

AGENDA FOR THE NOVEMBER 19, 2009 EC MEETING

CASES TO BE CLOSED:

TRC Industries, Inc.	#2618	Akron	No Further Action	Tom/Steve
Environmental Affairs Management, Inc.	#2657	M-TAPCA	AGO Referral	Tom/Steve
S.R. Restaurant Corporation, d.b.a. Rascal House Pizza	#2679	Cleveland	Final F&Os	John/Bryan
Great Plains Exploration, LLC	#2748	NEDO	Final F&Os	Tom/Bryan
Sunoco, Inc., Toledo Refinery	#2779	112r	Final F&Os	Kim/Don
Bruewer Woodwork Mfg. Co.	#2843	HAMCO	No Further Action	Tom/Marc

PENDING CASES:

J.S. Paris Excavating, Inc.	#2822	M-TAPCA	Prop. F&Os	Tom/Steve
El Ceramics, LLC	#2825	HAMCO	Prop. F&Os	Tom/Steve

OTHER BUSINESS:

- (1) Distribute updated schedule of progress for resolving all "old" cases for 2008.
- (2) Distribute updated schedule of progress on resolving all "old" cases for 2009.
- (3) Distribute updated schedule of progress on resolving all "old" cases for 2010.
- (4) **Steve (with Tom substituting) is scheduled to provide food for today's meeting at 3:00 p.m. in DAPC Rm C.**
- (5) The next EC meeting is scheduled for Thursday, December 3, 2009 at 9:30 a.m. in DAPC Rm C. Jim is scheduled for food. (Future food schedule: John for December 17; and Don for December 31.)

ENFORCEMENT COMMITTEE MEETING MINUTES

(November 19, 2009)

Case Number: 2618	Dates:
Entity: TRC Industries, Inc.	EAR: 05/04/07
Field Office: Akron	DWL: N/A
Contact: Muhammad Mereb/Tom Kalman	F&Os: 12/31/08 (prop.)
Attorney: Stephen Feldmann	Referral: N/A
	Dismissal: N/A

Background: On December 31, 2008, proposed Director's Final Findings and Orders ("F&Os") were issued to TRC Industries, Inc. ("TRC") for its rubber recycling facility located at 1777 Commerce Drive in Stow (Summit County), Ohio. At the facility, TRC recycles various types of natural and synthetic rubber compounds using the devulcanization process. The process employs three autoclaves (#1, #2 and #3) for the steam heating of the compounds under pressure. The proposed F&Os addressed the following violations of air pollution control rules and laws:

- (1) TRC did not apply for and obtain permits to install and operate prior to commencing the modification and operation of the process by the recycling of natural rubber beginning in March 2006, in violation of OAC Rules 3745-31-02(A) and the former 3745-35-02(A), and ORC § 3704.05(G). TRC indicated that it believed the emissions units were qualified for the "de minimis" status; however, TRC failed to demonstrate its de minimis status claim to the satisfaction of Ohio EPA.
- (2) In March 2006, TRC started recycling natural rubber on a commercial basis. The Akron Regional Air Quality Management District ("ARAQMD") received numerous complaints as a result of the sulfurous odors associated with the recycling of the new material. From March 2006 to August 2007, ARAQMD received 55 complaints on 43 different days concerning reduced sulfur odors from TRC's facility. The general nature of the complaints was bad odors and adverse health effects. Some of the complainants indicated an inability to comfortably enjoy their properties because of the odors and some of them were concerned about possible adverse health effects of the emissions. Alleged adverse health effects included nausea, sickness, bad taste, burning/watering eyes, headaches, sore throat, breathing difficulties, and sleeplessness. One business in the

neighborhood of TRC's facility indicated that it was losing some of its customers because of the odors. Therefore, Ohio EPA believes TRC caused a public nuisance, in violation of OAC Rule 3745-15-07 and ORC § 3704.05(G).

In April 2007, and via a lawsuit brought to Summit County Court of Common Pleas by the City of Stow, TRC installed a control system consisting of a series of three heat exchangers to condense the contaminated system and to reduce the temperature of the condensate. Using the heat exchangers, the contaminants from the autoclaves (except for the infrequent emissions from the safety release valves) are released to the sewer as water contaminants instead of being released directly to the air. TRC modified the control system by adding sodium hypochlorite to the condensate to oxidize sulfur odor-causing compounds including hydrogen sulfide ("H₂S") before discharging the condensate to the sewer.

The control system appeared to be working based on the lack of complaints and statements from several complainants. One complaint of a terrible rubber smell on December 8, 2008 was received by ARAQMD. ARAQMD's investigation did not confirm an odor in the neighborhood. The plant did have a hole in a steam line with a blowdown of 10 to 15 minutes before being vented to the heat exchangers.

The F&Os proposed to require the company to: (1) pay a civil penalty in the amount of \$69,600, (2) submit permit to install and operate ("PTIO") applications for the three autoclaves, and (3) provide at least a two-hour cooling-down period for each autoclave after each batch is completed, (4) within 60 days, install metering equipment to automatically supply the proper amount of sodium hypochlorite, or equivalent agent, to the condensate from the heat exchangers or manually supply such agent in the proper amount and keep records of the time, date, amount, and concentration of each application, and (5) operate and maintain the heat exchanger control system to minimize or eliminate emissions of reduced sulfur compounds and maintain compliance with OAC Rule 3745-15-07. The civil penalty included an economic benefit component of \$34,069 for the cost savings due to the delay in installing the necessary control equipment.

On April 14, 2009, TRC's attorney submitted financial data to Ohio EPA to attempt to show an inability to pay the civil penalty of \$69,600. It was indicated that TRC could not pay the civil penalty and was on the verge of bankruptcy. On July 15, 2009, the financial documents were sent to the Ohio EPA Fiscal Office for review and a determination of ability to pay the penalty.

On July 29, 2009, Ohio EPA Fiscal Office reported its conclusion that TRC did not have the ability to pay the full \$69,600 penalty. It indicated that TRC had the ability to pay a nominal penalty of up to \$5,000. On the same day, this information was relayed to TRC's attorney who indicated that he didn't know TRC's current financial situation; however, he mentioned that he was owed considerably more than \$5,000. He added that the company was unable to pay a lender who had an interest in all of the company's assets, and the lender was going to force a sheriff's sale of all of the company's assets.

On July 31, 2009, the President of TRC reported to Ohio EPA Legal Office that the lending institution had seized all of TRC's asset and that they were, at least, temporarily out of business. He added that he was searching for a buyer for the facility.

ARAQMD conducted several visits to TRC's facility to see if any activity was occurring. There was no activity seen, no company name displayed outside the building, no open access to the inside of the building to see what assets, if any, remained, and there was a For Sale/Lease sign in the front lawn.

Ohio EPA Legal contacted Brouse McDowell, a law firm that is the statutory agent for TRC. On November 6, 2009, an attorney with Brouse McDowell informed Ohio EPA Legal that a major shareholder of TRC said the company no longer operates and it is unlikely to ever operate again. The major shareholder is in the process of trying to liquidate company assets to pay off bank debt. All of the assets are for sale. It is unlikely that any creditors other than the bank will be paid from the sale of assets.

Action: DAPC has decided to close this case with no further action because TRC is essentially non-existent as a business concern and without any available assets to pay a penalty.

Case Closed



Case Number: 2657	Dates:
Entity: Environmental Affairs Management, Inc.	EAR: 08/17/07
Field Office: M-TAPCA	DWL: N/A
Contact: Felix Udeani/Tom Kalman	F&Os: N/A
Attorney: Stephen Feldmann	Referral: 11/13/09
	Dismissal: N/A

Background: On May 27 and 29, 2007, the Mahoning-Trumbull Air Pollution Control Agency ("M-TAPCA") received Ohio EPA notification of intent to demolish a facility forms from Environmental Affairs Management, Inc. of 455 Dan Street, Akron, Ohio, for an asbestos abatement operation for the renovation project at Austintown Fitch High School Stadium ("facility") in Austintown Township, Mahoning County, Ohio. The asbestos abatement was to involve the removal of regulated asbestos-containing material ("RACM") from 400 fittings (about 800 linear feet) and was to be conducted from June 6 to 11, 2007. Since the removal involved greater than 260 linear feet of RACM on pipe, the renovation project was subject to the notification and work practice requirements of OAC Rules 3745-20-03, 3745-20-04 and 3745-20-05.

On June 7, 2007, M-TAPCA personnel inspected the asbestos abatement project and observed dry suspect asbestos-containing material ("ACM") in the track coach's office and on the floor in the southwest corner of the room immediately inside the south entrance to the stands and in the wash sink in the women's restroom. Also, three sealed asbestos disposal bags were located in the south locker room. Two of these bags contained glove bags in which dry RACM was found. The fittings were removed and simply placed in the glove bags. Six samples from these locations were collected for asbestos content analysis. The analyses indicated that four of the samples contained 12% chrysotile asbestos while the other two samples contained 10% chrysotile asbestos. Therefore, the material found constituted "friable asbestos material," which is defined to be RACM.

Furthermore, the absence of duct tape on the glove bags indicated the bags were not installed in a manner that allowed the fittings to be removed while sealed inside the glove bags. This constituted a violation of OAC Rule 3745-20-04(A)(3)(c)(ii) because EAM failed to employ the glove bags in a manner that contained the asbestos material produced while removing the fittings. This also constituted a violation of ORC § 3704.05(G).

The M-TAPCA inspector conducted another site inspection of the renovation operation on June 14, 2007 and found uncontainerized dry RACM in the sinks in the women's

restroom during this and the previous inspections which indicated that EAM failed to thoroughly reclean the work areas after the initial inspection. The M-TAPCA inspector collected three samples of uncontainerized dry ACM for asbestos content analysis. The analyses revealed that two of the samples contained no less than 13% chrysotile asbestos.

EAM's failure to use a dust control method during collection and packaging of asbestos-containing waste material into disposable bags and failure to keep all RACM adequately wet and ensure that such material remains adequately wet until collected and contained in preparation for disposal constituted violations of OAC Rules 3745-20-05(B) and 3745-20-04(A)(6)(a), respectively. These violations also constituted violations of ORC § 3704.05(G).

On July 3, 2007, a M-TAPCA inspector visited the site for the third time and found no exposed asbestos-containing waste material. EAM promised it would send the information requested in M-TAPCA's June 12, 2007 notice of violation letter by July 5, 2007. To date, EAM has not sent in the requested information.

On August 17, 2007, M-TAPCA submitted an Enforcement Action Request to Central Office for the violations.

It was decided to refer this case to the Attorney General's Office ("AGO") for enforcement action without first attempting to settle the matter with administrative orders and a civil penalty. This course of action is based on EAM's failure to pay the entire civil penalty (\$10,000) for the Director's Final Findings and Orders ("F&Os") issued on December 29, 2005 ("2005 F&Os") for asbestos emission control standard violations at five job sites. The majority of the \$10,000 has still not been paid and was referred to the AGO Revenue Recovery Section in 2006. Thus, EAM is not a good candidate for future administrative orders.

Action: In a letter dated November 13, 2009, the Director referred EAM to the AGO for enforcement action. The referral requests the AGO to attempt to settle the matter with a consent order requiring compliance with OAC Chapter 3745-20 and the payment of a civil penalty of \$64,156 or a reasonable counteroffer consistent with the civil penalty policy. The AGO may also pursue a penalty for the company's failure to pay the penalty assessed in the 2005 F&Os, as well as requiring the company to pay the remaining penalty due pursuant to the 2005 F&Os.

The \$64,156 civil penalty included an economic benefit of \$6,656 due to cost savings derived from the improper removal of ACM from the 800 linear feet of fittings. Also,

since EAM has a history of noncompliance (2005 F&Os), the second tier of penalty factors from the policy were used to calculate the gravity component of the penalty. Furthermore, a penalty was assessed for 7 additional days of violation of OAC Rule 3745-20-04(A)(6)(a) from June 8 to 14, 2007 since dry RACM continued to be present during the second inspection.

Case Closed



Case Number: 2679	Dates:
Entity: S. R. Restaurant Corp. d.b.a. Rascal House Pizza	EAR: 12/04/07
Field Office: CDAQ	DWL: N/A
Contact: Eric Yates/John Paulian	F&Os: 11/12/09
Attorney: Bryan Zima	Referral: N/A
	Dismissal: N/A

Background: On March 2, 2007, the Cleveland Division of Air Quality (“CDAQ”) received an anonymous complaint that S.R. Restaurant Corp.’s Rascal House Pizza was conducting a renovation of its 2064 Euclid Avenue business and may be exposing its customers to asbestos fibers.

On March 2, 2007, CDAQ inspected Rascal House in response to the above complaint. Upon arrival, CDAQ discovered that Rascal House was renovating the building and had placed a large amount of potentially asbestos-containing debris in a dumpster located outside the building. CDAQ advised Rascal House to cease renovation operations until a certified asbestos hazard evaluation specialist (“AHES”) could determine whether asbestos-containing material was present.

On March 5, 2007, CDAQ was notified by U.S. EPA that a complaint was filed the previous weekend that stated that Rascal House continued the renovation over the weekend. CDAQ immediately revisited the restaurant and discovered that most of the potential asbestos-containing material had been removed from the building and placed in the dumpster. Since the restaurant was still operating, CDAQ approached the City of Cleveland attorney’s office and obtained a cease and desist letter that ordered Rascal House to close the restaurant until such time that the renovation/asbestos removal could be conducted in compliance with the applicable OAC rules.

During the March 2 and 7, 2007 inspections, CDAQ collected samples of debris in the restaurant and also in the dumpster outside of the building. The samples indicated the presence of regulated asbestos-containing material ("RACM"). Additionally during the inspections, CDAQ discovered multiple violations of OAC Chapter 3745-20. Specifically, Rascal House's actions during the renovation violated:

- OAC Rule 3745-20-03(A)(1) by conducting a renovation of its 2064 Euclid Avenue business without submitting a notification to Ohio EPA or CDAQ.
- OAC Rule 3745-20-02(A) by failing to conduct a thorough asbestos survey of the facility prior to conducting the renovation.
- OAC Rule 3745-20-04(A)(3) by failing to adequately wet regulated asbestos-containing waste materials when they are being stripped from facility components.
- OAC Rule 3745-20-04(B)(1)(b) by not having at least one authorized representative trained in asbestos removal present during the renovation.
- OAC Rule 3745-20-05(B) by allowing visible emissions to the outside air during the removal of asbestos-containing waste material.

On March 7, 2007, Cardinal Environmental Services, Inc. arrived on site to properly complete the asbestos abatement at the 2064 Euclid Avenue location.

On January 29, 2008, proposed F&Os were issued to Rascal House. The F&Os would have required Rascal House to pay a civil penalty of \$53,300, of which 20% was to be directed to fund Ohio EPA's Clean Diesel School Bus Program.

After receiving the proposed Findings and Orders, Rascal House claimed an inability to pay and submitted financials to Fiscal. Michael Woods determined that Rascal House could not pay the entire proposed penalty.

Rascal House provided additional financial information which was discussed in a conference call on April 22, 2009; no counteroffer was received.

Additional financial information was received on August 6, 2009. Michael Woods determined Rascal House can pay up to \$15,000 over two years.

After additional negotiations, Rascal House agreed to a civil penalty to be paid over two years.

Action: Director's Final Findings and Orders requiring that a civil penalty of \$10,000 be paid quarterly over two years were sent to the company on November 12, 2009.

Case Closed



Case Number: 2748	Dates:
Entity: Great Plains Exploration, LLC	EAR: 08/27/08
Field Office: NEDO	DWL: N/A
Contact: Urvi Doshi/Tom Kalman	F&Os: 11/12/09
Attorney: Bryan Zima	Referral: N/A
	Dismissal: N/A

Background: On May 1, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Great Plains Exploration, LLC ("GPE") to attempt an administrative settlement of the air permitting violations associated with the portable nonmetallic mineral processing and aggregate recycling plant located at 220 Blackbrook Road, Painesville Township, Lake County, Ohio. The F&Os proposed to require GPE to pay a civil penalty of \$31,200 within 30 days after the effective date of the F&Os, of which \$6,240 would be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

The proposed F&Os cited GPE with installing and operating emissions units F001 (portable impact crusher, screener and material handling system), F002 (roadways and parking areas), and F003 (storage piles) since April 2007 without applying for and obtaining permits to install and operate, in violation of OAC Rule 3745-31-02, former OAC Rule 3745-35-02, and ORC § 3704.05(G).

GPE submitted PTI and PTO applications for emissions units F001, F002 and F003 to Ohio EPA on May 16, 2008; however, those applications were returned to GPE as incomplete. NEDO contacted GPE on July 24, 2008 due to its lack of response to the returned applications.

GPE submitted a Permit-to-Install-and-Operate ("PTIO") application to Ohio EPA on August 27, 2008 for the past installation of emissions units F001, F002 and F003. On April 1, 2009, Ohio EPA issued a PTIO to GPE for such emissions units.

(See the EC Meeting Minutes of May 7, 2009 for additional background information.)

On August 24, 2009, Ohio EPA met with GPE to discuss settlement of the violations with the proposed F&Os. Additional information and a counteroffer was to be submitted by GPE as a result of the meeting. The information was submitted along with a counteroffer. A settlement was eventually reached.

Action: On November 12, 2009, final F&Os were issued to GPE in settlement of the violations. The F&Os require GPE to pay a civil penalty of \$19,000 in 19 equal monthly installments of \$1,000. The first 4 monthly payments of \$1,000 each are due beginning November 1, 2009, with the last payment of \$1,000 due by February 1, 2010, and are to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. The remaining 15 monthly payments of \$1,000 each are due to Ohio EPA beginning March 1, 2010, with the last payment of \$1,000 due by May 1, 2011.

Case Closed



Case Number: 2779	Dates:
Entity: Sunoco, Inc., Toledo Refinery	EAR: 11/14/08
Field Office: 112r	DWL: N/A
Contact: Kimberly Joseph	F&Os: 11/12/09
Attorney: Donald L. Vanterpool	Referral: N/A
	Dismissal: N/A

Background: Sunoco, Inc.'s Toledo Refinery is located at 1819 Woodville Road, in Oregon, Ohio. It owns and operates a petroleum refinery that stores a total of approximately 35,761,000 pounds of flammable mixtures. Each mixture contains three to eight different flammables. Sunoco, Inc. has more than a threshold quantity of the "regulated substance," as defined in OAC Rule 3745-104-01. The RMP threshold amount for flammable substances is 10,000 pounds. As a result of storing the flammables, the company must file a Risk Management Plan ("RMP") pursuant to OAC Chapter 3745-104.

Sunoco, Inc. submitted a RMP in 1999 and 2004 to USEPA and Ohio EPA, stating that all of the information was complete for the RMP program. A RMP is a plan for protecting against the release of certain amounts of toxic or flammable substances. In 2002, Ohio EPA audited the RMP program at the facility, discovered two deficiencies, and sent the company a letter notifying it that the deficiencies must be corrected. All of the deficiencies were corrected.

In 2004, Sunoco, Inc. submitted its revised RMP five years after the first submittal, as required pursuant to OAC Chapter 3745-104. The second five-year RMP program audit was conducted in 2008, and Ohio EPA discovered four deficiencies, one of them was a repeat violation from the first audit. The facility officials did not submit all of the required documentation as requested by Ohio EPA; therefore, the company was not in compliance. Since this was the second time that the facility had violated the rules in OAC Chapter 3745-104, and had not submitted all of the requested documentation, Ohio EPA pursued enforcement action. Therefore, Sunoco, Inc. violated OAC Rules 3745-104-25(E), 3745-104-26(C), 3745-104-28(E), and 3745-104-31(D), and ORC § 3753.06.

On December 22, 2008, proposed Director's Final Findings and Orders ("F&Os") were sent to Sunoco, Inc. The F&Os proposed to require the company to pay a civil penalty of \$32,250, of which \$25,800 was to be due to Ohio EPA within 14 days after the effective date of the F&Os, and \$6,450 was to be directed to Ohio EPA's Clean Diesel School Bus Program Fund within 30 days after the effective date of the F&Os. Also, the F&Os proposed to require Sunoco, Inc. to: (1) submit, within 30 days after the effective date of the F&Os, adequate documentation to correct all of the violations identified therein, (2) submit documentation to verify that all of the recommendations in the process hazard analysis for the covered processes have been completed according to the rule, (3) submit a procedure that implements the annual certification of standard operating procedures for the covered processes according to the rule, (4) correct the deficiencies in the equipment as required in the inspection reports before using the equipment any further, (5) submit documentation that verifies this has been done, (6) replace or repair equipment as recommended in the compliance audit, and (7) submit documentation to verify that item (6) has been completed according to the rule.

The resolution of this case was expedited because Sunoco, Inc. needed a permit for the Middletown Coke Plant to begin its operation. A settlement was quickly reached.

Action: On November 12, 2009, final F&Os were issued to Sunoco, Inc. The F&Os require Sunoco, Inc. to perform the following actions:

- (1) by December 31, 2009, complete the specified items in the process hazard analysis per OAC Rule 3745-104-25(E) that were due in 2006 and 2007; and submit documentation that all of the required actions have been completed;
- (2) by December 31, 2009, submit a written schedule to complete all of the unresolved recommendations for corrective actions for the process hazard analysis that were due to be completed in 2008, including replacing pressure relief devices in Plant 6 that are not sized properly and the external fire cases for butane spheres 28 and 29 that are undersized and that lack a deluge; and submit documentation to verify that all of the recommended actions have been completed;
- (3) by June 30, 2010, correct the mechanical integrity deficiencies in the equipment as required in the butane sphere inspection reports; and submit documentation verifying the corrections;
- (4) by December 31, 2009, inspect for mechanical integrity the remaining relief valves that were not inspected by their due dates; and submit documentation to verify the inspections were completed;
- (5) by December 31, 2009, resolve the compliance audit findings identified in Finding 15(c); and submit documentation to show how the items were resolved;
- (6) by November 15, 2009, submit a copy of the 2009 internal PSM compliance audit with recommendations; and
- (7) pay a civil penalty of \$32,250 to Ohio EPA, of which \$25,800 is due within 14 days after the effective date of the F&Os and \$6,450 is due to the Clean Diesel School Bus Program Fund as a SEP within 30 days after the effective date of the F&Os.

Case Closed



Case Number: 2843	Dates:
Entity: Bruewer Woodwork Mfg. Co.	EAR: 07/28/09
Field Office: HAMCO	DWL: N/A
Contact: Urvi Doshi/Tom Kalman	F&Os: N/A
Attorney: Marcus Glasgow	Referral: N/A
	Dismissal: N/A

Background: Bruewer Woodwork Mfg. Co. ("Bruewer") owns and operates a manufacturing facility located at 10000 Cilley Road in Whitewater Township of Hamilton County, Ohio. Bruewer is a synthetic minor Title V facility and is required to submit annual fee emission reports that identify actual annual emissions from the facility and pay fees upon receipt of invoices from Ohio EPA, pursuant to OAC Rule 3745-78-02(F) and ORC § 3745.11. The reports are due by April 15th for the previous year.

Bruewer failed to submit fee emission reports to Ohio EPA for calendar years 2007 and 2008 by the deadlines of April 15, 2008 (extended to June 6, 2008) and April 15, 2009, in violation of OAC Rule 3745-78-02(F) and ORC § 3704.05(G). On October 1, 2008 and February 11, 2009 (for calendar year 2007), and on June 19, 2009 (for calendar year 2008), Notice of Violation ("NOV") letters were sent to Bruewer from Ohio EPA that requested the submission of the past due reports within 30 days of receipt of each letter.

In addition, phone calls were made to Bruewer by the Hamilton County Department of Environmental Services ("HAMCO") on June 10, July 7 and July 20, 2009, requesting submission of the reports. The reports were not submitted by the promised dates. On July 28, 2009, an Enforcement Action Request was submitted to the Enforcement Section at Central Office by HAMCO to obtain assistance in obtaining the reports and fees from Bruewer.

After phone calls from Ohio EPA Legal and the fee emission report section, on October 19, 2009 and October 21, 2009, Bruewer finally submitted synthetic minor Title V fee emission reports to Ohio EPA for 2007 and 2008, respectively. The reports were approved by HAMCO and invoices were sent to Bruewer by Ohio EPA on October 23, 2009, requesting payment by November 22, 2009. Bruewer paid the fee for 2007 (\$170) and the fee for 2008 (\$170) on November 9, 2009.

The DAPC Enforcement Section had drafted a Director's warning letter to obtain the required reports and fees from Bruewer, but stopped further action on the letter when informed that Bruewer had submitted the reports.

Action: Since Bruewer filed the required fee emission reports and paid the required fees, albeit late, and has no previous record of such violations, it was decided to close this case at this time with no further action.

Case Closed



Case Number: 2822	Dates:
Entity: J.S. Paris Excavating, Inc.	EAR: 04/28/09
Field Office: M-TAPCA	DWL: N/A
Contact: Tan Tran/Tom Kalman	F&Os: 11/12/09 (prop.)
Attorney: Stephen Feldman	Referral: N/A
	Dismissal: N/A

Background: J.S. Paris Excavating, Inc. ("J.S. Paris") is a demolition contractor with office located at 11550 Mahoning Avenue, North Jackson, Ohio. In or about November 2007, J.S. Paris was hired by Signature Development Group, LLC, of 23230 Chagrin Boulevard, Suite 700, Beachwood, Ohio, to demolish two commercial structures, which were located at 14941 and 14973 South Avenue, Beaver Township, Mahoning County, Ohio.

On February 1, 2008, a representative of the Mahoning-Trumbull Air Pollution Control Agency ("M-TAPCA") conducted an inspection of the site. It was discovered that the two structures had already been demolished sometime in November 2007 and the debris was removed, and that construction of a new building was in progress. A written notification of intent to demolish a facility was not submitted by J.S. Paris at least 10 days prior to the beginning of demolition, in violation of OAC Rule 3745-20-03(A) and ORC § 3704.05(G). Also, at the time of the inspection, there was no indication that the required asbestos survey of the structures had been conducted prior to commencement of the demolition, in violation of OAC Rule 3745-20-02(A) and ORC § 3704.05(G).

On March 11, 2008, M-TAPCA sent a notice of violation ("NOV") letter to J.S. Paris, citing violations of OAC Rules 3745-20-02(A) and 3745-20-03(A) for the failure to perform an asbestos survey of the structures and submit a written notification of intent to demolish a facility prior to commencement of the demolition. J.S. Paris responded to the NOV on March 21, 2008, and enclosed a late written notification and a copy of an asbestos survey report dated June 14, 2007. The survey report indicated that there was no asbestos in the structures.

On April 28, 2009, M-TAPCA submitted an Enforcement Action Request ("EAR") to Central Office for the violations. The EAR was submitted because M-TAPCA did not have an opportunity to inspect the facility prior to the demolition or even during the demolition project to verify the conclusion of the asbestos survey report. Therefore, the lack of a prompt notice could have resulted in the public's exposure to asbestos should the survey not have been comprehensive and accurate.

Action: On November 12, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to J.S. Paris to attempt an administrative settlement of the violation of OAC Rule 3745-20-03(A) and ORC § 3704.05(G). The F&Os propose to require J.S. Paris to pay a civil penalty of \$8,500 to Ohio EPA, of which \$6,800 is due within 14 days

after the effective date of the F&Os and \$1,700 is due within 30 days after the effective date of the F&Os to the Clean Diesel School Bus Program Fund as a SEP.

Case Continued



Case Number: 2825	Dates:
Entity: El Ceramics, LLC.	EAR: 05/08/09
Field Office: HAMCO	DWL: N/A
Contact: Jim Kavalec/Tom Kalman	F&Os: 11/12/09 (prop.)
Attorney: Stephen Feldmann	Referral: N/A
	Dismissal: N/A

Background: El Ceramics, LLC. ("El Ceramics") manufactures ceramic parts, which are used in the steel industry, at its facility located at 2600 Commerce Blvd., Cincinnati, Hamilton County, Ohio. On November 19, 2002, Ohio EPA issued Permit-to-Install ("PTI") 14-05345 to El Ceramics for a mixing process ("emissions unit P001"); blending, pressing, glazing and curing process ("emissions unit P002"); and a kiln ("emissions unit P003"). On May 27, 2008, Ohio EPA issued permits to operate ("PTOs") to El Ceramics for emissions units P001, P002 and P003. On June 21, 2005, Ohio EPA issued PTI 14-05702 to El Ceramics for kiln #2 ("emissions unit P004") and for curing oven #2 ("emissions unit P005"). On May 19, 2008, Ohio EPA issued PTOs to El Ceramics for emissions units P004 and P005.

Emissions units P001 and P002 are controlled by individual fabric filters for particulate emissions and individual thermal oxidizers for organic compound ("OC") emissions. Emissions units P003, P004 and P005 are each controlled with thermal oxidizers for OC emissions.

Based on a March 11, 2008 inspection by the Hamilton County Department of Environmental Services ("HAMCO") and an investigation by Ohio EPA, it was determined that EI Ceramics committed the following violations of air pollution control permits and laws:

- (1) For emissions units P001 through P003, from April 30, 2005 (the date that the first quarterly deviation report for 2005 was due) until March 11, 2008, a total of 1,046 days, EI Ceramics failed to submit annual emissions reports and quarterly deviation reports for the years 2005, 2006 and 2007, in violation of PTI 14-05345, PTI 14-05702 and ORC § 3704.05(C). EI Ceramics provided the annual emissions reports and the quarterly deviation reports for the years 2005, 2006 and 2007 to HAMCO at the time of the inspection.
- (2) For emissions unit P001, from November 19, 2002 until March 24, 2008, a total of 278 days, EI Ceramics failed to record the pressure drop across the fabric filter on a weekly basis, in violation of PTI 14-05345 and ORC § 3704.05(C).
- (3) For emissions unit P001, from November 19, 2002 until March 11, 2008, a total of 1,938 days, EI Ceramics failed to operate and maintain a continuous temperature monitor and recorder for the thermal oxidizer, in violation of PTI 14-05345 and ORC § 3704.05(C). At the time of the inspection, EI Ceramics made the necessary adjustments to ensure the monitor and recorder were continuously running.
- (4) For emissions unit P002, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P002 was in operation, was required to be not less than 1,450 degrees Fahrenheit. For 55 percent of the operating time between November 19, 2002 and March 11, 2008, EI Ceramics failed to keep the average combustion temperature of the thermal oxidizer at no less than 1,450 degrees Fahrenheit, in violation of PTI 14-05345 and ORC § 3704.05(C).
- (5) For emissions unit P002, EI Ceramics exceeded the annual OC emissions rate of 11.0 tons per year ("TPY") for the years 2006 and 2007, in violation of PTI 14-

05345 and ORC § 3704.05(C). Specifically, the annual OC emissions for 2006 and 2007 were 16.2 TPY and 20.0 TPY, respectively.

- (6) For emissions unit P002, EI Ceramics exceeded the monthly OC emissions rate of 0.92 ton per month ("TPM") for 23 months between June 2005 and March 2008, in violation of PTI 14-05345 and ORC § 3704.05(C).
- (7) For emissions unit P003, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P003 was in operation, was required to be not more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2003 stack test, the average temperature was 1,335 degrees Fahrenheit. For 3 percent of the operating time between October 2003 and March 11, 2008, EI Ceramics failed to operate under this temperature restriction, in violation of PTI 14-05345 and ORC § 3704.05(C).
- (8) For emissions unit P004, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P004 was in operation, was required to be not more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2006 stack test, the average temperature was 1,395 degrees Fahrenheit. For 8.7 percent of the operating time between October 2006 and March 11, 2008, EI Ceramics failed to operate pursuant to this temperature restriction, in violation of PTI 14-05702 and ORC § 3704.05(C).
- (9) For emissions unit P005, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P005 was in operation, was not to be less than 1,450 degrees Fahrenheit. For 79 percent of the operating time between June 21, 2005 and March 11, 2008, EI Ceramics failed to keep the average combustion temperature of the thermal oxidizer at no less than 1,450 degrees Fahrenheit, in violation of PTI 14-05702 and ORC § 3704.05(C).
- (10) For emissions unit P005, EI Ceramics exceeded the annual OC emissions rate of 11.0 TPY for the years 2006 and 2007, in violation of PTI 14-05702 and ORC § 3704.05(C). Specifically, the annual OC emissions for 2006 and 2007 were 13.0 TPY and 24.4 TPY, respectively.

- (11) For emissions unit P005, EI Ceramics exceeded the monthly OC emissions rate of 0.92 TPM for 21 months between May 2006 and March 2008, in violation of PTI 14-05702 and ORC § 3704.05(C).

On May 30, 2008, EI Ceramics installed an interlocking system on all emissions units to prevent operation of the thermal oxidizers if temperatures were to fall below permitted limits. During an inspection on August 19, 2008, HAMCO determined that EI Ceramics was back in compliance with its permits.

On May 8, 2009, HAMCO submitted an Enforcement Action Request to Central Office for the violations.

Action: On November 12, 2009, proposed Director's Final Findings and Orders ("F&O's") were sent to EI Ceramics to attempt an administrative settlement of the violations. The F&Os propose to require the company to pay a civil penalty of \$175,000 within 14 days after the effective date of the F&Os, of which \$35,000 would be directed to the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. The penalty derivation included mitigation for cooperation (10% or \$20,500) for immediately

correcting the violations upon discovery by HAMCO and mitigation for unique factors in the amount of 10% (\$9,500) of the portion of the penalty relating to temperature deviations.

Case Continued



ACTIONS & MINUTES APPROVED BY:



Bob Hodanbosi, Chief, DAPC

NEXT MEETING:
December 03, 2009
9:30 am
DAPC Room C

PENDING AIR ENFORCEMENT COMMITTEE CASES

Total Unresolved Cases (96)

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2527	Carmeuse Lime, Inc., Maple Grove Facility (HPV)	NWDO	DV/UD	11/05/02	06/19/06
2638	Fairport Yachts, LTD (multi-media)	NEDO	MG/PP	01/27/98	07/02/07
2671	Mar-Zane, Inc. (Plant #1)	CDO	MG/JP	12/11/06	10/25/07
2676	OmniSource Corporation - Lima Division	NWDO	MG/MM	02/23/06	11/08/07
2685	Quickrete - Cleveland Plant	Akron	DV/UD	10/17/07	12/14/07
2687	Cast Fab Technologies	HAMCO	BZ/TT	04/25/05	12/17/07
2691	Unique Finishers, Inc., D & S Coating, and Binks Coating (all 3 formerly L & C, Inc.)	RAPCA	BZ/PP	06/29/06	12/28/07
2693	Ameriseal Restoration LLC	Akron	DV/FU	04/26/07	10/26/07
2698 (112r)	Sugar Creek Packing Co.	N/A	DV/SS	01/03/08	01/31/08
2701 (VC)	City of Dayton, Advanced Wastewater Treatment Facility	RAPCA	BZ/JK	02/19/08	02/19/08
2707	Thermo-Rite Manufacturing Co. (HPV)	Akron	MG/UD	02/12/08	03/12/08
2708	Dave Sugar Excavating, Inc.	SEDO	DV/MM	03/13/05	02/04/08
2713	Quality Ready Mix	NWDO	BZ/ PP	12/21/06	04/10/08
2719 (112r)	Sugar Creek Packing Co. (Dayton)	N/A	DV/SS	03/26/08	04/28/08
2722	Tuscarwas County YMCA, M-Cor Inc., Raeder Construction, et al.	SEDO	BZ/UD	12/20/07	05/05/08
2723	Cognis Oleochemicals, LLC (HPV)	HAMCO	DV/PP	01/03/07	05/19/08
2725	Hosea Project Movers, LLC (asbestos)	HAMCO	SF/TT	05/06/07	05/16/08
2726	Glick Real Estate LTD/All-Type Demolition and Excavating (asbestos)	Canton	BZ/FU	05/19/06	05/19/08
2731 (112r)	H. B. Fuller Company	N/A	DV/KJ	03/26/08	06/04/08
2739	BP - Husky Refining LLC	TDES	BZ/JP	08/01/07	07/18/08
2744	The Afco Group (asbestos)	NEDO	BZ/JK	02/14/08	08/06/08
2745	OmniSource Corporation	NWDO	MG/MM	12/14/05	08/11/08
2750 (VC)	New Day Farms, LLC / Henning Construction Company	CDO	SF/JP	08/21/08	08/21/08
2752	Allied Corporation (Plant #75)	Akron	MG/JP	01/29/05	09/02/08
2760	Precision Environmental Company	Akron	SF/PP	08/06/08	10/22/08

Updated: 11/19/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
2783	Evonik Degussa Engineered Carbons Corporation (HPV)	SEDO	MG/TT	03/17/08	11/26/08
2784	Reichert Excavating, Inc. (asbestos)	CDO	SF/EY	06/12/08	12/04/08
2786	D & R Supply, Inc.	NEDO	MG/UD	09/17/07	12/24/08
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
2799	Convenient Food Mart, Inc., No. 391	NEDO	SF/EY	10/21/08	02/24/09
2800	Gary Rogers, d.b.a. Rogers Sunoco	NEDO	DV/JK	10/21/08	02/24/09
2801	Terry Adams, d.b.a. Rusty's Auto Care Shell	NEDO	MG/JK	01/29/07	02/25/09
2803	Wheeling Brake Band & Friction Mfg., Inc./Investment Capital of America, Inc./Rob Burgess Enterprises, LLC (asbestos) (multi-media case, DSIWM lead)	SEDO	DV/PP	01/13/09	02/26/09
2806	Ramon Patel, d.b.a. Marathon Quick Mart	NEDO	DV/JK	10/21/08	03/02/09
2808	Randy Wise	NWDO	SF/ FU	11/05/08	03/20/09
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
2813	ConSun Food Industries, Inc. (Convenient Food Mart #746)	NEDO	DV/JK	08/08/08	03/27/09
2814	Barrett Paving Materials, Inc. (HPV)	HAMCO	SF/PP	01/16/08	04/01/09
2815	Royal Sebring Properties, Inc., a.k.a. Zee Tech Warehousing	M-TAPCA	MG/JK	09/17/07	04/02/09
2816	Republic Engineered Products, Inc. (HPV)	NEDO	DV/	11/13/07	04/16/09
2817	S.H. Bell Company	NEDO	MG/TK	01/16/08	04/21/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2819	Masonic Temple/The New Victorians, Inc./AHC, Inc. (asbestos)	CDO	DV/	01/24/08	04/27/09
2820	Bailey PVS Oxides Delta, L.L.C.	NWDO	MG/JK	03/29/07	04/27/09
2821	OmniSource Corporation, Mansfield Division	NWDO	MG/MM	05/08/08	05/04/09
2822	J. S. Paris Excavating, Inc./Signature Development Group, LLC (asbestos)	MTAPCA	SF/TT	03/11/08	04/28/09
2823	Rudzik Excavating, Inc./Charles J. Arendas (asbestos)	MTAPCA	DV/FU	02/27/09	05/11/09
2824	Ariel Corporation (HPV)	CDO	MG/EY	04/02/08	05/18/09
2825	El Ceramics LLC	HAMCO	SF/JK	03/11/08	05/08/09
2826	Staker Alloys, Inc.	RAPCA	DV/FU	11/14/07	05/29/09
2827	Evelyn M. (Burger) Koch (asbestos)	MTAPCA	MG/UD	07/21/08	06/01/09
2829(VC)	ODNR, Division of Forestry (regarding the Shawnee State Forest open burning)	Ports.	DV/JP	04/24/09	06/03/09
2830	Barberton Steel Industries, Inc.	Akron	MG/MM	08/21/08	06/16/09
2833	Veterans of Foreign Wars Post 6519 (asbestos)	Lake Co.	DV/TT	04/29/08	06/22/09
2834	Foti Contracting, LLC	Akron	MG/FU	10/23/08	06/29/09
2835	Elyria Foundry Company (HPV)	NEDO	SF/PP	10/18/07	07/13/09
2836	Uni-Mart, Inc. (#04767, #04768, #74775)	NEDO	DV/JK	11/10/08	07/13/09
2839	Liberty Gas USA, LLC (Middle Avenue GDF in Elyria and Clark Oil 1163 in Lorain)	NEDO	DV/JK	07/07/09	07/21/09
2840	Von Vittersan Le Copla USA LLC Delaware Corporation (asbestos)	MTAPCA	MG/UD	07/03/08	07/23/09
2841	Salvatore Sorice/Michael A. Kernan (asbestos)	MTAPCA	SF/MM	03/13/09	07/27/09
2842	Duff Quarry, Inc.	SWDO	DV/EY	07/13/09	07/28/09
2844	Iten Industries, Inc. (Plant 1) (HPV)	NEDO	SF/MM	04/18/08	07/28/09
2845	Blackhawk Automotive Plastics, Inc. (FER case)	HAMCO	DV/TT	06/06/08	07/28/09
2847	Ultimate Building Systems, Ltd.	HAMCO	SF/FU	04/29/08	08/03/09
2848	Sandusky Dock Corporation	NWDO	BZ/JO	07/27/08	08/06/09
2849	Dean Calhoun/Tim Gearhart (asbestos)	NWDO	DV/MM	03/27/09	08/11/09
2850	Yochman Excavating, Inc. (open burning)	M-TAPCA	MG/PP	03/23/09	08/05/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
2854	Ohio Turnpike Commission (Vermillion Valley and Middle Ridge Service Plazas)	NEDO	SF/JK	05/19/09	09/03/09
2855	Lakeside Fuel Mini-Mart	NEDO	DV/JK	02/09/09	09/09/09
2856	Dorothy Jeannine Slessman	NWDO	MG/MM	08/02/09	09/14/09
2857	Pure Gas Incorporated (East Erie St. GDF in Lorain)	NEDO	SF/JK	09/09/09	09/22/09
2858	Burnham Foundry, LLC	SEDO	DV/TK	04/01/08	09/22/09
2859	408 Water Street Corporation, d.b.a. Concord Sunoco, Cooke's Car Care, Incorporated, and Munson Corners Sunoco	NEDO	MG/JK	07/20/09	09/17/09
2860	Richard C. Zahn	Akron	SF/PP	06/15/09	09/14/09
2861	Scott Klem	Akron	DV/TT	08/14/09	09/14/09
2864	Forest Creek Mobile Home Park	HAMCO	SF/ FU	03/19/09	09/25/09
2865	Great Lakes Construction Co.	HAMCO	DV/UD	05/07/09	09/25/09
2866	3M Medina (HPV)	Akron	MG/ PP	08/27/09	09/29/09
2867 (VC)	ODNR, Division of Forestry (regarding another Shawnee Forest open burning)	Ports.	SF/JP	04/02/09	09/02/09
2869	Bridgestone APM Company, Foam Products Division (HPV)	NWDO	DV/EY	02/11/08	10/06/09
2870	Simon Excavating	NWDO	MG/		10/15/09
2871	Ali Mohammad, d.b.a. Marathon Oil 2992	NWDO	SF/JK	05/12/09	10/15/09
2872	Piper Excavation (asbestos and open burning)	NWDO	DV/JK	11/24/08	11/03/09
2873	Hanini Marathon - Superior	Cleve.	MG/EY		11/04/09
2874	Ron Smith	NWDO	SF/		11/09/09
2875	Belle-Aire Cleaners	Akron	DV/		11/13/09

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

January

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
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Total for the month of January = 0

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

February

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2736	Emanuel Hadgigeorgiou d.b.a. Society Dry Cleaners	3	Cleve.	JP	EY	DV	07/03/08						02/12/09
2747	Tri-county Concrere Co., Inc.	1	Akron	TK	MM	DV	08/19/08			Closed - NFA	02/12/09		
2762	Copley Fairlawn City Schools (E-check)	3	N/A	JP	JP	DV	10/01/08					02/11/09	
2768	Orange Board of Education (E-check)	3	N/A	JP	JP	DV	10/01/08					02/06/09	
2659	Steve Jones and George Webber (asbestos)	1	NEDO	TK	FU	DV	08/31/07			Closed - NFA	02/26/09		
2728	Protec Pac	1	SWDO	JP	EY	MG	05/21/08			Closed - NFA	02/26/09		
2759	Kay Enterprises, Inc., d.b.a. Waste Removal Equipment	3	Akron	TK	UD	MG	10/21/08			Unilateral		02/26/09	

Total for the month of February = 7

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

March

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2650	Duer Construction Company	3	Akron	TK	MM	SF	07/23/07						03/13/09
2757	N-Viro International Corporation	3	TDES	JP	EY	SF	10/10/08					03/24/09	
2758	Brush Wellman, Inc.	3	NWDO	TK	MM	DV	10/15/08					03/24/09	
2769	Tallmadge Board of Education (E-check)	3	N/A	JP	JP	DV	10/01/08					03/23/09	
2785	Miller Garage Door Company	3	Akron	TK	MM	DV	12/09/08			Unilateral F&Os		03/13/09	

Total for the month of March = 5

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

April

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
2639	Keim Lumber Company, Inc.	3	NEDO	TK	UD	SF	07/02/07					04/09/09	
2755	Liberta Construction Company	3	Akron	TK	FU	MG	09/15/08					04/09/09	
2724	Moser Construction Company, Inc.	3	Akron	TK	MM	MG	05/19/08						04/10/09
2746	Steel Structures of Ohio, LLC	1	Akron	TK	MM	SF	08/19/08		10/15/08 (DWL)	Closed - NFA	04/23/09		
2765	Lagrange Township Trustees (E-check)	3	N/A	JP	JP	DV	10/01/08					04/15/09	
2773	George Rank	3	NWDO	TK	FU	MG	10/27/08			Unilateral F&Os		04/16/09	
2792	Grand Avenue Realty Corporation, d.b.a. DLH Plating, and Clean CEMP (asbestos)	3	CDO	JP	EY	MG	02/10/09						04/13/09

Total for the month of April = 7

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

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
2753	Richard Morrow	3	NEDO	TK	PP	SF	09/08/08			Unilateral F&Os		05/01/09	
2802	James Brown	3	RAPCA	TK	UD	SF	03/13/09						05/01/09
2763	Deerfield Township Trustees (E-check)	3	N/A	JP	JP	DV	10/01/08					05/15/09	
2766	Lorain County Regional Transit Authority (E-check)	3	N/A	JP	JP	DV	10/01/08					05/15/09	
2780	Magnesium Elektron North America, Inc.	3	NWDO	TK	JK	MG	11/17/08					05/14/09	
2804	Tim Davidson	3	SWDO	JP	EY	MG	03/18/09					05/21/09	

Total for the month of May = 6

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

June

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2654 VC	Shaw High School (City of East Cleveland)	3	Cleve.	JP	JP	SF	08/16/07			Dismissed	06/18/09		
2692	Production Paint Finishers, Inc. (HPV)	3	RAPCA	JP	EY	MG	12/28/07						06/18/09
2741	Plasti-Kote Company, Inc. (HPV)	3	Akron	TK	JK	MG	07/14/08					06/17/09	
2770	Village of Gloria Glens (E-check)	3	N/A	JP	JP	DV	10/01/08					06/18/09	
2797	T. S. Trim, Inc. (HPV)	3	CDO	JP	EY	SF	03/02/09					06/17/09	

Total for the month of June = 5

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

July

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2742	Gas and Oil Inc. (GDFs 2, 3, 7, 15, & 19)	3	Akron	TK	TT	SF	07/13/08						06/26/09
2771	Village of North Randall (E-check)	3	N/A	JP	JP	DV	10/01/08					06/30/09	
2798	Canary Cleaners	1	TDES	JP	EY	MG	03/03/09			Closed-NFA	07/02/09		
2828	Leroy and Judith Schaffer	3	SWDO	JP	EY	SF	06/08/09			Unilateral F&O's		06/30/09	
2695	Precision Aggregates III, LLC	3	NWDO	TK	UD	BZ	01/14/08					07/08/09	
2772	Village of Oakwood (E-check)	3	N/A	JP	JP	DV	10/01/08					07/07/09	
2805	Thomas McMinn, d.b.a. Wellington Citgo	1	NEDO	TK	JK	SF	02/26/09			Closed-NFA	07/16/09		
2809	Procex, Ltd.	3	Akron	TK	MM	MG	03/16/09						07/07/09

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

July

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
2831	Aleris International, Inc./IMCO Recycling of Ohio, Inc./ Commonwealth Aluminum Concast of Ohio, Inc.	3	SEDO	TK	TK	MG	06/19/09						07/07/09
2712	Cleveland Trencher company	3	Cleve.	JP	EY	DV	03/24/08						07/14/09

Total for the month of July = 10

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

August

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
2761	Cleveland Board of Education (C-check)	3	N/A	JP	JP	DV	10/01/08					08/11/09	
2764	Homer Township Trustees (E-Check)	1	N/A	JP	JP	DV	10/01/08			Closed-NFA	08/13/09		
2787	Airstream, Inc.	3	SWDO	JP	EY	SF	01/09/09					08/11/09	
2788	Gas Express, Inc.	3	Akron	TK	JK	DV	01/27/09						08/12/09
2832	United Tool and Machine	1	SWDO	JP	EY	SF	07/01/09		8/4/09 (DWL)	Closed-NFA	08/13/09		
2704	Gallo's Convenient Market	1	Cleve.	JP	EY	SF	03/05/08			Closed-NFA	08/13/09		
2732 VC	Ohio DNR, Division of Forestry (for open burning permit 07-30)	3	Ports	JP	JP	MG	05/14/08			Closed-NFA	08/14/09		
2807	Hishan Judi, d.b.a. Avon Lake Shell	3	NEDO	TK	JK	MG	03/16/09						08/19/09
2812	Saif Khan, d.b.a. Lakeland Valero	3	NEDO	TK	JK	MG	03/25/09					08/20/09	

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

August

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2846	Joseph Parker	3	SWDO	JP	EY	MG	08/03/09			Unilateral F&O's		08/18/09	

Total for the month of August = 10

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

September

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2666	James Conley	1	Akron	JP	EY	BZ	09/25/07			Closed-NFA	09/24/09		
2733	McCarthy Corporation	3	NWDO	TK	UD	SF	06/23/08			Unilateral F&O's		09/22/09	
2754	Lepi Enterprises, Inc. (asbestos)	3	SEDO	TK	TT	DV	09/12/08					09/08/09	
2756	Pioneer Environmental Systems, Inc. (asbestos)	3	NWDO	TK	JK	BZ	10/03/08					09/22/09	
2774	Total Environmental Services, LLC (asbestos)	3	SEDO	TK	TT	SF	10/29/08					09/17/09	
2796	Speedway SuperAmerica, LLC (#3648 and #9975)	3	NEDO	TK	JK	SF	02/24/09					09/22/09	

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

September

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2862	Speedway SuperAmerica, LLC (#1183 and #5110)	3	HAMCO	TK	JK	SF	05/21/09					09/22/09	
2818	Mac Trailer Manufacturing, Inc.	1	Canton	TK	MM	SF	04/07/09		06/17/09 DWL	Closed - NFA	09/24/09		
2838	Englefield, Inc., d.b.a. Ashtabula Duchess	1	NEDO	TK	JK	SF	07/14/09		08/12/09 DWL	Closed - NFA	09/24/09		

Total for the month of September = 9

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

October

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2696	Eramet Marietta, Inc	3	N/A	TK	KJ	BZ	01/18/08					10/07/09	
2837	Flying J. Inc. (Austinburg Truck Stop)	3	NEDO	TK	JK	MG	07/08/09						09/29/09
2710	Stein, Inc.	3	Cleve.	JP	EY	BZ	03/14/08					10/13/09	
2851	Joseph and Marie Eberz	3	Akron	TK	JK	SF	08/10/09					10/19/09	

Total for the month of October = 4

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

November

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2776	Circle K Midwest (GDFs 5204, 5209, 5318 amd 5320)	3	NEDO	TK	JK	MG	11/04/08					11/04/09	
2863	Circle K Midwest (GDFs 0059, 5217, 5557, and 5558)	3	HAMCO	TK	JK	MG	08/01/09					(11/04/09)	
2868	Endres Processing, LLC	3	NWDO	JP	JP	BZ	10/06/09						11/03/09
2618	TRC Industries, Inc.	1	Akron	TK	MM	SF	05/04/07			Closed-NFA	11/19/09		
2657	EnvironvIRONMENTAL Affairs Management, Inc.	3	MTAPCA	TK	FU	SF	08/17/07						11/13/09
2679	S. R. Restaurant Corporation, d.b.a. Rascal House Pizza (asbestos)	3	Cleve.	JP	EY	BZ	12/04/07					11/12/09	

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2009

November

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2748	Great Plains Exploration	3	NEDO	TK	UD	BZ	08/27/08					11/12/09	
2779 (112r)	Sunoco, Inc., Toledo Refinery	3	N/A	TK	KJ	DV	11/14/08					11/12/09	
2843	Bruewer Woodwork Mfg. Co. (FER case)	1	HAMCO	TK	UD	MG	07/28/09			Closed-NFA	11/19/09		

Total for the month of November = 9

Summary of Compliance with Effective Findings and Orders

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Ball & Sons Construction (11/08/96)	Civil penalty: (\$1,000.00)	563513	11/22/96	Y	FSC**

Smith Foundry & Machine Co. (12/31/96)	Civil penalty: (\$25,000.00)				
	\$5,000.00	530404	01/31/97		01/23/97
	\$5,000.00	530405	01/31/98		01/23/98
	\$5,000.00	530406	01/31/99		01/19/99
	\$5,000.00	530407	01/31/00	Y	ACT**
	\$5,000.00	541831	01/31/01	Y	ACT**
	AC		01/15/97		N/A*
	IC		06/16/97		N/A*
	CC		08/15/97		N/A*
	Conduct emission tests - submit results		10/15/97		N/A*
* The cupola has been removed. The 12/96 F&O's were revised to reflect the installation of electric induction furnaces rather than controls for the cupola.					

Mark Fuerst (02/08/00)	Civil penalty (\$10,000.00)				
	to ODNR \$2,000.00	606212	03/08/00	Y	FSC**
	to OEPA \$2,000.00	172154	04/08/00	Y	*
	\$2,000.00	172155	05/08/00	Y	FSC**
	\$2,000.00	172156	06/08/00	Y	FSC**
	\$2,000.00	172157	07/08/00	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)				
	to OEPA \$2,000	206005	01/12/01		01/16/01
	to ODNR \$500	564224	01/29/01	N	

Anco Properties (06/19/01)	Civil penalty: (\$23,000)				
	to 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**
	to ODNR \$4,600	613129	07/19/01	N	FSC**

Superior Demolition and Excavating (12/28/01)	Civil penalty: (\$15,000)				
	to ODNR \$3,000	270395	01/11/02		01/10/02
	to 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**

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	Cert. y/n	Completion Date
Richard and Joby Hackett (04/04/02)	Civil penalty: (\$3,000) to 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**
	to 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) to OEPA	\$4,000 304257	10/02/02		09/30/02
	to ODNR	\$2,000 564243	10/18/02	N	
	pave entrance & access road to facility		10/31/02		06/03/04*
* CDAQ inspection date					

City of Oregon (09/16/02)	Civil penalty: (\$10,000) to OEPA	\$8,000 304256	09/30/02		09/30/02
	to ODNR	\$2,000 564249	09/30/02	N	
	conduct asbestos fire training		02/01/03		01/8-14-15&29/03

Cleveland Industrial Drum Service, Inc. (10/30/02)	Civil penalty: (\$1,000) to OEPA	\$800 314152	11/13/02		06/24/03
	to ODNR	\$200 564255	11/30/02	N	

M & J Excavating (11/27/02)	Civil penalty: (\$2,450) to ODNR	\$490 564257	12/27/02		09/25/02
	to 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*

Chris Corso (12/02/02)	Civil penalty: (\$7,000) to 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
	to ODNR	\$1,400 614162	01/02/03	N	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Goldline Wrecking Co. (12/23/02)	Civil penalty: (\$35,000)				
	to 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**
	to 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)				
	to ODNR \$1,700	583375	03/06/03	Y	
	to OEPA \$ 500	336723	03/06/03	P	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* (\$680.60)

* 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)	413303	01/31/04		01/07/04
	Submit modeling analysis		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's	C y/n	Completion Date	
Hydraulic Press Brick (04/28/04)	Civil penalty: (\$19,000)					
	\$7,000	439209	05/12/04		05/12/04	
	\$7,000	439210	08/12/04		05/12/04	
	Submit P ² reports			07/28/04		07/26/04
				10/28/04		10/25/04
				01/28/05		01/21/05
				03/28/05		N/A
Submit cost of P ² study		04/05/05				

Kerry's Motor World (05/13/04)	Civil penalty: (\$3,000.00)	443684	05/27/04	Y		

John Dubuk (12/29/04)	Civil penalty: (\$10,000.00)					
	\$834.00	489979	01/28/05		01/24/05	
	\$834.00	489980	02/27/05		02/24/05	
	\$834.00	489981	03/29/05		03/26/05	
	\$834.00	489982	04/28/05	Y	07/29/06	
	\$834.00	489983	05/28/05	Y	UNC**	
	\$834.00	489984	06/27/05	Y	07/29/06	
	\$834.00	489985	07/27/05	Y	UNC**	
	\$834.00	489986	08/26/05	Y	UNC**	
	\$834.00	489987	09/25/05	Y	UNC**	
	\$834.00	489988	10/25/05	Y	UNC**	
\$834.00	489989	11/24/05	Y	UNC**		
\$826.00	489990	12/24/05	Y	UNC**		

C & J Contractors (12/21/04)	Civil penalty: (\$5,600.00)	479998	01/21/05	Y	*	

Bohanan Investments, Inc. (04/14/05 - Court Order, Default Judgement)	Civil penalty: (\$127,900.00)	550712	04/14/05	Y		

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Columbus Steel Drum (07/06/05 - Consent Order)	Civil penalty: (\$500,000.00)				
	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
		\$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	
		\$21,250	726464	09/01/09	
		\$21,250	726465	11/01/09	
		\$21,250	726466	12/01/09	
	Submit PTI app. for K001-K003			08/06/05	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 results		09/22/05
	Award Contracts		30 days from issuance of PTI		*
	IC		60 days from issuance of PTI		*
	CC		120 days from issuance of PTI		*
	Perform stack tests		150 days from issuance of PTI		*
	Perform stack tests for P001, P005, P012 & P013			09/06/05	07/5-7/05
* PTI not issued due to the continued incomplete nature of the PTI application.					

Alfred Nickles Bakery, Inc. (08/24/05)	Civil penalty: (\$37,800)				
	OEPA	\$10,240	519964	09/24/05	09/23/05
	Bus Fund	\$7,560	519965	09/24/05	09/23/05
	Submit P ² report			11/24/05	
	Submit P ² report			02/24/06	
	Submit final P ² report			05/24/06	
	Submit documentation of costs			08/24/06	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date	
Shell Construction, Inc. (09/26/05)	Civil penalty: (\$3,700) OEPA	\$100.00	526004	10/26/05		09/27/05
		\$100.00	526005	11/25/05		11/10/05
		\$100.00	526006	12/25/05		12/20/05
		\$100.00	526007	01/24/06		10/28/06
		\$100.00	526008	02/23/06		10/28/06
		\$100.00	526009	03/25/06		10/28/06
		\$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	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Environmental Affairs Management (12/29/05)	Civil penalty: (\$10,000)				
	OEPA	\$1,000	541425		03/29/06
		\$1,000	541426		03/29/06
		\$1,000	541427	Y	FSC**
		\$1,000	541428	Y	FSC**
		\$1,000	541429	Y	12/28/07
		\$1,000	541430	Y	FSC**
		\$1,000	541431	Y	FSC**
		\$1,000	541432	Y	FSC**
	Bus Fund	\$1,000	541433		01/25/06
	\$1,000	541434		02/25/06	

Cargill, Incorporated (03/03/06 - Consent Decree) * - CD modification on 11/26/08	Civil penalty: (\$61,538)				
	OEPA	\$30,769	551695		03/27/06
	RAPCA	\$30,769	----		03/27/06
	Pay Title V permit fees	\$216,133.86			02/27/06
	Contribute \$75,000 to RAPCA's wood stove replacement program				04/15/06
	Retire B005				03/21/06
	Install LNB & FGR for B006				09/01/07
	Propose final VOC solvent loss limit for Sidney				09/14/06
	Comply w/final VOC solvent loss limit for Sidney				03/03/11
	Meet 95% control for VOC or 10 ppm for P067 & P582 at Dayton				02/27/09
	Meet 98% control for VOC for P057, P031, P052, P088, & P072 at Dayton				02/27/10
	Meet control equipment operating parameters for P032, P033 and P034 at Dayton				02/27/09
	Test and establish an allowable short-term VOC limit for each scrubber stack serving P032, P033 and P034 at Dayton				02/28/10*
	Submit permit applications for P032, P033 and P034 at Dayton to incorporate control equipment operating parameters and VOC emission limits				06/17/08
	Submit PTI application to cap VOC and NOx emissions from Dayton at less than 854 tons/yr				09/01/10
	Comply w/ emission cap for Dayton				02/28/10*
	Submit odor control optimization report for Dayton				09/01/10*
	Meet 90% control for CO or 100 ppm for P067 and P582 at Dayton				09/01/06
	Meet 90% control for CO or 100 ppm for P057, P031, P052, P088 & P072				08/29/06
					02/27/09
				06/17/08	
				09/01/10	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date	
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			
	Install WGS for FCCU		12/31/09			
	Comply with NSPS for SO ₂ and opacity for FCCU		12/31/09			
	Comply with NSPS for PM for FCCU		03/20/06		03/20/06	
	Comply with NSPS for CO for FCCU		03/20/08		03/27/08	
	Reduce NOx emissions from heaters and 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 reduction			03/20/10		
	Submit a detailed NOx Control Plan			07/20/06		07/05/06
	Install a second Claus train and 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 program			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

David Scholl (09/25/06)	Civil penalty: (\$400)	584589	10/25/06		12/11/06* 05/26/07*
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* Made a partial payment of \$200 on 12/11/06. \$200 was certified to AGO. Payment of \$180 + \$20 AGO portion was made on 5/26/07

Alpha-Omega Chemical Company (12/14/06)	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

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Astro Manufacturing & Design, Inc. (12/29/06)	Civil penalty (\$34,000)				
	OEPA	\$12,200	600221	01/29/07	01/23/07
	Bus Fund	\$ 6,800	600222	01/29/07	01/23/07
	Submit INR			01/29/07	11/30/06
	Submit semi-annual exceedance reports			01/29/07	04/12/07
	Submit detailed P ² report			03/29/07	03/29/07
	Submit detailed P ² report			06/29/07	
	Submit detailed P ² report			09/29/07	
	Submit final P ² report			11/29/07	
Submit PTI and Title V permit applications			03/01/07	11/30/06	

Gas and Oil, Inc. (03/14/07)	Civil penalty: (\$10,000)				
	OEPA	\$8,000	607778	06/14/07	Y BSC
	Bus Fund	\$2,000	607779	06/14/07	Y BSC
	Submit ITT			04/14/07	
	Conduct tests for #2, #3, #15 & #19			06/14/07	
	Submit test results			07/14/07	
	Submit PTO renewal application for #19			04/14/07	

Robert Henry and April Garner (07/11/07)	Civil penalty: (\$1,000)		616290	08/11807	Y ACT

Eslich Wrecking Company (07/16/07 - Consent Order)	Civil penalty: (\$44,853)		623581	08/16/07	08/20/07
	(\$44,853 = 45% of \$99,674)				
	Submit survey and plan to install protective physical barrier			08/16/07	
	Install cap			w/i 60 days of OEPA approval of survey and 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		

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Tim Weiland (09/06/07)	Civil penalty: (\$250)	624378	10/06/07	Y	SKP

Alfred Nickles Bakery, Inc. (11/08/07)	Civil penalty: (\$60,250)				
	OEPA	\$46,200	634724	12/08/07	11/02/07
	Bus Fund	\$14,050	634725	12/08/07	11/02/07
	Submit P ² report			02/08/07	
	Submit P ² report			05/08/07	
	Submit P ² report			08/08/07	
	Submit final P ² report			10/08/07	
	Submit cost documentation			w/i 30 days of approval of report by OEPA	

The Premcor Refining Group, Inc. (11/20/07 - Consent Decree)	Civil penalty: (\$800,000)				
	OEPA	\$640,000	634775	12/20/07	12/19/07
	Bus Fund	\$160,000	634776	12/20/07	12/19/07
	Submit plan to meet .060 lb NOx/MMBtu for heaters and boilers			12/31/08	12/10/08
	Install controls to meet .060 lb NOx/MMBtu for heaters and boilers			12/31/11	
	Submit plan to meet .044 lb NOx/MMBtu for heaters and boilers			12/31/10	
	Install controls to meet .044 lb NOx/MMBtu for heaters and boilers			12/31/13	
	Submit report that demonstrates compliance with limits for heaters and boilers			03/31/12	
				03/31/14	
	Submit report re: the NOx concentration emissions for the FCCU thru optimization of O ₂ 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 SO ₂ adsorbing catalyst additive protocol for FCCU			11/20/07	09/07/07
	Comply w/ CO emission limit for FCCU			02/20/08	11/20/07
	Comply w/ opacity and PE limits for FCCU			12/31/13	
	Submit alternative monitoring plan application for NSPS Subpart J monitoring for SO ₂ at FCCU			12/31/08	12/19/08

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
The Premcor Refining Group, Inc (Continued)	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**
	Develop and implement procedures to ensure QA/QC for all LDAR data	* Develops SOPs	02/20/08		** Training 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		12/31/09		
	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
	Pay \$200,000 to develop and implement a Traffic Signal Synchronization study for City of Lima		02/20/08		01/25/08
	Install controls for unregulated and uncontrolled relief vents at Refinery (spend \$675,000 for SEP)		12/31/09		
	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 speciation		02/20/08		01/18/08

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
The Premcor Refining Group, Inc (Continued)	Transfer \$50,000 to Ohio Environmental Council for control of emissions from municipal trucks and buses		02/20/08		01/18/08

E. I. Du Pont de Nemours & Company (11/06/07 - Consent Decree)	Civil penalty: (\$550,000)				
	OEPA	\$440,000	634777	12/06/07	12/19/07
	Bus Fund	\$110,000	634778	12/06/07	12/19/07
	Comply w/ short-term SO ₂ 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 SO ₂ limit			11/01/10	
	Submit a complete T5 permit application for Consent Decree SO ₂ limits			09/01/11	

Converters Prepress (12/06/07 - Consent Order)	Civil penalty: (\$5,004)				
	OEPA	\$139.00	644190	01/06/08	02/22/08
		\$139.00	644191	02/06/08	03/26/08
		\$139.00	644192	03/06/08	03/26/08
		\$139.00	644193	04/06/08	04/04/08
		\$139.00	644194	05/06/08	05/05/08
		\$139.00	644195	06/06/08	05/30/08
		\$139.00	644196	07/06/08	07/14/08
		\$139.00	644197	08/06/08	08/04/08
		\$139.00	644198	09/06/08	08/29/08
		\$139.00	644199	10/06/08	09/29/08
		\$139.00	644200	11/06/08	11/06/08
		\$139.00	644201	12/06/08	12/02/08
		\$139.00	644202	01/06/09	12/30/08
		\$139.00	644203	02/06/09	02/09/09
		\$139.00	644204	03/06/09	03/11/09
		\$139.00	644205	04/06/09	03/31/09
		\$139.00	644206	05/06/09	05/05/09
		\$139.00	644207	06/06/09	06/01/09
		\$139.00	644208	07/06/09	07/06/09
		\$139.00	644209	08/06/09	08/07/09
		\$139.00	644210	09/06/09	
		\$139.00	644211	10/06/09	
		\$139.00	644212	11/06/09	
		\$139.00	644213	12/06/09	
		\$139.00	644214	01/06/10	
		\$139.00	644215	02/06/10	
		\$139.00	644216	03/06/10	
		\$139.00	644217	04/06/10	
		\$139.00	644218	05/06/10	
		\$139.00	644219	06/06/10	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Converters Prepress (Con't)		\$139.00 644220	07/06/10		
		\$139.00 644221	08/06/10		
		\$139.00 644222	09/06/10		
		\$139.00 644223	10/06/10		
		\$139.00 644224	11/06/10		
		\$139.00 644225	12/06/10		

Real Spaces Property for Rent (12/31/07)	Civil penalty: (\$17,700)				
	OEPA	\$ 600.00 645338	01/30/08		02/07/08
		\$ 600.00 645339	02/29/08		03/12/08
		\$ 600.00 645340	03/30/08		05/05/08
		\$ 600.00 645341	04/29/08		06/09/08
		\$ 600.00 645342	05/29/08		07/03/08
		\$ 600.00 645343	06/28/08		08/04/08
		\$ 600.00 645344	07/28/08		09/11/08
		\$ 600.00 645345	08/27/08		11/17/08
		\$ 600.00 645346	09/26/08		01/13/09
		\$ 600.00 645347	10/26/08	Y	
		\$ 600.00 645348	11/25/08	Y	
		\$ 600.00 645349	12/25/08	Y	
		\$ 600.00 645350	01/24/09	Y	
		\$ 600.00 645351	02/23/09		
		\$ 600.00 645352	03/25/09		
		\$ 600.00 645353	04/24/09		
	\$ 600.00 645354	05/24/09			
	\$ 600.00 645355	06/23/09			
	\$3,360.00 645356	07/23/09			
	Bus Fund	\$3,560.00 645357	07/23/09		

Christopher Vincent (02/15/08)	Civil penalty: (\$1,000)	653134	03/16/08	Y	ACT

James Brown (03/11/08)	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	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
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 - Potential to Certify.					

Lanny Reynolds (07/16/08)	Civil penalty: (\$750)	666335	08/16/08	P	

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		

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 took \$1,069.55 for its collection efforts.					
** AGO took \$240 of this amount for its collection efforts.					

Erie Materials, Inc. (09/24/08 - Consent Order)	Civil penalty: (\$180,000)				
	OEPA \$144,000	686933	10/24/08		12/03/08
	Bus Fund \$36,000	686932	10/24/08		12/03/08
	Conduct emission testing		w/i 60 days of permit issuance or w/i 60 days of startup of 2009 season if permit issued after 9/1/08		
	Pay emissions fees of \$7,330 for 1995 through 2007 for Sandusky and for 1999 through 2005 for Portage		10/24/08		10/09/08

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Robert Montgomery, Sr., d.b.a. Montgomery Auto Salvage (10/16/08)	Civil penalty: (\$3,000)	688462	11/15/08	Y	

Re-Gen, Inc. (01/15/09 - Consent Order)	Civil penalty: (\$70,000)				
	OEPA	\$28,000 709526	02/14/09		02/11/09
		\$28,000 709527	01/15/10		
	Bus Fund	\$ 7,000 709528	02/14/09		02/11/09
		\$ 7,000 709529	01/15/10		
	Submit complete approvable synthetic minor PTIO app.		w/i 60 days of resuming operations		
	Submit FERs for 1999-2007 and pay \$8,000 in past emission fees		upon receipt of invoice from OEPA		06/12/09

Ultimate Industries, Inc. (02/25/09 - Consent Order)	Civil penalty: (\$4,200)				
	EPA	\$175.00 712529	03/05/09		05/12/09
		\$175.00 712530	04/05/09		06/15/09
		\$175.00 712531	05/05/09		08/07/09
		\$175.00 712532	06/05/09		
		\$175.00 712533	07/05/09		
		\$175.00 712534	08/05/09		
		\$175.00 712535	09/05/09		
		\$175.00 712536	10/05/09		
		\$175.00 712537	11/05/09		
		\$175.00 712538	12/05/09		
		\$175.00 712539	01/05/10		
		\$175.00 712540	02/05/10		
		\$175.00 712541	03/05/10		
		\$175.00 712542	04/05/10		
		\$175.00 712543	05/05/10		
		\$175.00 712544	06/05/10		
		\$175.00 712545	07/05/10		
		\$175.00 712546	08/05/10		
		\$175.00 712547	09/05/10		
		\$175.00 712548	10/05/10		
		\$175.00 712549	11/05/10		
		\$175.00 712550	12/05/10		
		\$175.00 712551	01/05/11		
		\$175.00 712552	02/05/11		

N-Viro International Corp. (03/24/09)	Civil penalty: (\$16,000)				
	OEPA	\$4,000 707974	07/22/09		04/22/09
		\$4,000 707975	10/20/09		07/21/09
		\$4,000 707976	01/18/10		10/19/09
		\$4,000 707977	04/18/10		
	Bus Fund	\$4,000 707978	04/23/09		

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Brush Wellman, Inc. (03/24/09)	Civil penalty: (\$40,000)				
	OEPA	\$28,000 711745	04/24/09		03/26/09
	Bus Fund	\$12,000 711746	04/24/09		03/26/09
	Install 3 TRIBO.d2 particulate emission monitors		09/24/09		
	Submit documentation of SEP cost		10/24/09		

Chemtrade Logistics Inc/Marsulex, (04/02/09 - Consent Decree)	Civil penalty: (\$120,000)				
	OEPA	\$72,000 712639	05/02/09		05/26/09
	Bus Fund	\$24,000 712640	05/02/09		05/26/09
	ODNR	\$24,000	05/02/09		
	Comply w/ short-term and long-term SO ₂ 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 SO ₂ CEMS:	Oregon	07/01/11		
		Cairo	07/01/11		
	Perform compliance tests:	Oregon	07/01/11		
	Submit O&M Plans:	Cairo	07/01/11		
	Submit permit applications:	Oregon	07/01/11		
		Cairo	07/01/11		
		Oregon	01/01/13		
	Cairo	(365 days after acceptance of short-term limit)			
Submit report re: how compliance will be achieved:	Oregon	07/01/10			
	Cairo	07/01/10			

Lagrange Township Trustees (04/14/09)	Civil penalty: (\$250)		05/14/09		
	Report the results of vehicle inspections		12/31/09		

George Rank (04/16/09)	Civil penalty: (\$500)		05/16/09		

Richard Morrow (05/01/09)	Civil penalty: (\$3,000)		05/15/09		

Lorain County Regional Transit Authority (05/15/09)	Civil penalty: (\$250)	714622	06/15/09		

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Container Recyclers, Inc. (d.b.a. Colimbus Steel Drum) (06/08/09 Amended Consent Order for stipulated penalties)	Stipulated penalty: (\$87,050)				
	OEPA	\$21,762.50 713429	10/23/09		10/21/09
		\$21,762.50 713430	01/18/10		
		\$21,762.50 713431	04/16/10		
	Bus Fund	\$10,881.25 713432	06/05/09		06/01/09
	\$10,881.25 713433	07/17/09		07/16/09	

Plasti-Kote Company, Inc. (06/17/09)	Civil penalty: (\$240,000)				
	OEPA	\$192,000 714631	07/01/09		08/21/09
	Bus Fund	\$48,000 714632	07/17/09		08/21/09
	Submit either a Title V permit app or a synthetic minor PTI/FESOP app		10/17/09		

T.S. Trim Industries, Inc. (06/17/09)	Civil penalty: (\$85,200)				
	OEPA	\$68,160 714704	07/17/09		06/25/09
	Bus Fund	\$17,040 714705	07/17/09		06/25/09
	Conduct emission tests Submit test report		08/07/09 09/07/09		

Village of Gloria Glens (06/18/09)	Civil penalty: (\$250)	714659	07/18/09		
	Have all vehicles tested and report results		12/31/09		

Village of North Randall (06/30/09)	Civil penalty: (\$1,500)	714660	07/30/09		
	Have all vehicles tested and report results		12/31/09		

Leroy and Judith Schaffer (06/30/09)	Civil penalty: (\$250)	714661	07/30/09		

Precision Aggregates III, LLC (07/08/09)	Civil penalty: (\$15,000)				
	OEPA	\$4,500 715181	09/15/09		09/14/09
		\$7,500 715182	09/15/10		
	Bus Fund	\$3,000 715183	09/15/09		09/14/09

Village of Oakwood (07/07/09)	Civil penalty: (\$2,500)	714842	08/07/09		08/17/09
	Have all vehicles tested and report results		11/02/09		

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
The Belden Brick Company, L.L.C. (07/06/09 - Consent Order)	Civil penalty: (\$850,000)				
	OEPA	\$170,000	717042	08/06/09	08/17/09
		\$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
	Pay \$334,514.43 for Title V permit emission fees for CY 2001 thru 2006			Upon receipt of invoice from OEPA	
	Submit SO ₂ FERs for CY 1993 thru 2000		01/06/10		
	For Plant 8, pay difference in emission fees for CY 1999 and 2000		Upon receipt of invoice from OEPA		

Cleveland Board of Education (E-Check) (08/11/09)	Civil penalty: (\$5,000)		726483	09/11/09	
	Have all vehicles tested and report results			12/31/09	

Saif Khan, d.b.a. Lakeland Citgo (08/20/09)	Civil penalty: (\$10,000)				
	OEPA	\$ 500	726488	09/20/09	08/06/09
		\$2,500	726489	12/20/09	
		\$2,500	726490	03/20/10	
		\$2,500	726491	06/20/10	
	Bus Fund	\$2,000	726492	09/20/09	08/06/09

Joseph Parker (08/18/09)	Civil penalty: (\$250)		725188	09/18/09	

The Shelly Holding Company, et al. (09/02/09 - Court Order)	Civil penalty: (\$350,123.52)			10/02/09	

McCarthy Corporation (09/22/09)	Civil penalty: (\$3,000)		727233	10/05/09	

Pioneer Environmental Companies (09/22/09)	Civil penalty: (\$7,000)				
	OEPA	\$2,100	727235	10/22/09	
		\$3,500	727236	03/22/10	
	Bus Fund	\$1,400	727237	10/22/09	

Total Environmental Services, LLC (09/17/09)	Civil penalty: (\$5,000)				
	OEPA	\$4,000		10/01/09	
	Bus Fund	\$1,000		10/17/09	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Speedway SuperAmerica, LLC (09/22/09)	Civil penalty: (\$35,880)				
	OEPA	\$28,704	727238	10/05/09	09/29/09
	Bus Fund	\$7,176	727239	10/22/09	09/29/09
	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	
	Submit results of static leak and A/L ratio tests for 2010			09/14/10	
	Submit results of static leak and A/L ratio tests for 2011			04/14/11	

Eramet Marietta, Inc. (10/07/09)	Civil penalty: (\$30,000)				
	OEPA	\$24,000		10/21/09	10/13/09
	Bus Fund	\$6,000		11/06/09	10/13/09
	Submit copy of inspection & testing schedule			11/06/09	
	Submit documentation of de-registering of formerly covered processes			11/06/09	

Stein, Inc. (10/13/09)	Civil penalty: (\$50,000)				
	Bus Fund	\$10,000		11/13/09	10/23/09
	OEPA	\$10,000		05/13/10	
		\$10,000		08/13/10	
		\$10,000		11/13/10	
	\$10,000		02/13/11		

Joseph and Marie Eberz (10/19/09)	Civil penalty: (\$500)			11/19/09	

CertainTeed Corp (10/19/09 - CO)	Civil penalty: (\$230,000)				
	OEPA	\$184,000		11/19/09	
	Bus Fund	\$ 46,000		11/19/09	
	Submit Title V permit appl.			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		

Aleris International, Inc., et. Al. (10/30/09 - 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		

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Aleris Int'l, Inc., et. Al. (Con't)	Submit HCI PTE analysis		12/29/10		
	Conduct additional compliance tests		03/29/10		
	Comply with all requirements of Subparts A and RRR		09/29/10		

Circle K Midwest (GDFs 5204, 5209, 5318, 5320, 5557, 5558, 0059, and 5217) (11/04/09)	Civil penalty: (\$100,000)	\$80,000	12/04/09		11/13/09
	Bus Fund	\$20,000	12/04/09		11/13/09
	Perform static leak & A/L ratio tests at each GDF		03/31/10		
			08/31/10		
			03/31/11		
		08/31/11			

Rascal House Pizza (11/12/09)	Civil penalty: (\$10,000)				
	OEPA	\$1,250	12/12/09		
		\$1,250	03/12/10		
		\$1,250	06/12/10		
		\$1,250	09/12/10		
		\$1,250	12/12/10		
		\$1,250	03/12/11		
	\$1,250	06/12/11			
	\$1,250	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	06/10/10	
		\$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's	C y/n	Completion Date
Sunoco, Inc. (Toledo Refinery) (11/12/09)	Civil penalty: (\$32,250)				
	OEPA	\$25,800	11/26/09		11/06/09
	Bus Fund	\$6,450	12/12/09		11/06/09
	Complete corrective actions in Finding 15(a) and submit documentation		12/31/09		
	Correct deficiencies in butane sphere inspection reports and submit documentation		06/30/10		
	Resolve compliance audit findings in Finding 14(c) and submit documentation		12/31/09		

- ** FSC - Assigned to a Special Counsel
- ACT - Account is being collected in house
- UNC - Account has been placed in a currently uncollectible status
- RTN - Returned from Special Counsel, Unpaid
- PIF - Account is paid in full
- SKP - Account is in the skip tracer desk



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

NOV 13 2009

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

Re: Environmental Affairs Management, Inc. ("EAM")

Dear Mr. Cordray:

Pursuant to ORC § 3704.06, I hereby request that you initiate all necessary legal and/or equitable civil actions against the above-subject party, and all other appropriate parties, and seek appropriate 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's ("DAPC's") enforcement file for this matter.

Thank you for your assistance in this matter. Any questions you may have should be directed to Felix Udeani (644-3033) or Tom Kalman (644-3598) of the DAPC's Enforcement Section. They, and Steve Feldmann of Ohio EPA's Legal Office (644-3037), should be kept apprised of the status of this matter and any action taken with regard to it. Please also coordinate all negotiations and any resolution of this matter with Jim Orlemann, DAPC Enforcement Coordinator.

Sincerely,

Chris Korleski
Director

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Felix Udeani, DAPC
Stephen Feldmann, Legal Office
Misty Koletich/Bill Slanina, Mahoning-Trumbull Air Pollution Control Agency

Enclosures

CK:FU:fu

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

Ohio EPA
Division of Air Pollution Control

inter-office communication

to: Chris Korleski, Director 

from: Stephen Feldmann, Staff Attorney, and Jim Orlemann, DAPC Enforcement Coordinator

subject: Recommendation to refer Environmental Affairs Management, Inc. ("EAM") to the Attorney General's Office ("AGO") (EC Case #2657)

date: October 13, 2009

Attached for your review and signature is a letter to the Attorney General, requesting that enforcement action be taken against EAM for violations of ORC Chapter 3704 and the regulations adopted thereunder, for an asbestos abatement project at Austintown Fitch High School Stadium in Austintown Township of Mahoning County, Ohio. Also, attached is an inter-office communication to Dale Vitale of the AGO, which contains a briefing of the case. DAPC is recommending that this case be referred to the AGO instead of attempting administrative orders because EAM did not pay the agreed upon civil penalty in the December 29, 2005 Orders for other violations of the asbestos emission control standards.

Please call one of us if you have any questions.

SF/JO/FU/fu

xc: Tom Kalman

Attachments

Per later discussion w/ DAPC, we would also ask the AGs to pursue a penalty for the company's failure to pay the penalty assessed in the 2005 orders. B. Zima 11/2/09

MEMORANDUM

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

FROM:  Jim Orlemann, DAPC Enforcement Coordinator, and Stephen Feldmann, Legal Office, Ohio EPA

DATE: October 14, 2009

SUBJECT: referral of Environmental Affairs Management, Inc., for violations of the air pollution control regulations

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

The Director of Ohio EPA is referring the most recent violations by Environmental Affairs Management, Inc. ("EAM") to the Attorney General's Office ("AGO") for enforcement action because consensual Findings and Orders were issued on December 29, 2005, to EAM for violations of asbestos emission control standards at Akron (2 locations), Kent, Lorain and Warren, Ohio job sites, and EAM failed to pay the full amount of the civil penalty. Draft Findings and Orders for the new violations are attached for the AGO's use in preparing a consent order and complaint. The following information summarizes the key elements of this new case.

SYNOPSIS

- On May 27 and 29, 2007, the Mahoning-Trumbull Air Pollution Control Agency ("M-TAPCA") received Ohio EPA notification of renovation and renovation forms from EAM for the removal of regulated asbestos-containing material ("RACM") from 400 fittings (about 800 linear feet) at Austintown Fitch High School Stadium ("facility") in Austintown Township, Mahoning County, Ohio. The removal of greater than 260 linear feet of ACM in a renovation project triggered the notification and work practice requirements of OAC Chapter 3745-20. The notifications indicated that abatement would take place from June 6 to 11, 2007.
- On June 7, 2007, M-TAPCA observed dry suspect asbestos-containing material ("ACM") in the track coach's office and on the floor in the southwest corner of the room immediately inside the south entrance to the stands and in the wash sink in the women's restroom. Also, three sealed asbestos disposal bags were located in the south locker room. Two of these bags contained glove bags in which dry RACM was found. The fittings were removed and simply placed in the glove bags. The M-TAPCA inspector collected six samples from these locations for asbestos content analysis. The analysis indicated that four of the samples contained 12% chrysolite asbestos while two samples contained 10% chrysolite asbestos. The absence of duct tape on the glove bags indicated that the bags were not installed in a manner

Inter-Office Communication

AGO referral for Environmental Affairs Management, Inc.

Page 2 of 3

that allowed the fittings to be removed while sealed inside the glove bags. This constituted a violation of OAC Rule 3745-20-04(A)(3)(c)(ii) because EAM failed to operate the glove bags in a manner that contained the particulate asbestos material produced while removing the fittings. This violation also caused a violation of ORC § 3704.05(G).

- The M-TAPCA inspector conducted another site inspection of the renovation operation on June 14, 2007 and found uncontainerized dry RACM in the sinks in the women's restroom during this and the previous inspections which indicated that EAM failed to thoroughly reclean the work areas after the initial inspection. The M-TAPCA inspector collected three samples of uncontainerized dry suspect ACM for asbestos content analysis. The analysis revealed that two of the samples contained no less than 13% chrysotile.
- EAM's failure to use a dust control method during collection and packaging of asbestos-containing waste material into disposable bags and failure to keep all RACM adequately wet and ensure that such material remains adequately wet until collected and contained in preparation for disposal constituted violations of OAC Rules 3745-20-05(B) and 3745-20-04(A)(6)(a), respectively. These violations also constituted violations of ORC § 3704.05(G).
- On July 3, 2007, a M-TAPCA inspector inspected the facility for the third time and discovered no RACM. EAM promised it would send the information requested in M-TAPCA's June 12, 2007 notice of violation letter by July 5, 2007. To date, EAM has not sent the requested information.
- EAM had a prior knowledge of the asbestos requirements since it had a previous enforcement case involving asbestos abatement.
- There are no multimedia violations associated with this facility.

PENALTY

DAPC determined that a total civil penalty of \$64,156 for the violations by EAM in this renovation project using the USEPA's air civil penalty policy. (See the penalty worksheet attached.) The penalty calculation included an economic benefit of \$6,656 due to cost saving derived from improper removal of ACM from the 800 linear feet of fittings. Also, since EAM has a history of noncompliance (2005 Orders), the second tier of penalty factors was used to calculate the gravity component of the penalty. Since EAM had previously performed a renovation project in the State of Ohio, EAM should have been acquainted with the work practice requirements of OAC Chapter 3745-20. DAPC believes that the proposed penalty of \$64,156 will serve as a sufficient deterrent to non-compliance if EAM is involved in any future renovation projects.

RECOMMENDATION

DAPC is referring this case to the AGO because Findings and Orders were issued on December 29, 2005, to EAM for the violations of asbestos emission control standards at Akron (2 locations), Kent, Lorain and Warren, Ohio job sites. Since EAM failed to pay the full amount of the civil penalty assessed in those F&Os, it was decided to refer the case to the AGO. The AGO should attempt to settle the matter via consent order for a civil penalty of \$64,156 or some reasonable alternative amount consistent with the penalty policy. Failing that, a court order should be obtained. No injunctive relief is needed for this case.

cc: Tom Kalman

JO:SF:FU:fu

*Per later discussion w/ DAPC, the Agency
~~was~~ also requests that the AGO pursue a
penalty for the company's failure to
pay the penalty assessed in the 2005
F&Os, as well as requiring the
company to pay the penalty assessed
in the 2005 F&Os. B. Zima 11/2/09.*



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

NOV 12 2009

Certified Mail

Mr. Mike Frangos
Owner
Rascal House Pizza
2064 Euclid Road
Cleveland, Ohio 44115

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

Dear Mr. Frangos:

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

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

Sincerely,

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

JAO/ey

Enclosure

xc: Carol Hester, PIC
Donald L. Vanterpool, Legal Office
Brenda Case, Fiscal Office (Agency #13)
Priscilla Roberson, DAPC
Eric Yates, DAPC
Tom Kalman, DAPC
George Baker, CDAQ

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

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

NOV 12 2009

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

S.R. Restaurant Corporation
d.b.a. Rascal House Pizza
2064 Euclid Avenue
Cleveland, Ohio 44115

:
:
:
:
:

Director's Final Findings
and Orders

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

PREAMBLE

It is agreed by the parties hereto as follows:

By: Judy Lassiter Date: 11-12-09

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the S.R. Restaurant Corporation, d.b.a. Rascal House Pizza ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

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

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. Respondent was the "operator" of a renovation activity at 2064 Euclid Avenue in Cleveland as that term is defined in the Ohio Administrative Code ("OAC") Rule 3745-20-01(B) occurring at least in early March, 2007.
2. Respondent currently operates a restaurant known as Rascal House Pizza located at 2064 Euclid Avenue.
3. ORC Chapter 3704.05(G) states, in part, that no person shall violate any rule issued by the Director of Ohio EPA.

4. On March 2, 2007, the Cleveland Division of Air Quality ("CDAQ") received an anonymous complaint that Respondent was conducting a renovation of its 2064 Euclid Avenue business and may be exposing its customers to asbestos fibers.

5. On March 2, 2007, CDAQ inspected Respondent's restaurant in response to the above complaint. Upon arrival, CDAQ discovered that Respondent was renovating the building and had placed a large amount of debris in a dumpster located outside the building. CDAQ advised Respondent to cease renovation operations until a certified asbestos hazard evaluation specialist ("AHES") could determine whether asbestos-containing material was present.

6. On March 5, 2007, as the result of a complaint submitted to the United States Environmental Protection Agency, CDAQ again inspected the facility and discovered that Respondent had continued the renovation operation without having a survey completed by a certified AHES. As a result of the potential for Respondent to expose employees and patrons of the business to asbestos fibers, the City of Cleveland attorney's office issued a cease and desist letter to Respondent that ordered the restaurant be closed until the renovation/asbestos abatement could be completed by a certified AHES.

7. During the March 2 and 7, 2007 inspections, CDAQ collected samples of debris in the restaurant and also in the dumpster outside of the building. The samples indicated the presence of regulated asbestos-containing material ("RACM") in amounts that were determined to exceed the rule threshold amounts above which the full requirements of OAC Rules 3745-20-03, 3745-20-04, and 3745-20-05 apply. Respondent's actions during the renovation violated:

- OAC Rule 3745-20-03(A)(1) by conducting a renovation of its 2064 Euclid Avenue business without submitting a notification to Ohio EPA or CDAQ.
- OAC Rule 3745-20-02(A) by failing to conduct a thorough asbestos survey of the facility prior to conducting the renovation.
- OAC Rule 3745-20-04(A)(3) by failing to adequately wet regulated asbestos-containing waste materials when it was being stripped from facility components.
- OAC Rule 3745-20-04(B)(1)(b) by not having at least one authorized representative trained in asbestos removal present during the renovation.
- OAC Rule 3745-20-05(B) by allowing visible emissions to the outside air during the removal of asbestos-containing waste material.

8. On March 7, 2007, Cardinal Environmental Services, Inc. arrived on site to properly complete the asbestos abatement at the 2064 Euclid Avenue location.

9. On June 1 and June 27, 2007, CDAQ sent notices of violation ("NOVs") to Respondent for violations of OAC Chapter 3745-20. Respondent did not submit a response to either NOV.

10. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of ten thousand dollars (\$10,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Respondent shall comply with the following payment schedule for the civil penalty, which is payable to Ohio EPA:

Payment Deadline	Amount Due
within 30 days after the effective date of these Orders	\$1,250
within 120 days after the effective date of these Orders	\$1,250
within 210 days after the effective date of these Orders	\$1,250
within 300 days after the effective date of these Orders	\$1,250
within 390 days after the effective date of these Orders	\$1,250
within 480 days after the effective date of these Orders	\$1,250
within 570 days after the effective date of these Orders	\$1,250
within 660 days after the effective date of these Orders	\$1,250

The official checks shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

2. 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

VI. TERMINATION

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

VII. OTHER CLAIMS

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

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

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

X. NOTICE

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

City of Cleveland
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114
Attn: Mike Samec

and to:

Ohio Environmental Protection Agency

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

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

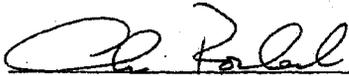
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

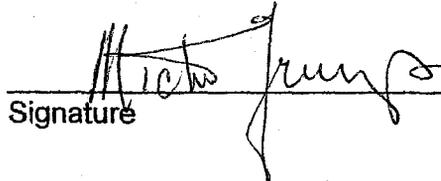


Chris Korleski
Director

11/9/09
Date

IT IS SO AGREED:

S.R. Restaurant, d.b.a. Rascal House Pizza



Signature

26 Oct 09
Date

Michael FRANGOS.
Printed or Typed Name

Pres.
Title



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

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

MAILING ADDRESS:

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

November 12, 2009

CERTIFIED MAIL

Mr. Erik L. Walter, Esq.
Dworken & Bernstein Co., LPA
60 S. Park Place
Painesville, Ohio 44077

Re: Final Findings and Orders for:
Air pollution control permitting
violations at Great Plains Exploration,
LLC, 220 Blackbrook Road,
Painesville Township, Lake County,
Ohio

Dear Mr. Walter:

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

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

Sincerely,

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

JAO/pr

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Carol Hester, PIC
Priscilla Roberson, DAPC
Brenda Case, Fiscal Office (Agency #02/20)
Bryan Zima, Legal Office
Urvi Doshi, DAPC
Bert Mechenbier, Lake County GHD
Keith Riley/Bob Princic/Tim Fischer/Nancy Meli, NEDO
Gregory Papp, Great Plains Exp.

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

OHIO E.P.A.

NOV 12 2009

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Great Plains Exploration, LLC : Director's Final Findings
220 Blackbrook Road : and Orders
Painesville Township, Ohio 44077 :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (AOrders®) are issued to Great Plains Exploration, 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

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

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

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent operates a portable nonmetallic mineral aggregate recycling plant, with a portable impact crusher, which is located at 220 Blackbrook Road, Painesville Township, in Lake County, Ohio. Respondent crushes material including concrete, asphalt and/or natural aggregate materials.

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

By: Jim Lassiter Date: 11-12-09

Director's Final Findings and Orders
Great Plains Exploration, LLC
Page 2 of 6

2. At the facility, Respondent operates three emissions units (identified by Ohio EPA as "emissions units F001, F002, and F003"), which are "air contaminant sources," as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (W). Emissions unit F001 is comprised of a portable impact crusher with a manufacturer's rating of 100-300 tons per hour of stone processed, a screener, and the rest of the material handling system. Emissions unit F002 is comprised of the roadways and parking areas, and emissions unit F003 is comprised of the storage piles located at the facility.

3. Except as otherwise provided by law, and except to the extent that a permit to install ("PTI") allows for limited operation of an air contaminant source, OAC Rule 3745-31-02 requires, and until June 30, 2008 former OAC Rule 3745-35-02 required, any owner or operator of an air contaminant source (on or after June 30, 2008) to apply for and obtain a permit to install and operate ("PTIO") or (before June 30, 2008) a permit to operate ("PTO"), prior to operating an air contaminant source.

4. OAC Rule 3745-31-02 requires that a person not allow the installation of a new air contaminant source, as defined in OAC Rule 3745-15-01, without first applying for and obtaining (before June 30, 2008) a permit to install (PTI) or (on or after June 30, 2008) a permit to install and operate (PTIO), except as otherwise provided by rule or law.

5. ORC § 3704.05(G) states, in part, that no person shall violate any order, rule, or determination of the Director, issued, adopted, or made under ORC Chapter 3704. All rules of the Director referred in these Orders were adopted pursuant to ORC Chapter 3704.

6. On April 17, 2008, representatives of the Ohio EPA Northeast District Office ("NEDO") and Lake County General Health District ("the District") inspected the facility after the District received citizen complaints.

7. As of April 17, 2008 and since April 2007, Respondent had installed emissions units F001, F002, and F003 without applying for and obtaining a PTI, in violation of OAC Rule 3745-31-02 and ORC § 3704.05(G). As of April 17, 2008 and since April 2007, Respondent had also operated the three emissions units without applying for and obtaining a PTO, in violation of former OAC Rule 3745-35-02, OAC Rule 3745-31-02, and ORC § 3704.05(G). On May 1, 2008, NEDO sent a Notice of Violation ("NOV") letter to the Respondent citing the Respondent for these violations and requesting submission of complete PTIO applications by May 22, 2008.

8. On May 16, 2008, NEDO received the PTI and PTO applications from the Respondent. On May 28, 2008, NEDO returned the PTI and PTO applications to the Respondent due to incompleteness. Finally, on July 24, 2008, NEDO contacted the Respondent for the lack of response to the returned applications.

9. On July 30, 2008, NEDO inspected operations at the facility and met with Mr. Papp, the Superintendent at the facility. Mr. Papp informed NEDO about a negotiated injunction which required the crusher and all piles, except for those of clay/soil, be moved a distance away from the complaining neighbors and closer to Blackbrook Road.

Director's Final Findings and Orders
Great Plains Exploration, LLC
Page 3 of 6

10. On August 27, 2008, NEDO received a PTIO application from the Respondent for installation of emissions units F001, F002, and F003. Ohio EPA issued a PTIO to Respondent for these emissions units on April 1, 2009.

11. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of nineteen thousand dollars (\$19,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704.06. Of this amount, Respondent shall pay to Ohio EPA the amount of fifteen thousand dollars (\$15,000) in 15 equal monthly installments of one thousand dollars (\$1,000) each, with the first of such payments due by March 1, 2010 and the last payment due by May 1, 2011. Each payment shall be made by an official check made payable to "Treasurer, State of Ohio." Each 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

2. 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, Ohio 43216-1049

3. In lieu of paying the remaining four thousand dollars (\$4,000) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall pay to Ohio EPA the amount of four thousand dollars (\$4,000) in four equal monthly installments of one thousand dollars (\$1,000) each, with the first payment due by November 1, 2009 and the last payment due by February 1, 2010. Each payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$1,000. Each official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-referenced address. A

Director's Final Findings and Orders
Great Plains Exploration, LLC
Page 4 of 6

copy of each check shall be sent to James A. Orlemann, or his successor, at the above-referenced address.

VI. TERMINATION

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

VII. OTHER CLAIMS

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

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties 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:

Director's Final Findings and Orders
Great Plains Exploration, LLC
Page 5 of 6

Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087
Attention: Nancy Meli, Environmental Specialist

and to:

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

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

Director's Final Findings and Orders
Great Plains Exploration, LLC
Page 6 of 8

XIII. EFFECTIVE DATE

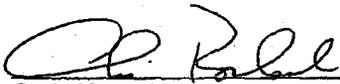
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

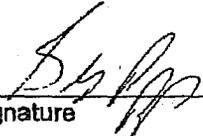


Chris Korleski
Director

11/9/09
Date

AGREED:

Great Plains Exploration, LLC



Signature

10-29-09
Date

Greg Papp

Printed or Typed Name

Operation Supervisor

Title



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

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

MAILING ADDRESS:

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

November 12, 2009

CERTIFIED MAIL

Mr. David C. Kurland, Esq.
Chief Counsel
Sunoco, Inc. (R&M)
Legal Department
100 Green Street, #229 MOB
Marcus Hook, PA 19061

Re: Final Findings and Orders for:
Risk Management Plan violations at
the Toledo Refinery of Sunoco, Inc.,
1819 Woodville Road, Oregon, Ohio
43616

Dear Mr. Kurland:

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

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

Sincerely,

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

JAO/pr

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Carol Hester, PIC
Priscilla Roberson, DAPC
Brenda Case, Fiscal Office (Agency #NA)
Don Vanterpool, Legal Office
Richard Vogel, Sunoco, Oregon

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

BEFORE THE OHIO
ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
NOV 12 2009

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Director's Final Findings
and Orders

Sunoco, Inc.
Toledo Refinery
1819 Woodville Road
Oregon, Ohio 43616

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

PREAMBLE

It is agreed by the parties hereto as follows:

By: [Signature] Date: 11-12-09

I. JURISDICTION

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

II. PARTIES BOUND

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

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates an oil refinery with a total of approximately 35,761,000 lbs. of flammable mixtures that contain three to eight flammables in each mixture. Respondent has more than a threshold quantity of a "regulated substance," as defined in OAC Rule 3745-104-01. The Risk Management Plan ("RMP") threshold amount for flammable substances is 10,000 lbs.
2. Pursuant to Ohio Administrative Code ("OAC") Rule 3745-104-02, an owner or operator of a stationary source that has more than a threshold quantity of a regulated

substance in a process, shall comply with the requirements of this Rule by submitting a RMP no later than June 21, 1999. Respondent submitted a RMP in June 1999 as required.

3. On March 12 and 13, 2002, Ohio EPA, Division of Air Pollution Control ("DAPC") inspectors conducted an audit at Respondent's facility and discovered two rule violations. No penalty was assessed, but the Respondent was required to correct the violations and remain in compliance.
4. On April 29 and 30, 2008, the Ohio EPA conducted a five-year inspection at Respondent's facility and discovered four violations of the rules, which included one that was an ongoing violation from the first inspection. The violations were as follows:
 - (a) Respondent failed to address several recommendations in the process hazard analysis, in violation of OAC Rule 3745-104-25(E).
 - (b) Respondent failed to certify annually that the operating procedures are current and accurate, in violation of OAC Rule 3745-104-26(c). (This is a repeat violation.)
 - (c) Respondent failed to correct deficiencies in several pieces of equipment before further use, in violation of OAC Rule 3745-104-28(E).
 - (d) Respondent failed to document that compliance audit deficiencies have been corrected, in violation of OAC 3745-104-31(D).
5. On June 19, 2008, the Ohio EPA sent Respondent an e-mail requesting additional mechanical integrity testing documentation that was not reviewed during the audit, and to submit it within ten days.
6. On June 24, 2008, and on July 8, 2008, Susan Behr and Richard Vogel, respectively, said per a telephone call, that the documentation would be sent within the week.
7. On July 8, 2008, the documentation had not been received so the Ohio EPA auditor sent a deficiency letter to Respondent requesting the same documentation and requiring Respondent to correct the four deficiencies addressed in Finding 4 above within ten days of receipt of the letter.
8. On July 24, 2008, Ohio EPA received partial documentation from Respondent.
9. On August 13, 2008, the Ohio EPA auditor sent a warning letter to Respondent requesting the remaining required documentation.

10. On August 25, 2008, the Ohio EPA auditor sent an extension letter as requested by Respondent, requiring the remaining documentation to be sent by September 22, 2008.
11. On September 25, 2008, the Ohio EPA received some additional documentation, but the several deficiencies still remain.
12. On December 23, 2008, Ohio EPA issued proposed Findings and Orders to Respondent.
13. On March 18, 2009, Ohio EPA met with Respondent to resolve the violations, and it was decided more documentation was required to be submitted.
14. On April 27, 2009, Respondent submitted a response to address and provide the additional required documentation requested during the March 18, 2009 meeting.
15. At this time, the following summarizes the status of the remaining, unresolved violations.

(a) Process Hazard Analysis (PHA) (Rule 3745-104-25(E))

PHA item 0503.2.1.1 is still in progress. The task due date was April 28, 2007. PHA item 0501.13.1.1 is still pending approval. The due date was April 27, 2008. HAZ0337.08 and 0365.08 are still in progress. Their due date was December 15, 2006. Further unresolved recommendations for corrective actions that were due to be completed in 2008, including pressure relief devices in Plant 6 that are not sized properly, the external fire cases for butane spheres 28 and 29 that are undersized, and the lack of a deluge.

(b) Mechanical Integrity (Rule 3745-104-28(E))

The internal and external ten-year inspections have been conducted for spheres 24, 25, 28 and 29. All of these sphere inspections contain various recommendations for corrective actions that have not been addressed. Also the pressure relief valves on all of the covered processes have not been inspected every five years as required.

(c) Compliance Audit (Rule 3745-104-31(D))

PM1, has a resolved date of June 2007, but the last line of the resolution summary indicates that this item is not resolved. PM14, pertaining to completing the PHA recommendations (Finding 4(a)), is still not completed and was due in 2007. PM6 pertaining to Finding 4(c), has not been completed and was due in 2007.

16. ORC § 3753.06 prohibits violations of provisions of ORC Chapter 3753 or any rule adopted or issued under it. From April 2008 (the five-year compliance audit) to the present, Respondent violated rules adopted under ORC Chapter 3753, specifically, the rules cited in Finding 4.
17. The Director has given consideration to, and based on his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. For the process hazard analysis (Rule 3745-104-25(E)):
By December 31, 2009, Respondent shall complete PHA item 0503.2.1 and PHA item 0501.13.1.1; and HAZ0337.08 and HAZ 0365.08 as described in Finding 15(a) and submit documentation to verify that all of the recommended corrective actions have been completed. Respondent shall develop a written schedule to complete all of the further unresolved recommendations for corrective actions that were due to be completed in 2008, including pressure relief devices in Plant 6 that are not sized properly, the external fire cases for butane spheres 28 and 29 that are undersized and that lack a deluge as described in Finding 15(a), and submit documentation to verify that all of the recommended corrective actions have been completed.
2. For the mechanical integrity (Rule 3745-104-28(E)):
By June 30, 2010, Respondent shall correct the deficiencies in the equipment as required in the butane sphere inspection reports, and submit documentation that verifies this has been completed. Also, by December 31, 2009, Respondent shall inspect the remaining relief valves that were not inspected by their due dates and submit documentation to verify the inspections were completed.
3. For the compliance audit (Rule 3745-104-31(D)):
By December 31, 2009, Respondent shall resolve the compliance audit findings identified in Finding 14(c) and submit documentation to show how the items were resolved. Also by November 15, 2009, submit a copy of the 2009, internal PSM compliance audit with recommendations.
4. Pursuant to ORC § 3753.09, Respondent is assessed a civil penalty in the amount of thirty-two thousand two hundred fifty dollars (\$32,250) in settlement of Ohio EPA's claim for civil penalties. Within fourteen (14) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of twenty-five thousand eight hundred dollars (\$25,800) in settlement of Ohio EPA's claims for civil penalties, which will be deposited into the Risk Management Plan fund established pursuant to ORC § 3753.05. Payment shall be made by an official check made payable to "Treasurer,

State of Ohio" for \$25,800. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, attention Brenda Case, 50 West Town Street, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility.

5. In lieu of paying the remaining six thousand four-hundred fifty dollars (\$6,450) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$6,450 to the Ohio EPA's fund for the Clean Diesel School Bus Program (Fund 5CD0). Respondent shall make payment within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$6,450. The official check shall be submitted to Brenda Case, together with a letter identifying the Respondent, the facility, and Fund 5CD0, to the above-stated address.
6. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor at the following address:

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

7. Should Respondent fail to fund the SEP within the required time frame set forth in Order 5, Respondent shall immediately pay to Ohio EPA \$6,450 of the civil penalty in accordance with the procedures in Order 4.

VI. TERMINATION

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

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

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a "facility official" who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

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

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

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

X. NOTICE

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

Kimberly Joseph
Ohio Environmental Protection Agency
DAPC
50 West Town St., Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein. Respondent hereby waives

the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

11/6/09
Date

IT IS SO AGREED:

Sunoco, Inc.



Signature

11/5/09
Date

KEVIN ROBLES
Printed or Typed Name

VP, REFINING EXCELLENCE
Title



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

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

MAILING ADDRESS:

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

NOV 12 2009

CERTIFIED MAIL

Mr. James S. Paris, Jr.
Agent
J.S. Paris Excavating, Inc.
11550 Mahoning Avenue
P.O. Box 219
North Jackson, Ohio 44451

Re: Proposed Director's Final Findings and Orders for the violation of ORC § 3704.05(G) and OAC Chapter 3745-20 due to demolition of two commercial structures in Beaver Township, Mahoning County, Ohio

Dear Mr. Paris:

My staff has informed me of the violation of Ohio Administrative Code ("OAC") Chapter 3745-20 ("Asbestos Emission Control Standards") and ORC § 3704.05(G) that were associated with J.S. Paris Excavating, Inc.'s failure to submit a notification of demolition prior to the demolition of two commercial structures located at 14941 and 14973 South Avenue, Beaver Township (Mahoning County), Ohio. I was also informed that J.S. Paris Excavating, Inc. submitted a notification of demolition after the violation was discovered by the Mahoning-Trumbull Air Pollution Control Agency, a contractual representative of Ohio EPA in Mahoning County, on or about January 30, 2008.

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 violation that occurred. I am proposing the use of Findings and Orders because this is the most expeditious means of resolving the violation. Because this letter and the attached documents summarize a proposed settlement, I consider them inadmissible for any purpose in any enforcement action the State may take if settlement cannot be reached.

Please note that the proposed Findings and Orders include a provision for 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 project has the primary benefits of reducing children's exposure to harmful diesel particulate emissions and helping attain the National Ambient Air Quality Standards for fine particulate (i.e., particles less than 2.5 microns in diameter). Information concerning the school retrofit program is provided in an enclosed document.

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

Ohio EPA is an Equal Opportunity Employer

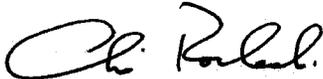
Mr. James S. Paris, Jr.
J.S. Paris Excavating, Inc.
Page 2 of 2

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

Enclosed is a copy of guidance on the administrative enforcement process, which you may find helpful in answering any questions on Ohio EPA's enforcement process.

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

Sincerely,



Chris Korleski
Director

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Tan Tran, DAPC
Stephen R. Feldmann, Legal Office
William Slanina/Misty Koletich, M-TAPCA

enclosures

CK:TT:tt

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A guide to the . . .

Administrative Enforcement Process

Within the Division of Air Pollution Control

Introduction

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

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

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

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

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

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

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

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

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

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

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

What will happen at the meeting?

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

Why do I have to pay a civil penalty?

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

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

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

Who from Ohio EPA will be at the meeting?

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

Who should I bring to the meeting?

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

News releases

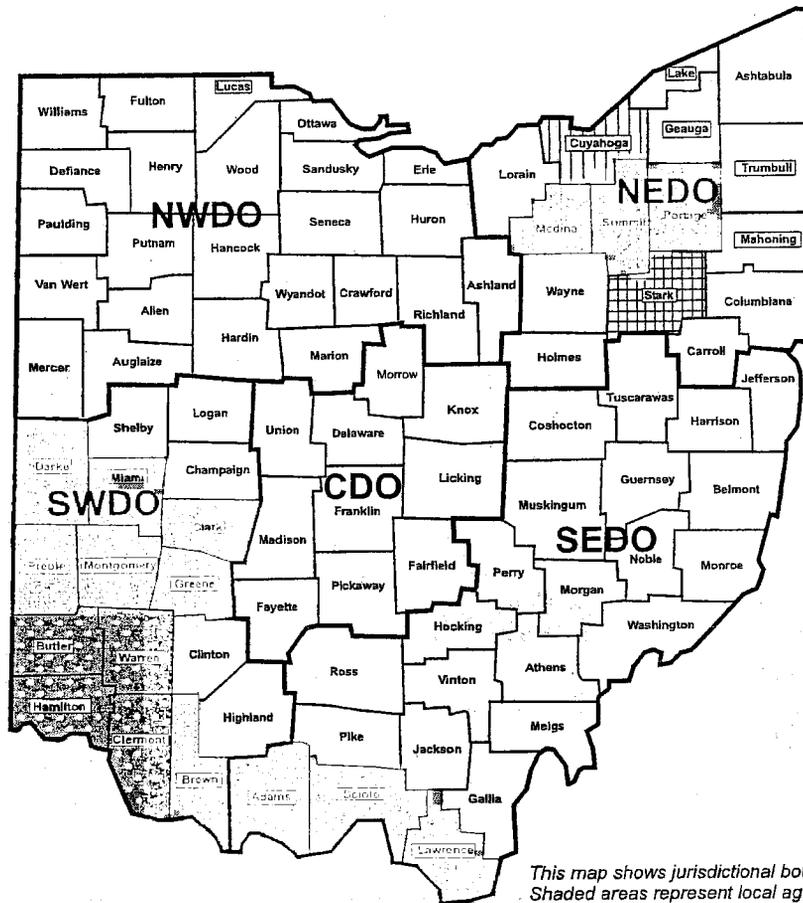
Please be aware that Ohio EPA may issue a news release to the media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about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

District Office and Local Air Agency Addresses and Phone Numbers

See the following pages.

Air Permit Review Agencies

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



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

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

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

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

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

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

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

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

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

J.S. Paris Excavating, Inc.	:	<u>Director's Final Findings</u>
11550 Mahoning Avenue	:	<u>and Orders</u>
P.O. Box 219	:	
North Jackson, Ohio 44451	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

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

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent 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, of 11550 Mahoning Avenue, North Jackson, Ohio, is a demolition contractor and not a licensed asbestos removal contractor in the State of Ohio. In December of 2007, Respondent was hired by Signature Development Group, LLC, of 23230 Chagrin Boulevard, Suite 700, Beachwood, Ohio, to demolish two commercial structures, which were located at 14941 and 14973 South Avenue, Beaver Township, Mahoning County, Ohio. Each of the above-referenced structures constituted a "facility" as defined by Ohio Administrative Code ("OAC") Rule 3745-20-01(B)(18). Respondent was an "operator" as defined by OAC Rule 3745-20-01(B)(39). The project involved a "demolition," as defined in OAC Rule 3745-20-01(B)(13).

2. The Mahoning-Trumbull Air Pollution Control Agency ("M-TAPCA"), a contractual representative of Ohio EPA in Mahoning County, first learned about the demolition project on January 30, 2008. On February 1, 2008, M-TAPCA personnel conducted a site inspection and discovered that the two former commercial structures had already been demolished sometime in November 2007 and that construction of a new facility was in progress. An asbestos survey, as required pursuant to OAC Rule 3745-20-02(A), was not provided by Respondent at the time of the inspection.

3. OAC Rule 3745-20-03(A) requires, in part, the owner or operator of a demolition project to submit a written notice of intention to demolish ("Notification") to Ohio EPA at least ten days prior to the start of the demolition if the project is as described in OAC Rule 3745-20-02(B)(1) or (B)(2).

4. ORC § 3704.05(G) prohibits any person from violating any rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704. OAC Chapter 3745-20 was adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704.

5. Respondent failed to submit a Notification to Ohio EPA at least ten days prior to the start of the above-mentioned demolition project, in violation of OAC Rule 3745-20-03(A) and ORC § 3704.05(G).

6. On March 11, 2008, Respondent was issued a notice of violation ("NOV") letter by M-TAPCA addressing the notification violation described in the above findings. In addition to the violation of the notification requirements, the NOV also cited Respondent for a violation of OAC Rule 3745-20-02(A) for failing to conduct an asbestos survey because Ohio EPA and M-TAPCA had no knowledge of any asbestos survey being done for the above-referenced structures.

7. On March 21, 2008, a Notification and an asbestos survey report dated June 14, 2007 were submitted by Respondent as requested in M-TAPCA's March 11, 2008 NOV letter. The attached asbestos survey report indicated that the above-referenced structures contained no asbestos.

8. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of eight thousand and five hundred dollars (\$8,500) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC § 3704.06. Within fourteen (14) days after the effective date of these

Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for six thousand and eight hundred dollars (\$6,800) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

2. In lieu of paying the remaining one thousand and seven hundred dollars (\$1,700) of civil penalty to Ohio EPA, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$1,700 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$1,700. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

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

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

4. Should Respondent fail to fund the SEP within the required timeframe in Order 2, Respondent shall immediately pay to Ohio EPA \$1,700 of the civil penalty in accordance with the procedures in Order 1.

VI. TERMINATION

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

VII. OTHER CLAIMS

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

Mahoning-Trumbull Air Pollution Control Agency
Oakhill Renaissance Place
2nd Floor - Room 25
345 Oak Hill Avenue
Youngstown, Ohio 44502-1454
Attention: William Slanina

and to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Thomas Kalman, Manager, Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees

to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

Date

AGREED:

J.S. Paris Excavating, Inc.

Signature

Date

Printed or Typed Name

Title

PENALTY CALCULATION WORKSHEET FOR VIOLATIONS INVOLVING ASBESTOS DEMOLITION OR RENOVATION PROJECTS

ENTITY NAME: J.S. Paris Excavating, Inc.

LOCATION(S) OF VIOLATIONS: Two commercial buildings at 14941 and 14973 South Avenue
Beaver Township, Mahoning County, Ohio

A. GRAVITY COMPONENT:

Comments

Note: Complete (1) or (2) and (3) and (4) below:

(1) No notice per section 3745-20-03 First (1) Second (2) Subsequent (3) <i>Must enter 1 or 2 or 3,4,5, ... or NA</i>	NA	<u>\$0</u>	
(2) No notice but substantive compliance First (1) Second (2) Subsequent (3) <i>Must enter 1 or 2 or 3,4,5, ... or NA</i>	1	<u>\$5,000</u>	Failure to provide Ohio EPA/ M-TAPCA with a notification of intent to demolish the buildings in November 2007.
(3) Late/incomplete notice:	NA	<u>\$0</u>	
(4) Substantive violations: First (1) Second (2) Subsequent (3) <i>Must enter 1 or 2 or 3,4,5, ... or NA</i>	NA		
Number of Asbestos Units: <i>(Do not enter units) auto-computed</i>	0.00		Not applicable.
Violation(s) of rule 3745-20-04:	NA		
Violation(s) of rule 3745-20-05:	NA		
Penalty per violation according to USEPA <i>(Do not enter amount) auto-computed</i>	\$0		
Number of sections violated:	0	<u>\$0</u>	
Number of additional days of violation:	0	<u>\$0</u>	Not applicable.
Size of the violator		<u>\$5,000</u>	Respondent's estimated net worth is between \$100,001 and \$1,000,000.
TOTAL GRAVITY COMPONENT:		<u><u>\$10,000</u></u>	

B. ECONOMIC BENEFIT COMPONENT:

(1) For asbestos on pipes-

Percent improperly removed:	0		Not applicable.
Dollar amount per linear foot:	\$0		
Linear feet involved in project, ft:	0	<u>\$0</u>	

Penalty Calculations Continued

J.S. Paris Excavating, Inc.

Page 2 of 3

(2) For asbestos on other components-

Percent improperly removed:	0	Not applicable.
Dollar amount per square foot:	\$0	
Square feet involved in project, ft ² :	0	<u>\$0</u>
TOTAL ECONOMIC BENEFIT:		<u><u>\$0</u></u>

Late, Incomplete or Inaccurate Notice

Enter "X" in the last line in the C column, if applicable

Notice submitted after asbestos removal completed (tantamount to no notice)	NA	<u>\$0</u>
Notice lacks both job location and asbestos removal starting and completion dates.	NA	<u>\$0</u>
Notice submitted while asbestos removal was in progress.	NA	<u>\$0</u>
Notice lacks either job location or asbestos removal starting and completion dates.	NA	<u>\$0</u>
Failure to update notice when the amount of asbestos changes by at least 20%.	NA	<u>\$0</u>
Failure to provide telephone and written notice when completion date changes.	NA	<u>\$0</u>
Notice lacks either asbestos removal starting or completion dates, but not both.	NA	<u>\$0</u>
Amount of asbestos in notice is missing, improperly dimensioned, or for multiple facilities.	NA	<u>\$0</u>
Notice lacks any other required information.	NA	<u>\$0</u>
Notice submitted late but prior to asbestos removal starting date.	NA	<u>\$0</u>
Semi-Total		<u><u>\$0</u></u>

Penalty Calculations Continued

J.S. Paris Excavating, Inc.

Page 3 of 3

C. Flexibility-Adjustment Factors:

1. Degree of willfulness or negligence: Percentage augmentation of gravity component	0%	<u>\$0</u>	
2. Degree of cooperation: Percentage mitigation of gravity component	15%	<u>(\$1,500)</u>	15% mitigation for Respondent's cooperation in promptly replying to M-TAPCA's NOV, and for settling this matter with Ohio EPA administratively.
3. History of noncompliance: Percentage augmentation of gravity component	0%	<u>\$0</u>	
4. Ability to pay: Percentage mitigation of gravity component	0%	<u>\$0</u>	
5. Other unique factors: Percentage mitigation or augmentation of gravity component	0%	<u>\$0</u>	

Net Flexibility-Adjustment Factor: (\$1,500)

Total minimum settlement amount: \$8,500



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

NOV 12 2009

CERTIFIED MAIL

Mr. Graham Roberts
President
EI Ceramics, LLC.
2600 Commerce Boulevard
Cincinnati, Ohio 45241

Re: Proposed Director's Final Findings and Orders for air pollution control permit and law violations associated with EI Ceramics, LLC., Hamilton County, Ohio

Dear Mr. Roberts:

My staff has informed me of the violations of ORC § 3704.05(C) and of the terms and conditions of permit-to-install ("PTI") 14-05345 and PTI 14-05702 associated with EI Ceramics, LLC's facility located in Cincinnati, Hamilton County, Ohio. I understand that EI Ceramics, LLC. has abated the violations.

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

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

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

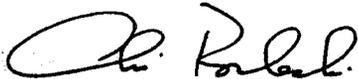
Mr. Graham Roberts
President
EI Ceramics, LLC.
Proposed Director's Final Findings and Orders
Page 2

2.5 microns in diameter). Information concerning the school bus retrofit program is provided in an enclosed document.

Please review the attached documents carefully. If you have any questions concerning the proposed Findings and Orders, or if you would like to arrange a meeting to try to negotiate a settlement, please contact Stephen Feldmann, of the Ohio EPA Legal Office, at (614) 644-3037. If he does not hear from EI Ceramics, 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 EI Ceramics, 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
Stephen Feldmann, Legal Office
Kerri Castlen/Chris Boss, HCDOES

Enclosures

CK:JK:jk

A guide to the . . .

Administrative Enforcement Process

Within the Division of Air Pollution Control

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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.

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

What will happen at the meeting?

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

Why do I have to pay a civil penalty?

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

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

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

Who from Ohio EPA will be at the meeting?

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

Who should I bring to the meeting?

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

News releases

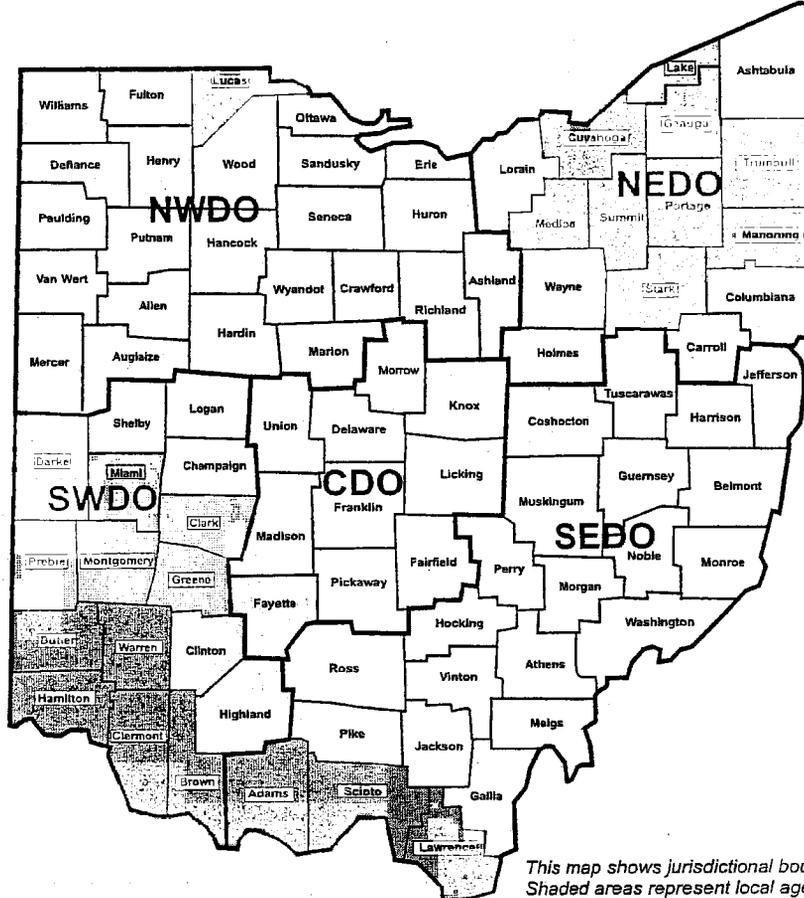
Please be aware that Ohio EPA may issue a news release to the media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about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

District Office and Local Air Agency Addresses and Phone Numbers

See the following pages.

Local Air Pollution Control Agencies

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



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

OhioEPA

District Offices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

El Ceramics, LLC.	:	<u>Director's Final Findings</u>
2600 Commerce Blvd.	:	<u>and Orders</u>
Cincinnati, Ohio 45241	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to El Ceramics, 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 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 facility (Facility ID 1431404130) located at 2600 Commerce Blvd., Cincinnati, Hamilton County, Ohio ("Facility"). At the Facility, Respondent manufactures ceramic parts that are used in the steel industry.
2. Hamilton County Department of Environmental Services ("HCDOES") is a contractual agent for Ohio EPA in Hamilton County for the administration of Ohio's air pollution rules and laws.
3. On November 19, 2002, Ohio EPA issued permit-to-install ("PTI") 14-05345 for a mixing process; blending, pressing, glazing and curing process; and a kiln, which are identified by Ohio EPA as emissions units ("EUs") P001, P002 and P003,

respectively. On May 27, 2008, Ohio EPA issued permits-to-operate ("PTOs") for EUs P001, P002 and P003. The terms and conditions of PTI 14-05345 and the PTOs contain applicable emission limitations and operational control and reporting requirements for EUs P001, P002 and P003. EUs P001 and P002 are controlled by individual fabric filters to control particulate emissions and individual thermal oxidizers to control organic compound ("OC") emissions. EU P003 is controlled by a thermal oxidizer to control OC emissions. The emissions units listed in PTI 14-05345 and the PTOs are "air contaminant sources" as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (X).

4. On June 21, 2005, Ohio EPA issued PTI 14-05702 for kiln #2 and curing oven #2, which are identified by Ohio EPA as EUs P004 and P005. On May 19, 2008, Ohio EPA issued PTOs for EUs P004 and P005. The terms and conditions of PTI 14-05702 and the PTOs contain applicable emission limitations and operational control and reporting requirements for EUs P004 and P005. EUs P004 and P005 are controlled by individual thermal oxidizers to control OC emissions. The emissions units listed in PTI 14-05702 and the PTOs are "air contaminant sources" as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (X).

5. On March 11, 2008, HCDOES conducted a compliance inspection at the Facility. As a result of this inspection, HCDOES determined that Respondent had, *inter alia*:

a. For EUs P001, P002, P003, P004 and P005, from April 30, 2005, (the date that the 1st quarterly deviation report for 2005 was due) until March 11, 2008, a total of 1046 days, Respondent failed to submit the annual emissions reports and the quarterly deviation reports for the years 2005, 2006 and 2007, in violation of the terms and conditions of PTI 14-05345, PTI 14-05702 and ORC § 3704.05(C). Respondent provided the annual emissions reports and the quarterly deviation reports for the years 2005, 2006 and 2007 to HCDOES at the time of the inspection;

b. For EU P001, from November 19, 2002 until March 24, 2008, a total of 278 days, Respondent failed to record the pressure drop across the fabric filter on a weekly basis, in violation of Section C.1. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C);

c. For EU P001, from November 19, 2002 until March 11, 2008, a total of 1938 days, Respondent failed to operate and maintain a continuous temperature monitor and recorder for the thermal oxidizer, in violation of Section C.2. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C). At the time of the inspection, Respondent made the necessary adjustments to ensure the monitor and recorder were continuously running;

d. For EU P002, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P002 is in operation, shall not be less than 1450 degrees Fahrenheit. For 55 percent of the operating time between November 19, 2002 and March 11, 2008, Respondent failed to keep the average combustion temperature of the thermal oxidizer at no less than 1450 degrees Fahrenheit, in violation of Section B.2. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C);

e. For EU P002, Respondent exceeded the annual OC emissions rate of 11.0 tons per year ("TPY") for the years 2006 and 2007, in violation of Section A.1. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C). Specifically, the annual OC emissions for 2006 and 2007 were 16.2 TPY and 20.0 TPY, respectively;

f. For EU P002, Respondent exceeded the monthly OC emissions rate of 0.92 ton per month ("TPM") for 23 months between June of 2005 and March of 2008, in violation of Section A.1. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C);

g. For EU P003, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P003 is in operation, shall not be more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2003 stack test, the average temperature is 1,335 degrees Fahrenheit. For 3 percent of the operating time between October of 2003 and March 11, 2008, Respondent failed to operate under this temperature designation, in violation of Section B.1. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C);

h. For EU P004, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P004 is in operation, shall not be more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2006 stack test, the average temperature is 1,395 degrees Fahrenheit. For 8.7 percent of the operating time between October 2006 and March 11, 2008, Respondent failed to operate under this temperature designation, in violation of Section B.1. of the terms and conditions of PTI 14-05702 and ORC § 3704.05(C);

i. For EU P005, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P005 is in operation, shall not be less than 1450 degrees Fahrenheit. For 79 percent of the operating time between June 21, 2005 and March 11, 2008, Respondent failed to keep the average combustion temperature of the thermal oxidizer at no less than 1450 degrees Fahrenheit, in violation of Section B.1. of the terms and conditions of PTI 14-05702 and ORC § 3704.05(C);

j. For EU P005, Respondent exceeded the annual OC emissions rate of 11.0 TPY for the years 2006 and 2007, in violation of Section A.1. of the terms and conditions of PTI 14-05702 and ORC § 3704.05(C). Specifically, the annual OC emissions for 2006 and 2007 were 13.0 TPY and 24.4 TPY, respectively; and

k. For EU P005, Respondent exceeded the monthly OC emissions rate of 0.92 TPM for 21 months between May of 2006 and March of 2008, in violation of Section A.1. of the terms and conditions of PTI 14-05702 and ORC § 3704.05(C).

6. HCDOES notified Respondent of the violations referenced in Finding No. 5 of these Orders in letters dated March 26 and May 20, 2008.

7. On April 24, 2008, Respondent submitted a compliance plan to HCDOES and, on May 30, 2008, Respondent installed an interlocking system on all emissions units to prevent operation of the thermal oxidizers if temperatures were to fall below permitted limits.

8. On August 19, 2008, HCDOES conducted a compliance inspection at the Facility. As a result of this inspection, HCDOES determined that all emissions units were in compliance with the terms and conditions of the PTOs, PTI 14-05345, PTI 14-05702.

9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of one hundred seventy-five thousand dollars (\$175,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within fourteen (14) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for one hundred forty thousand dollars (\$140,000) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

2. In lieu of paying the remaining thirty-five thousand dollars (\$35,000) of the civil penalty, Respondent shall, within fourteen (14) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$35,000 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$35,000. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

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

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

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$35,000 of the civil penalty in accordance with the procedures in Order 1.

VI. TERMINATION

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

VII. OTHER CLAIMS

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

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

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

X. NOTICE

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

Hamilton County Department of Environmental Services
250 William Howard Taft Road
Cincinnati, Ohio 45219
Attn: Kerri Castlen

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:

EI Ceramics, LLC.

Signature

Date

Printed or Typed Name

Title

AIR CIVIL PENALTY WORK SHEET
 EI Ceramics, LLC.
 2600 Commerce Blvd., Cincinnati, Ohio
 (for settlement purposes only)

A. Benefit Component:		\$0	Economic benefit is negligible (i.e. < \$5,000).
B. Gravity Component: 1. Actual or possible harm:			
a. Amount above standard:	\$25,000		The highest value exceeding the annual emission limit for EUs P002 and P005 was 24.4 tons of OC for EU P005 in 2007. The annual emissions limit is 11.0 tons per year. $[(24.4-11.0)/11.0] \times 100 = 122\%$ above the standard.
b. Toxicity:	\$0		Not applicable
c. Sensitivity of the environment:	\$10,000		Cincinnati – Hamilton County is a basic non-attainment County for ozone.
d. Length of violation: i.	\$0		For EUs P001, P002, P003, P004 and P005, Respondent failed to timely submit the 2005, 2006 and 2007 annual emissions reports and quarterly deviation reports, in violation of the terms and conditions of PTI 14-05345, PTI 14-05702 and ORC § 3704.05(C). The 2005 annual report and 1 st quarter 2005 deviation report were due 1/31/06 and 4/30/05 and received by Ohio EPA on 3/11/08. 4/30/05 until 3/11/08, 1046 days late (~35 months). Respondent had the reports available at the time of the March 11, 2008 inspection. Ohio EPA is not applying a penalty here because this is being considered a first-time paper work violation.
ii.	\$15,000		For EU P001, from November 19, 2002 until March 24, 2008, Respondent failed to record the pressure drop across the fabric filter on a weekly basis, in violation of Section C.1. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C). Pressure drop was

			only required to be recorded weekly; therefore, 1951 days/7 days a week = 278 weeks. Once a week would be 278 days (~9 months) of violations.
iii.	\$55,000		For EU P001, from November 19, 2002 until March 11, 2008, 1938 days (~65 months), Respondent failed to operate and maintain a continuous temperature monitor and recorder for the thermal oxidizer, in violation of Section C.2. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C).
iv.	\$25,000		For each of EUs P002 & P005, Respondent exceeded the monthly OC emissions rate of 0.92 ton per month for 23 months between June of 2005 and March of 2008 for EU P002 and for 21 months between May of 2006 and March of 2008 for EU P005, in violation of Section A.1. of the terms and conditions of PTI 14-05345, PTI 14-05702 and ORC § 3704.05(C). For EUs P002 & P005, Respondent exceeded the 0.92 ton per month emissions limit for 21 of the same months and two different months for EU P002; therefore the length of time is 23 months.
2. Importance to the regulatory scheme:			
a. Testing violation:	\$0		Not applicable
b. Emissions control equipment violation: i.	\$15,000		For EU P002, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P002 is in operation, shall not be less than 1450 degrees Fahrenheit. For 55 percent of the operating time between November 19, 2002 and March 11, 2008, Respondent failed to keep the average combustion temperature of the thermal oxidizer at or above 1450 degrees Fahrenheit, in violation of Section B.2. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C).

ii.	\$5,000	<p>For EU P003, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P003 is in operation, shall not be more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2003 stack test, this temperature is 1,335 degrees Fahrenheit. For 3 percent of the operating time between November 19, 2002 and March 11, 2008, Respondent failed to operate under this temperature designation, in violation of Section B.1. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C).</p>
iii.	\$5,000	<p>For EU P004, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P004 is in operation, shall not be more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2006 stack test, this temperature is 1,395 degrees Fahrenheit. For 8.7 percent of the operating time between October 2006 and March 11, 2008, Respondent failed to operate under this temperature designation, in violation of Section B.1. of the terms and conditions of PTI 14-05702 and ORC § 3704.05(C).</p>
iv.	\$15,000	<p>For EU P005, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when EU P005 is in operation, shall not be less than 1450 degrees Fahrenheit. For 79 percent of the operating time between June 21, 2005 and March 11, 2008, Respondent failed to keep the average combustion temperature</p>

			of the thermal oxidizer at 1450 degrees Fahrenheit, in violation of Section B.1. of the terms and conditions of PTI 14-05702 and ORC § 3704.05(C).
c. Violation of an administrative order:	\$0		Not applicable
d. Rule violations:	\$0		Not applicable
e. Reporting violations: i.	\$5,000		For EUs P001, P002, P003, P004 and P005, Respondent failed to timely submit the 2005, 2006 and 2007 annual emissions reports and quarterly deviation reports, in violation of the terms and conditions of PTI 14-05345 and PTI 14-05702, and ORC § 3704.05(C). The 2005 annual report and 1 st quarter 2005 deviation report were due 1/31/06 and 4/30/05 and received by Ohio EPA on 3/11/08, 1046 days late (~35 months).
f. Record-keeping violations: i.	\$15,000		For EU P001, from November 19, 2002 until March 24, 2008, Respondent failed to record the pressure drop across the fabric filter on a weekly basis, in violation of Section C.1. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C).
ii.	\$5,000		For EU P001, from November 19, 2002 until March 11, 2008, 1938 days (~65 months), Respondent failed to operate and maintain a continuous temperature monitor and recorder for the thermal oxidizer, in violation of Section C.2. of the terms and conditions of PTI 14-05345 and ORC § 3704.05(C).
g. Compliance certification violations	\$0		Not applicable
h. Title V compliance schedule violations:	\$0		Not applicable
3. Size of violator:	\$10,000		Net worth (about \$3,000,000) is estimated at 20% of annual sales (annual sales are \$10,000,000 to \$20,000,000 from Reference USA

			database, average \$15,000,000).
Preliminary Deterrence Amount		\$205,000	
Initial Gravity Component:		\$205,000	
C. Adjustment Factors:	\$0		Not applicable
1. Degree of willfulness or negligence: (total gravity component times any augmentation percentage)			
2. Degree of cooperation: (total gravity component times any mitigation percentage)	(\$20,500)		10% mitigation for cooperation for immediately correcting violations.
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)	(\$9,500)		10% reduction for installing a \$55,672 interlocking system that shuts down the emissions units if the temperatures of the thermal oxidizers fall below the permitted levels. 10% reduction applies to violations 1.d.iii. and 2.b.i. - 2.b.iv.
D. Adjusted Gravity Component:		\$175,000	
E. Administrative Component:	\$0		Not applicable
F. Initial Settlement Amount:		\$175,000	