil heater), P001 (DLOR front-end skid dehydration and light oil removal), and P002 – P004 (LUWA wiped film short path evaporators). This permit to install contained applicable emission limitations, operational restrictions, emissions control requirements, monitoring and reporting requirements, and emissions testing requirements for the affected emissions units. The emissions units listed in PTI 01-12184 are "air contaminant sources" as defined in OAC rule 3745-15-01(C) and (X).

7. On July 16, 2008, Ohio EPA issued PTI 01-12184 to Respondent which superseded the initial PTI issued to the Facility on January 3, 2008. The terms and conditions of this permit modification authorized the installation of the "back-half" of the facility, consisting of emissions unit P005 (CEP hydrofinishing and product stripping system). This PTI contained applicable emission limitations, operational restrictions, emissions control requirements, monitoring and reporting requirements, and emissions testing requirements for all the affected emissions units at the Facility. The emissions units listed in PTI 01-12184 are "air contaminant sources" as defined in OAC Rule 3745-15-01(C) and (X).

8. On July 30, 2009, Ohio EPA issued permit-to-install and operate ("PTIO") P0105213 to Respondent as an administrative modification to PTI 01-12184. This modification changed some permit terms to reflect actual operations at the facility, including revising the light ends fuel oil ("LEFO") specifications, establishing B001 and P005 hot oil heater temperature monitoring location requirements, permitting the facility to use purchased feed materials that meet the same specifications as the "front-end" feed stream, and allowing the use of a temporary emissions control system for P002-4

for periods when B001 is shut down (this issue was subsequently resolved through better tuning of the B001 combustion system, and is no longer needed).

9. On August 11, 2009 Ohio EPA issued PTIO P0105187 to Respondent as an OAC Chapter 3745-31 modification to PTIO P0105213. This modification changed the allowable upper limit of the halogen concentration in the LEFO burned on site in B001 in conjunction with the removal of the option to operate the "front-half" of the Facility prior to the startup of the "back-half" of the Facility. While the allowable halogen content of LEFO was increased, the requirement to control hydrogen chloride emissions from B001 resulted in a decrease in the allowable emissions of hydrogen chloride.

10. On October 1, 2009, Ohio EPA issued PTIO P0105498 to Respondent as an administrative modification to PTIO P0105213. This modification changed the requirement for emissions testing for emissions units B001, P001, P002, P003, P004 and P005 while B001 is firing natural gas to within 60 days of the issuance of the PTIO (i.e., by November 30, 2009). This modification also required emissions testing for emissions units B001, P001, P002, P003, P004, and P005 while B001 is firing LEFO within 90 days of achieving the maximum production rate while firing LEFO, but no later than 120 days after firing B001 using LEFO. To date, Respondent has not completed the required emissions testing when firing either natural gas or LEFO, in violation of the terms and conditions of the PTIO and ORC Section 3704.05(C).

11. Starting February 6, 2009, and continuing until December 14, 2009, Ohio EPA received approximately 19 complaints of intermittent odors from the Facility. These complaints generally corresponded to a number of startup issues, including plugged process lines, coking on flame arrestors and burners, and material loading vapor collection.

12. On December 14, 2009, a gasket on a high-pressure process vessel at the Facility ruptured, releasing process gases, including hydrogen sulfide, into the atmosphere, which necessitated the precautionary evacuation of approximately 4,000 employees of nearby businesses and agencies.

13. From December 14, 2009 to approximately February 5, 2010, the Facility was engaged in performing repairs and developing an operations and maintenance plan to prevent future, similar incidents at the Facility from occurring.

14. The Facility began resumption of operations on approximately February 5, 2010.

15. PTIO P0105498 requires the following in permit term C.3.b)(2)a.i: "The permittee shall vent all process emissions first to the P005 hot oil heater firebox followed by a sodium bicarbonate-injected dry scrubber with a minimum of 95% control

efficiency for sulfur dioxide and 90% control efficiency for hydrogen chloride at all times that this emissions unit is operating.”

16. Beginning June 18, 2009 and continuing to October 20, 2009, Respondent intermittently vented process waste gas from emissions unit P005 to either the open or closed flare rather than venting the waste gas through the dry scrubber/baghouse. From October 20, 2009 to December 14, 2009 (when a gasket on a high-pressure process vessel ruptured) and from February 5, 2010 (when the Facility began resuming operations) to April 27, 2010, Respondent continuously vented process waste gas from emissions unit P005 to either the open or closed flare instead of venting the waste gas to the dry scrubber/baghouse. Venting the emissions from emissions unit P005 through the flares without passing through the dry scrubber/baghouse allows emissions of sulfur dioxide and hydrogen chloride to be emitted without any control. The process waste gases are only permitted to be vented to the open flare during emergency situations and to the closed flare during an emergency or while conducting scheduled maintenance activities. Venting the waste gases from emissions unit P005 through the flares without passing through the dry scrubber/baghouse is a violation of the terms and conditions of PTIO P0105498 and ORC Section 3704.05(C).

17. On April 23, 2010, Ohio EPA conducted an inspection of Respondent's Facility in response to odor complaints received the previous night. Respondent informed Ohio EPA staff that it had begun loading rail tank cars with LEFO. This new operation occurs over approximately a six-hour period for each tank car with no controls in place to reduce emissions or odors. Respondent's operation of the rail car loading rack without first obtaining a PTIO is a violation of OAC Chapter 3745-31 and ORC 3704.05(A).

18. On April 28, 2010, Respondent notified Ohio EPA that the dry scrubber/baghouse system that controls sulfur dioxide and hydrogen chloride emissions from emissions units B001 and P005 had developed holes in the filter bags due to acid degradation and that the scrubber/baghouse would have to be shut down. Respondent also indicated that the emissions units would continue to operate without the scrubber/baghouse required by PTIO P0105498.

19. Beginning April 28, 2010 and continuing to the present, Respondent has operated emissions units P005 and B001 without the required control equipment, in violation of the terms and conditions of PTIO P0105498 and ORC 3704.05(C).

20. PTIO P0105498 standard permit term A.14 prohibits the operation of an air contaminant source regulated under the issued permit in a manner that causes a nuisance.

21. From October 20, 2009 to December 14, 2009, from February 5, 2010 to April 27, 2010, and from April 28, 2010 to the present, due to the conditions described in

Finding 16 for emissions unit P005 and the conditions described in Findings 19 and 20 for emissions units B001 and P005, operations at Respondent's Facility have caused odors that are considered to be a public nuisance, in violation of the terms and conditions of PTIO P0105498, OAC rule 3745-15-07(A), and ORC 3704.05(A).

22. On June 1, 2010, Respondent sent a letter to Mr. John McGreevy of the Ohio EPA stating that "HRG implemented the use of an activated carbon drum with connecting hose attached to the vent of the railcar for collection and treatment of vapors during loading. This control system remains connected to the railcar vent until the railcar is taken off site for transport." Further, Respondent committed to utilizing this nuisance odor control equipment for any future rail loading operations.

23. PTIO P0105498 permit term 3.b)(1)a. limits sulfur dioxide emissions from emissions unit P005 to 1.7 pounds per hour ("lbs/hr") and 6.9 tons per year as a rolling 12-month average. Beginning April 28, 2010 and continuing to the present, Respondent has been operating emissions unit P005 without controls at an uncontrolled sulfur dioxide emission rate of 34.7 lbs/hr, as specified in Respondent's application for PTI 01-12184, in violation of the terms and conditions of PTIO P0105498 and ORC 3704.05(C).

24. PTIO P0105498 permit term 3.b)(2)a.i. requires that emissions of hydrogen chloride from emissions unit P005 be reduced by at least 90% and not exceed facility-wide emissions of one ton per year as a 12-month rolling average. Beginning April 28, 2010 and continuing to the present, Respondent has been operating emissions unit P005 without controls at an uncontrolled emission rate of 0.55 lbs/hr, as specified in Respondent's application for PTI 01-12184, in violation of the terms and conditions of PTIO P0105498 and ORC 3704.05(C).

25. 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. By no later than June 17, 2010, Respondent shall complete the installation of new, acid-resistant bags and the associated support cages in the dry scrubber/baghouse, resume operation of the dry scrubber/baghouse, and maintain all emissions units at the Facility in compliance with the terms and conditions of PTIO P0105498.

2. By no later than June 1, 2010, Respondent shall submit an Intent-to-Test notification for emissions units P001-P005 and B001. Respondent shall conduct the

emission tests required by PTIO P0105498 by no later than July 1, 2010. As required by PTIO P0105498, the test results report shall be submitted to Ohio EPA within 30 days of completion of the compliance testing.

3. Upon the effective date of these Orders, Respondent shall operate and maintain effective nuisance odor control equipment for any rail car loading of any liquid product, by-product, or waste produced or handled by the Facility to minimize or eliminate emissions of nuisance odors. This nuisance odor control system shall be operated so long as the potential exists for nuisance odors resulting from rail car loading or materials storage in rail cars at the Facility. Respondent shall submit a complete permit to install and operate application, including emissions calculations and appropriate Emissions Activity Category form, at least sixty (60) days prior to rail car loading or rail tank car storage emissions increasing above *de minimis* levels.

4. Within ninety (90) days after the effective date of these Orders, Respondent shall install a bag leak detection system for the baghouse exhaust gases. The bag leak detection system shall be operated and maintained according to the manufacturer's recommended specifications. Respondent shall submit an application to modify the existing PTIO to incorporate monitoring and recordkeeping requirements for the bag leak detection system within sixty (60) days of initial operation of the system.

5. Within ninety (90) days after the effective date of these Orders, Respondent shall submit a preventive maintenance and malfunction abatement plan ("PMMAP") for the Facility in accordance with OAC rule 3745-15-06(D). The PMMAP shall outline an inspection and maintenance schedule for each air contaminant source and physical operation (including tanks and process vessels) connected to emissions control systems at the Facility and shall contain appropriate record keeping forms to document the inspections and repairs conducted at the Facility. Respondent shall immediately implement the PMMAP upon receipt of written approval of the document by the Ohio EPA.

6. Within forty-five (45) days after the effective date of these Orders, Respondent shall hire an independent, third-party consultant to perform an odor abatement study of Respondent's Facility. The odor abatement study shall be completed and submitted by the independent, third-party consultant to the Respondent and Ohio EPA no later than one hundred and sixty-five (165) days after the effective date of these Orders. The study shall include the following information:

- a. an identification of each piece of equipment at the Facility that is a source of odors (stack and/or fugitive odors);
- b. a description of the capture and control equipment, if any, for each source of odors and the estimated capture efficiency and control efficiency of such equipment;

- c. for each uncontrolled source of odors, the estimated uncontrolled emission rate for the source (in pounds per hour and tons per year) and an identification of all the technically feasible control measures that could be employed to minimize or eliminate the emissions;
- d. for each controlled source of odors, the estimated emission rate for the source (in pounds per hour and tons per year) and an identification of all the additional or replacement, technically feasible control measures that could be employed to further minimize or eliminate the emissions; and
- e. for each of the technically feasible control measures identified in (c) and (d), the estimated overall control efficiency, capital and annual operating costs, cost-effectiveness (in dollars per ton of emissions reduced), and the time required to expeditiously install/implement the control measure.

7. Of the control measures that are identified in the odor abatement study as technically feasible and cost-effective for each of the odor sources at the Facility, Respondent shall install or implement the most efficient control measure for each source in accordance with the expeditious schedule defined in the study. The time period for the installation or implementation of each control measure shall begin no later than one hundred and sixty-five (165) days after the effective date of these Orders. In addition, no later than one hundred and sixty-five (165) days after the effective date of these Orders, Respondent shall notify the Ohio EPA of the control measures that will be installed or implemented pursuant to these Orders.

8. Respondent shall pay the amount of six hundred, fifty-three thousand and one hundred dollars (\$653,100) 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 five hundred, twenty-six thousand and eighty (\$526,080) 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

9. In lieu of paying the remaining one hundred twenty-seven thousand and twenty dollars (\$127,020) 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 \$127,020. 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

10. 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  
50 West Town Street  
Suite 700  
P.O. Box 1049  
Columbus, OH 43216 - 1049

11. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 9, Respondent shall immediately pay to Ohio EPA \$127,020 of the civil penalty in accordance with the procedures in Order 9.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For the purposes of these Orders, a

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

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, 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  
Central District Office  
50 West Town Street  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Adam Ward

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
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

**AGREED:**

**Heartland Refinery Group, LLC**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

**Air Civil Penalty Worksheet**  
**Heartland Refinery Group, LLC**  
**4001 East Fifth Avenue, Columbus, Ohio**  
 (for settlement purposes only)

<b>A. Benefit Component:</b> (enter from attached computer calculation)		N/A	Any economic benefit would be less than \$5,000 as no major new controls or process changes are required to return to compliance and no significant costs were avoided by delaying testing.
<b>B. Gravity Component:</b> 1. Actual or possible harm			
a. Amount above standard: Exceedance of SO2 hourly PTIO limit	\$355,000		2,118% over standard  The PTIO permit application estimated an uncontrolled SO2 emissions rate of 34.7 lbs/hr for the facility. The permit limit is 1.7 lbs. lbs/hr from the dry scrubber/baghouse stack.  $\frac{(34.7 \text{ lbs/hr} - 1.7 \text{ lbs/hr})}{1.7 \text{ lbs/hr}} \times 100 = 2,118\%$  Per the USEPA penalty policy: Up to 300% = \$50,000 + \$5,000 for each 30% increment above 300% 2,118% - 300% = 1,818% 1,818%/30% = 61 61 x \$5,000 = \$305,000 Total penalty = \$355,000
b. Toxicity of pollutant:	\$0		
c. Sensitivity of environment:	\$5,000		Attainment area for SO2
d. Length of time of violation:			
i. Violation of PTIO 0105498 terms and conditions by exceeding the hourly SO2 emissions limit of 1.7 lbs/hr.	\$12,000		4.0 months (from 10/20/09 to 12/14/09 and from 02/22/10 to 04/27/10)
ii. Violation of PTIO 0105498 terms and conditions by venting emissions unit P005 V-304 waste gas stream to the emergency start-up/shutdown flares instead of through the P005 hot oil heater fire box and dry scrubber/baghouse.	\$12,000		4.0 months (from 10/20/09 to 12/14/09 and from 02/22/10 to 04/27/10)
iii. Violation of PTIO 0105498 terms and conditions by operating emissions units P001 through P005 without operating the dry scrubber/baghouse and also causing a public odor and health nuisance.	\$8,000		1.7 months (from 04/28/10 to 06/17/10)
iv. Failure to conduct emissions testing within 60 days of issuance of PTIO 0105498.	\$15,000		7.0 months (11/30/09 to 07/01/10)
2. Importance to regulatory scheme:			
i. Violation of PTIO annual SO2 emissions limit of 6.9 tpy as a rolling 12-month average.	\$15,000		PTIO annual emissions limit for SO2 for emissions units P001 through P005 is 6.9 tpy as a rolling 12-month average. During the period of time when the dry scrubber/baghouse was not operational (04/28/10 to 06/17/10) SO2 emissions were as follows:

**Air Civil Penalty Worksheet**  
**Heartland Refinery Group, LLC (con't)**

<p>ii. Violation of PTIO 0105498 terms and conditions by venting emissions unit P005 V-304 waste gas stream to the emergency start-up/shutdown flares instead of through the P005 hot oil heater fire box and dry scrubber/baghouse.</p> <p>iii. Violation of PTIO 0105498 terms and conditions by operating emissions units P001 through P005 without operating the dry scrubber/baghouse and also causing a public odor and health nuisance.</p> <p>iv. Failure to conduct emissions testing within 60 days of issuance of PTIO 0105498.</p>	<p style="text-align: center;"><u>\$15,000</u></p> <p style="text-align: center;"><u>\$15,000</u></p> <p style="text-align: center;"><u>\$15,000</u></p>		<p>34.7 lbs/hr uncontrolled SO<sub>2</sub> emissions (per PTIO application) x 50 days (1,200 hours)          = 41,640 lbs.          = 20.8 tons          =13.9 tons over limit</p> <p>Venting to the open and enclosed flares and bypassing the P005 hot oil heater fire box and dry scrubber/baghouse resulted in excess SO<sub>2</sub> emissions.</p> <p>Respondent continued to operate emissions units P001 through P005 after failure of the dry scrubber/baghouse, in violation of PTIO terms and conditions, resulting in excess SO<sub>2</sub> emissions.</p> <p>Respondent failed to conduct required initial emissions testing for the facility within 60 days..</p>
<p>3. Size of violator:</p>	<p style="text-align: center;"><u>\$10,000</u></p>		<p>Net worth approximately \$4,869,000, based on 20% of annual sales from Reference USA.</p>
<p><b>Total Gravity Component:</b></p>			<p style="text-align: center;"><u>\$477,000</u></p>
<p><b>Preliminary Deterrence Amount:</b> (sum of benefit and gravity components)</p>			<p style="text-align: center;"><u>\$477,000</u></p>
<p><b>C. Flexibility-Adjustment Factor:</b></p>			
<p>1. Degree of willfulness or negligence: (total gravity component times an augmentation percentage)</p>	<p style="text-align: center;"><u>\$143,100</u></p>		<p>30% augmentation for bypassing control equipment and continuing to operate facility after failure of control equipment and also causing a public odor and health nuisance.</p>
<p>2. Degree of cooperation: (total gravity component times any mitigation percentage)</p>	<p style="text-align: center;">-</p>		
<p>3. History of noncompliance: (total gravity component times any augmentation percentage)</p>			
<p>4. Ability to pay: (any mitigation amount)</p>			
<p>5. Other unique factors: (total gravity component times any mitigation or augmentation percentage)</p>			
<p>All augmentation (+) and mitigation (-) amounts added: (if negative, cannot exceed total gravity component)</p>			<p style="text-align: center;"><u>\$143,100</u></p>
<p><b>D. Administrative component</b></p>			
<p>1. Installation of source without obtaining permit-to-install</p>	<p style="text-align: center;"><u>\$15,000</u></p>		<p>Installing and operating rail tanker car loading without first applying for and obtaining a PTIO.</p>
<p>2. Operation of source without obtaining permit-to-operate</p>	<p style="text-align: center;"><u>\$0</u></p>		

**Air Civil Penalty Worksheet**  
**Heartland Refinery Group, LLC (con't)**

<b>Total Administrative Component</b>		\$15,000	
<b>E. Initial Minimum Settlement Amount:</b> [preliminary deterrence amount + or - sum of flexibility adjustment factors plus administrative component (A+B+C+D)]		\$653,100	





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

**JUN 07 2010**

**CERTIFIED MAIL**

Mr. Jeremiah Clegg  
Plant Manager  
Burnham Foundry, LLC.  
2345 Licking Road  
Zanesville, Ohio 43702

**Re: Proposed Director's Final Findings and Orders for air pollution control permit and law violations associated with Burnham Foundry, LLC., Muskingum County, Ohio**

Dear Mr. Clegg:

My staff has informed me of the violations of the terms and conditions of the Title V permit and ORC § 3704.05(J)(2) associated with Burnham Foundry, LLC.'s facility located in Zanesville, Muskingum County, Ohio. I understand that Burnham Foundry LLC. has corrected several of the violations, but still has one issue to resolve.

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

Please note that the proposed Findings and Orders include voluntary provisions for a portion of the total civil penalty amount to go toward the funding of two supplemental environmentally beneficial projects. The first project involves diverting a portion of the total civil penalty amount toward performing a pollution prevention study at the facility to assess the feasibility of specific source emission reduction and environmentally sound recycling projects. The pollution prevention studies can lead not only to the reduction of

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

Mr. Jeremiah Clegg  
Plant Manager  
Burnham Foundry, LLC.  
Proposed Director's Final Findings and Orders  
Page 2

pollution at its source, but also to substantial cost-savings for the facility. Such provisions are being included in all Findings and Orders used to resolve violations of Ohio's air pollution control regulations, except for some smaller facilities. The second 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 particulates (i.e., particles less than 2.5 microns in diameter [PM 2.5]).

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 Donald L. Vanterpool, of the Ohio EPA Legal Office, at (614) 644-3037. If he does not hear from Burnham Foundry, LLC., within fourteen (14) days of 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.

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

Sincerely,



Chris Korleski  
Director

xc: Jim Orlemann, DAPC  
Tom Kalman, DAPC  
Jim Kavalec, DAPC  
Donald L. Vanterpool, Legal Office  
Joe Laughery/Bruce Weinberg, DAPC SEDO

Enclosures

CK:JK:jk

*A guide to the . . .*

# **Administrative Enforcement Process**

*Within the Division of Air Pollution Control*

## **Introduction**

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

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

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

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

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

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

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

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

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

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

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

### **What will happen at the meeting?**

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

### **Why do I have to pay a civil penalty?**

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

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

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

### **Who from Ohio EPA will be at the meeting?**

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

### **Who should I bring to the meeting?**

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

### **News releases**

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

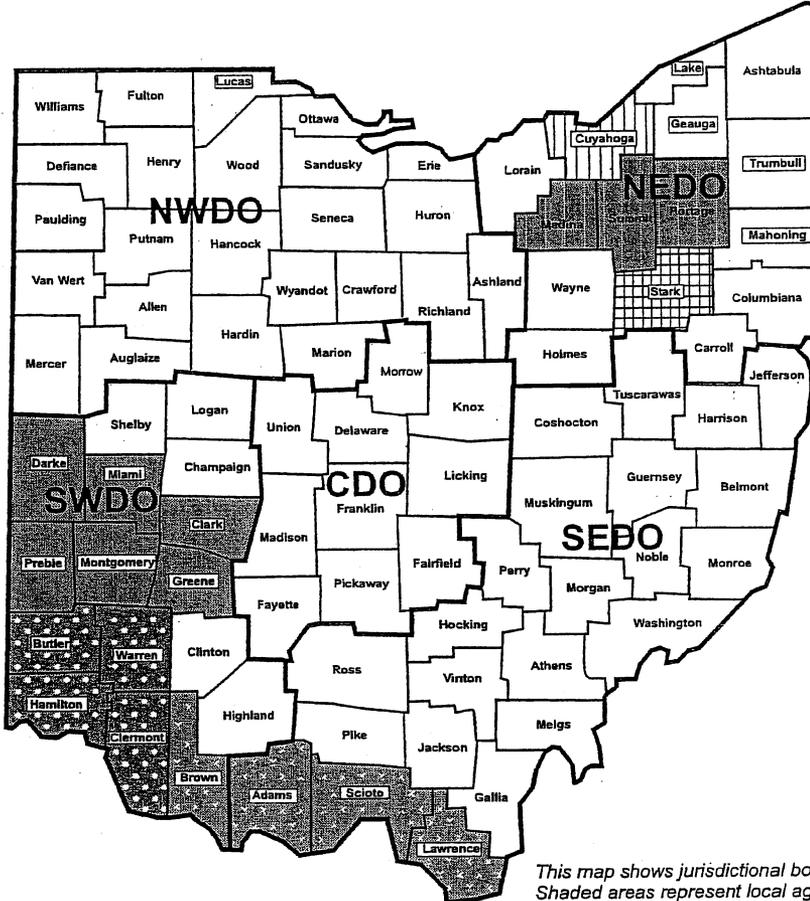
### **District Office and Local Air Agency Addresses and Phone Numbers**

See the following pages.

# Air Permit Review Agencies

Division of Air Pollution Control  
Ohio EPA, Central Office  
(614) 644-2270

[www.epa.state.oh.us/dapc/general/dolaa.html](http://www.epa.state.oh.us/dapc/general/dolaa.html)



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



## District Offices

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

 **Lynn Malcolm, Administrator**  
16 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**  
13 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**  
07 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**  
15 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**  
08 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**  
04 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**  
14 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

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

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

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

The exhaust gases from diesel, school bus engines contain significant amounts of organic compounds, carbon monoxide, nitrogen oxides (NO<sub>x</sub>) and fine particulates. If inhaled, the fine particulates are so small that they are able to penetrate deep into the lungs and pose serious health risks such as aggravated asthma and lung damage. In addition, USEPA has identified diesel exhaust as a likely human carcinogen. These fine particulate emissions contribute to the poor ambient air quality in 27 counties in Ohio, which currently are not meeting the national health-based ambient air quality standards for fine particulates (i.e., PM 2.5, particles less than 2.5 microns in diameter). Reducing the particulate emissions from diesel school bus engines will have two primary benefits:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Burnham Foundry, LLC.	:	<u>Director's Final Findings</u>
2345 Licking Road	:	<u>and Orders</u>
Zanesville, Ohio 43702	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Burnham Foundry, 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 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 owns and operates an iron castings manufacturing facility located at 2345 Licking Road, Zanesville, Muskingum County, Ohio ("Facility"). On May 6, 2003, a Title V permit (06-60-01-0101) was issued to Respondent for the Facility pursuant to Ohio Administrative Code ("OAC") Chapter 3745-77. The Title V permit establishes terms and conditions under which the emissions units ("EUs") at the Facility are to be operated in order to ensure compliance with state and federal air pollution control laws and regulations. The Title V permit expired on May 6, 2008; however, its requirements remain in effect pursuant to OAC Rule 3745-77-08(E)(1) until a renewal Title V permit is issued by Ohio EPA. A renewal permit application was timely submitted by Respondent to Ohio EPA on November 5, 2007.

2. Respondent's Title V permit, in part, establishes emission limitations, operational controls and reporting requirements for the gray iron cupola, which is identified by Ohio EPA as EU P905 and is employed to melt foundry returns, scrap metal, and fluxes with emissions vented to an afterburner and wet scrubber. Specifically, Part III.A.I.1. of the terms and conditions of the Title V permit establishes a particulate emissions limitation of 23.69 pounds per hour ("lbs/hr"). In addition, Part III.A.V.3. of the terms and conditions of the Title V permit requires Respondent to conduct an emission test for EU P905 within one year prior to the expiration of the Title V permit in order to demonstrate compliance with the allowable particulate emission limitation. EU P905 is an "air contaminant source" as defined in OAC Rule 3745-15-01(C) and (X).

3. On April 1, 2008, Respondent conducted the emission test for EU P905. The average particulate emissions based on three, one-hour test runs was 27.23 lbs/hr, in violation of Part III.A.I.1. of the terms and conditions of the Title V permit and ORC § 3704.05(J)(2). By letter dated August 8, 2008, Ohio EPA notified Respondent of the violation of the particulate emission limitation for EU P905 and requested that Respondent submit a compliance plan to Ohio EPA.

4. On October 21, 2008, Respondent submitted the compliance plan as referenced in Finding No. 3 of these Orders. In this compliance plan, Respondent indicated that it would be replacing two courses of alumina block in the scrubber disk venturi section, re-profile the top for the scrubber disk, and conduct an emissions test during the December 2008 plant shutdown. By letter dated January 19, 2009, Respondent requested a 45-day extension to perform the emissions test because additional maintenance activities needed to be performed on EU P905.

5. During a conference call held on February 19, 2009, Ohio EPA notified Respondent that Respondent had failed to report the particulate emissions limitation exceedances for EU P905 in the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarterly deviation reports for 2008, in violation of Part III.A.IV. of the terms and conditions of the Title V permit and ORC § 3704.05(J)(2). By letter dated March 16, 2009, Ohio EPA notified Respondent of these violations. On April 3, 2009, Respondent submitted a revised quarterly deviation report for the 2<sup>nd</sup> quarter of 2008.

6. By February 26, 2009, Respondent made all necessary repairs to EU P905 and conducted and passed a retest at 19.32 lbs/hr. Respondent was in violation of Part III.A.I.1. of the terms and conditions of the Title V permit and ORC § 3704.05(J)(2) from April 1, 2008 until February 26, 2009.

7. 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. Within thirty (30) days from the effective date of these Orders, Respondent shall submit, to Ohio EPA, revised quarterly deviation reports for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2008, which report the particulate emission limitation exceedances for EU P905.

2. Respondent shall pay the amount of fifty thousand dollars (\$50,000) 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 thirty thousand dollars (\$30,000) 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

3. In lieu of paying the remaining twenty thousand dollars (\$20,000) of the civil penalty to Ohio EPA, Respondent shall fund the supplemental environmental projects ("SEPs") identified in Orders 4 and 5. Of the \$20,000, \$10,000 shall be used to fund the project identified in Order 4, and \$10,000 shall be used to fund the project identified in Order 5. In the event Respondent defaults or otherwise fails to complete any of the projects as specified in Orders 4 and 5, the \$10,000 for the project in Order 4 and/or the \$10,000 for the project in Order 5, whichever is (are) applicable, shall immediately become due and payable to Ohio EPA. Such payment shall be made by an official check made payable to "Treasurer, State of Ohio" and sent to Brenda Case, or her successor, together with a letter identifying the Respondent, to the above-stated address. A copy of the check shall be sent to James A. Orlemann, or his successor, at the above-stated address.

4. Respondent shall fund a SEP by making a contribution in the amount of \$10,000 to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment within thirty (30) days after the effective date of these Orders by an official check made payable to "Treasurer, State of Ohio" for \$10,000. The official check shall specify that such monies are to be deposited into Fund 5CD0 established by Ohio EPA for the Clean Diesel School Bus Program. 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. A copy of this check also shall be sent to James A. Orlemann, or his successor, at the above-stated address.

5. As outlined below, and with reference to the chapters described in Ohio EPA's 1993 "Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual" (the Manual), Respondent shall conduct a pollution prevention study ("P2 Study") at the facility as a SEP in lieu of paying \$10,000 of the civil penalty. The P2 Study is an assessment of selected facility processes to identify and evaluate specific source reduction and environmentally sound recycling opportunities.

- a. Within ninety (90) days after the effective date of these Orders, Respondent shall submit a detailed narrative report to Ohio EPA for review and approval containing the following:
  - i. a list of the members of a cross-functional team for the P2 Study, including the name of a designated team leader;
  - ii. an identification of the processes selected for study and the methods used to select the processes; and
  - iii. a description of the processes being studied, including types and quantities of raw materials used, waste generated (i.e., air emissions, hazardous waste, solid waste, wastewater), and the intermediate or final products.

The above items shall be completed following the guidance provided in Chapters 8 and 9 of the Manual.

- b. Within one hundred eighty (180) days after the effective date of these Orders, Respondent shall submit a detailed narrative report to Ohio EPA for review and approval containing the following:
  - i. an analysis of the process-related factors contributing to waste generation;
  - ii. a description of the specific pollution prevention opportunities identified; and
  - iii. a discussion of the approach used in screening and prioritizing pollution prevention opportunities for future implementation.

The above items shall be completed following the guidance provided in Chapters 11 and 12 of the Manual.

- c. Within two hundred seventy (270) days after the effective date of these Orders, Respondent shall submit a detailed narrative final report to Ohio EPA for review and approval containing the following:

- i. an evaluation of the cost considerations and feasibility analysis of the identified pollution prevention opportunities;
- ii. a discussion of those projects that have been eliminated as well as those that have been implemented, planned for implementation, or under consideration for possible implementation; and
- iii. a description of the other items bulleted in Table 7 of Chapter 15 of the Manual.

The above items shall be completed following the guidance provided in Chapters 13, 14 and 15 of the Manual.

- d. Within three hundred and thirty (330) days after the effective date of these Orders, Respondent shall submit an approvable detailed narrative final report to Ohio EPA, unless the report submitted to Ohio EPA pursuant to the above paragraph c is approved by Ohio EPA.

Ohio EPA shall provide Respondent with its comments and an indication of approval or disapproval of the reports submitted pursuant to this Order in a timely manner.

6. Within thirty (30) days of the completion and approval by Ohio EPA of the project identified in Order 5, Respondent shall submit documentation to Ohio EPA of the total cost of the P2 Study. If the total cost of the P2 Study is less than \$10,000, Respondent shall submit, along with the final report identified in Order 5 and in the manner described in Order 2, an official check to Ohio EPA for the difference in cost between \$10,000 and the total cost of the P2 Study.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative.

#### **VII. OTHER CLAIMS**

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

#### **VIII. OTHER APPLICABLE LAWS**

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

#### **IX. MODIFICATIONS**

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

#### **X. NOTICE**

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

Ohio Environmental Protection Agency  
2195 Front Street  
Logan, Ohio  
Attn: Bruce Weinberg

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:**

**Burnham Foundry, LLC.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

**AIR CIVIL PENALTY WORK SHEET**  
 Burnham Foundry, LLC.  
 2345 Licking Road, Zanesville, Ohio  
 (for settlement purposes only)

<b>A. Benefit Component:</b>		\$0	Any economic benefit is negligible (i.e. < \$5,000).
<b>B. Gravity Component:</b>			
1. Actual or possible harm:			
a. Amount above standard:	\$5,000		15% above standard. The 2008 particulate emissions test result for EU P905 was 27.23 lbs/hr. The emissions limit is 23.69 lbs/hr. $[(27.23 - 23.69)/23.69] \times 100\% = 15\%$
b. Toxicity:	\$0		Not applicable
c. Sensitivity of the environment:	\$5,000		Muskingum County was a designated attainment area for particulate matter at the time of the violations.
d. Length of violation:	\$15,000		Respondent operated 330 days (11 months) between the failed emissions test on April 1, 2008 and the passing emissions test held on February 26, 2009.
2. Importance to the regulatory scheme:			
a. Testing violation:	\$0		Not applicable
b. Emissions control equipment violation:	\$0		Not applicable
c. Violation of an administrative order:	\$0		Not applicable
d. Title V permitting violations:	\$0		Not applicable
e. Reporting violations:	\$0		Respondent failed to report the particulate emission limitation exceedances for EU P905 in the 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> quarterly deviation reports for 2008, in violation of Part III.A.IV. of the terms and conditions of the Title V permit and ORC § 3704.05(J)(2). Ohio EPA is not applying a penalty here because this is being considered a first-time paper work violation.

f. Record-keeping violations:	\$0		Not applicable
g. Compliance certification violations	\$0		Not applicable
h. Title V compliance schedule violations:	\$0		Not applicable
3. Size of violator:	\$25,000		Net worth (about \$45,000,000) is estimated at 20% of annual sales (annual sales are over \$225 million from Reference USA database). Penalty associated with this amount would be \$50,000. The size of violator is set at 50% of the preliminary deterrence amount because the size of violator penalty is over 50% of the preliminary deterrence amount (\$25,000).
<b>Preliminary Deterrence Amount</b>		\$50,000	
<b>Initial Gravity Component:</b>		\$50,000	
<b>C. Adjustment Factors:</b>			
1. Degree of willfulness or negligence: (total gravity component times any augmentation percentage)	\$0		Not applicable
2. Degree of cooperation: (total gravity component times any mitigation percentage)	\$0		Not applicable
3. History of noncompliance: (total gravity component times any augmentation percentage)	\$0		Not applicable
4. Ability to pay: (any mitigation amount)	\$0		Not applicable
5. Other unique factors: (total gravity component times any mitigation or augmentation percentage)	\$0		Not applicable
<b>D. Adjusted Gravity Component:</b>	\$0		Not applicable
<b>E. Administrative Component</b>			Not applicable
<b>F. Initial Settlement Amount:</b>		<b>\$50,000</b>	