AGENDA FOR THE AUGUST 27, 2009 EC MEETING

CASES TO BE CLOSED:

Ohio Department of Natural Resources, Division of Forestry, Shawnee State Forest (VCs of 5/14 and 6/10/08 from Ms. Carpenter and Ms. Lund)	#2732	PLAA	Dismissal Letter	John/Marc
Hishan Jundi, d.b.a. Avon Lake Shell	#2807	NEDO	AGO Referral	Tom/Marc
Saif Kahn, d.b.a. Lakeland Citgo	#2812	NEDO	Final F&Os	Tom/Marc
Joseph Parker	#2846	SWDO	Unil. F&Os	John/Marc

PENDING CASES:

Quikrete-Cleveland	#2685	Akron	Prop. F&Os	Tom/Don
Quality Ready Mix, Inc.	#2713	NWDO	Prop. F&Os	Tom/Bryan
Barberton Steel Industries, Inc.	#2830	Akron	DWL	Tom/Marc
Flying J, Inc. (Austinburg Truck Stop)	#2837	NEDO	Prop. F&Os	Tom/Marc
Englefield, Inc., d.b.a. Ashtabula Duchess	#2838	NEDO	DWL	Tom/Steve
Sandusky Dock Corporation	#2848	NWDO	Prop. F&Os	Jim/Bryan

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) Jim 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, September 10, 2009 at 3:00 p.m. in DAPC Rm C. John is scheduled for food. (Future food schedule: Don for September 24; Bryan for October 8.)

ENFORCEMENT COMMITTEE MEETING MINUTES

(August 27, 2009)

		Dates:	
Case Number:	2732 (VC)	**EAR**:	04/08/08
Entity:	ODNR, Division of Forestry	**DWL**:	N/A
Field Office:	Portsmouth LAA	**F&Os**:	N/A
Contact:	John Paulian	**Referral**:	N/A
Attorney:	Marc Glasgow	**Dismissal**:	08/14/09

Background: Verified complaints were filed by Cheryl Carpenter and Barbara Lund against the Ohio Department of Natural Resources, Division of Forestry (ODNR"), regarding open burning activities conducted on April 8, 2008, in the Backcountry Unit of Shawnee State Forest, located in Scioto County, Ohio. The verified complaints were received by Ohio EPA on May 14 and June 10, 2008. Both complainants alleged that ODNR violated its permission to conduct prescribed burn operations in the Backcountry Unit by allowing burning to occur outside of the boundaries defined in the permission to burn during the April 8, 2008 prescribed burn.

In addition, Ms. Carpenter specifically alleged that the prescribed burn produced a prohibited amount of smoke and particulate matter, causing negative health effects and caused impaired visibility on Forest Road 2. She also alleged that air monitoring was not conducted during the burn operations because ODNR failed to notify the Portsmouth Local Air Agency (PLAA). She also stated that ODNR is doing an inadequate job contacting and educating the forest residents about the notification process.

Ms. Lund also alleged that burning outside these boundaries resulted in the diminishment of natural life and habitat that was consumed by the fire and stated that the escaped fires demonstrated that prescribed fires of such a large size cannot be completely controlled and thus constitute an unacceptable safety risk to the forest and to the general public, as well as the firefighters involved.

PLAA conducted a thorough investigation of the verified complaints. A summary of its investigation is outlined below by issue.

Spotfires: On November 1, 2007, PLAA received five applications from ODNR requesting permission to conduct prescribed burns in the Shawnee State Forest between November 1, 2007, and April 30, 2008 to address the silvicultural needs of the forest by reducing heavy fuel load accumulations from the ice storm of 2003.

After reviewing the applications, PLAA determined that the proposed prescribed burn operations were in an unrestricted area, as defined in Ohio Administrative Code ("OAC") Rule 3745-19-01(K) and therefore allowable as a recognized silvicultural practice, per OAC Rules 3745-19-04©)(5) and 3745-19-05. On November 5, 2007PLAA granted ODNR permission to conduct the prescribed burns under the terms and conditions in burning permits # 07-26 through #07-30. PLAA burning permit #07-30 specifically granted ODNR approval to conduct prescribed burning activities in the Backcountry Unit of the Shawnee State Forest. This area was defined as being bound by #5 Bridle Trail on the east side, and by the Shawnee Backpack Hiking Trail on the north, south, and west sides. ODNR was permitted to burn no more than 800 acres total in this area starting November 14, 2007, and ending on April 30, 2008. The prescribed burn of 193 acres in the Backcountry Unit took place on April 8, 2008.

On April 23, 2008, PLAA received a complaint from Ms. Lund alleging that ODNR had violated burn permit #07-30 by allowing the fire to jump the fire lines resulting in areas outside of the boundaries specified in the burn permit to be burned.

PLAA contacted Mike Bowden, the Prescribed Burn Manager for the operation, on April 24, 2008, to discuss the alleged violations of burn permit #07-30. He acknowledged that there were several places where wind blew embers across the fire line causing spot fires totaling approximately four acres, but that these fires did not escape and develop into a wildfire. He further stated that there were fire engines on hand to take care of spot fires.

On April 25, 2008, PLAA conducted a site visit of the #5 Bridle Trail in the Backcountry Unit where the April 8, 2008 prescribed burn took place. Accompanied by the Shawnee State Forest, District Forest Manager, the PLAA inspector observed four areas where spot fires had occurred, each of which were outside the boundaries specified in burn permit #07-30. The inspector noted that no residential structures were observed within a mile of the areas in question. On October 2, 2008, PLAA issued a Notice of Violation ("NOV") to ODNR, Division of Forestry, for violation of the conditions of burn permit #07-30 by burning outside of the allowed burn area. PLAA requested a response in writing

within 14 days (later extended by an additional 14 days) describing how future prescribed burns could be conducted in accordance with the conditions of the permission to open burn.

ODNR responded to the PLAA NOV in a letter dated October 31, 2008. It also provided additional information to PLAA and Ohio EPA in a conference call held on October 22, 2008, a meeting conducted on January 7, 2009, and in a letter to Ohio EPA, DAPC, dated January 27, 2009.

In its responses, ODNR emphasized the difference between a spot fire and an escaped fire. A spot fire is defined as a small, containable fire caused by the transport of embers or burning debris past containment lines that can be controlled and extinguished with on-hand resources. An escaped fire is considered to be a fire outside the prescribed burn area that has exceeded the initial attack capabilities and requires additional resources to be brought under control.

ODNR stated that its policy requires that a site-specific burn plan be developed by the Certified Prescribed Burn Manager responsible for the prescribed burn prior to beginning ignition operations. Contingency plans addressing what actions are to be taken in the event of the occurrence of spot fires or escaped fires are developed as part of each burn plan. This planning takes into account factors such as topography, fuel moisture conditions, and meteorological conditions to estimate the potential for spot fires. Because of the variability of weather and fuel moisture, the contingency plans are reviewed and final assessments are completed on the day of the prescribed burn before the start of operations.

These plans include a description of the procedures and protocols to be followed in the event of a spot fire, the actions to be taken, and the resources to be allocated to suppressing a spot fire. The focus of each plan is to minimize the area burned by the spot fire and ensure fire fighter safety. If the spot fire cannot be contained, the burn will be declared a wildfire, all prescribed ignition will be halted, and additional suppression resources will be requested. The contingency planning section of each burn plan includes a map of the secondary contingency lines surrounding the prescribed burn area and provides examples of the type of firefighting equipment that will be available to suppress any spot fires. It also identifies the personnel responsible for coordinating these efforts.

In its January 27, 2009, response to PLAA and Ohio EPA ODNR provided additional details regarding the April 8, 2008 prescribed burn and the spot fire suppression operations. ODNR stated that the contingency plan outlined in the prescribed burn plan for the Backcountry Unit was successfully implemented and followed to suppress and subsequently mop up the spot fires that had occurred. All four spot fires occurred on Division of Forestry lands and were not near any structures or property not owned by ODNR. No additional assistance beyond the resources on hand for the prescribed fire operations were needed to suppress the spot fires.

ODNR also noted in this letter that an additional spot fire had occurred in an area adjoining the Backcountry Unit for which permission to conduct prescribed burn operations had previously been granted by PLAA. This spot fire had occurred in the East Fork Unit (PLAA burn permit #07-29), involved approximately 800 square feet (20' x 40'), and had been contained and extinguished per ODNR's contingency plan. The proximity of residences and the potential impact of smoke from prescribed burn operations of up to 250 acres in this area had already been evaluated by PLAA and found to be acceptable.

Excess particulate emissions: On September 5, 2008, at PLAA's request, ODNR submitted VSmoke modeling data for the prescribed burn of the 283 acre subunit of Backcountry Unit that was burned in the April 8, 2008, operation. VSmoke is a smoke dispersion modeling program that is used to model scenarios of various meteorological conditions to estimate the air quality impact downwind of the prescribed burn operations and help determine a prescription (i.e., a range of meteorological conditions) that will minimize this impact.

ODNR stated the weather forecast for the day of the burn predicted conditions well inside the parameters set for the burn operations. In all of the VSmoke model runs, even those with conditions much less favorable for smoke dispersion than were present on the day of the burn, PM 2.5 levels were predicted to be within acceptable ranges 2.5 to 3 miles from the burn unit.

The prescribed burn conducted on April 8, 2008, consisted of 196 acres total, including four to five acres burned by spot fires, less than the total acreage that had been modeled. Weather conditions during the prescribed burn were within the prescription established by ODNR and the VSmoke modeling results were within acceptable parameters. The area burned by the spot fires consist of less than 3% of the total and would not have caused a significant impact regarding

modeling results or in the amount of particulate produced during the prescribed burn.

Roadway visibility: During its investigation, PLAA was unable to substantiate the allegation that visibility on Forest Road 2 was significantly impaired during the prescribed burn operation. Photographs submitted by the complainant were inconclusive and no other complaints regarding visibility on the forest roads were received by the PLAA.

ODNR stated that the Certified Prescribed Burn Manager on the scene is responsible for the tactical decision to close or not close forest roads during the prescribed burn operations. The forest roads typically remain open to the public during prescribed burn operations and would generally remain so unless forest law enforcement officers determine conditions have become unsafe, at which time they would close the road. During the April 8, 2008, prescribed burn signs were posted and forestry law enforcement officers stationed along the roads during the prescribed burn operations. Mr. Bowden stated that he did not feel the conditions he observed represented a visibility hazard and therefore did not order the roads to be closed.

Other allegations: Air quality monitoring is not required by either the open burn permission or by rule and is conducted only if the sampling equipment and personnel are available. ODNR did notify PLAA on the morning of the prescribed burn operation when the decision to proceed with the prescribed burn was made. PLAA has included in the prescribed burn permission conditions that ODNR provide notice the day prior to the ignition of the prescribed burn.

Open burn permissions do not require individuals or organizations to provide public notification prior to conducting open burning operations. As part of its investigation, PLAA reviewed the process ODNR used to notify nearby residents of its intent to conduct the prescribed burns in the Shawnee State Forest. PLAA strongly recommended ODNR also notify residents in close proximity to the prescribed fire sites directly, as had been done in the past.

The remaining issues raised by the complainants, such as the purpose of ODNR's prescribed burn program in state forests and the need for such a program, and the impact to the flora or fauna located in the prescribed burn area fall outside of Ohio EPA's jurisdiction and are ODNR responsibility as it is the agency responsible for the management of State Forest land.

Based upon the above information, PLAA and Ohio EPA determined that the NOV issued to ODNR was satisfactorily responded to and that adequate procedures are in place to address the issue of spot fires that occur outside of the prescribed burn area. Based on analysis of the data and information available, PLAA and Ohio EPA could not substantiate the alleged violations related to excess smoke and particulate emissions generated by the prescribed fire, or the allegations of restricted visibility on area roadways.

Action: On August 14, 2009, a letter from the Director was sent to the two complainants dismissing the verified complaints.

CASE CLOSED

		Dates:	
Case Number:	2807	**EAR**:	03/16/09
Entity:	Hishan Jundi d.b.a. Avon Lake Shell	**DWL**:	N/A
Field Office:	NEDO	**F&Os**:	05/01/09 (prop.)
Contact:	Jim Kavalec/Tom Kalman	**Referral**:	N/A
Attorney:	Marcus Glasgow	**Dismissal**:	N/A

Background: On May 1, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Hishan Jundi, d.b.a. Avon Lake Shell, in an attempt to achieve an administrative settlement of the violations of the Stage II vapor control system requirements in OAC Rule 3745-21-09(DDD) for the gasoline dispensing facility ("GDF") located at 33433 Lake Road, Avon Lake, Lorain County, Ohio. The F&Os cited Mr. Jundi with the following violations:

(1) OAC Rule 3745-21-09(DDD)(1)(b) and (c), for causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle while the vapor control system was malfunctioning and without successfully passing the testing requirements in OAC Rule 3745-21-09(DDD)(2), from March 8, 2007 until May 1, 2007;

(2) OAC Rule 3745-21-09(DDD)(3)(a)(iii) and (vi), for failing to maintain maintenance logs for the Stage II vapor control system and failing to possess proof of completion of Stage II training for the operator or manager of the GDF, from

March 8, 2007 until March 18, 2008;

(3) OAC Rule 3745-21-09(DDD)(1)(b) and (c), for causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle while the vapor control system was malfunctioning and without successfully passing the testing requirements in OAC Rule 3745-21-09(DDD)(2), from March 18, 2008 until the present;

(4) OAC Rule 3745-21-09(DDD)(2)(f), for failing to complete and successfully pass the annual static leak and A/L ratio tests within one year from the last test (May 1, 2007) to the present;

(5) OAC Rule 3745-78-02(D) and (G), for failing to submit fee emission reports for calendar years 2006 and 2007, which were due by June 6, 2008; and

(6) ORC § 3704.05(G), for failing to comply with above-mentioned rules adopted by the Director pursuant to ORC Chapter 3704.03.

The F&Os proposed to require Mr. Jundi, within 30 days after the effective date of the F&Os, to submit a Permit-By-Rule ("PBR") notification for this GDF since the permit renewal application, submitted by the previous owner, was never processed by Ohio EPA. Also, the F&Os proposed to require Mr. Jundi, within 30 days after the effective date of the F&Os, to demonstrate that the vapor control system is operating correctly by conducting and passing the static leak and A/L ratio tests. The proposed F&Os would also require Mr. Jundi to conduct weekly inspections of the Stage II vapor control system for the next two ozone seasons (April 1, 2010 to October 31, 2010, and April 1, 2011 to October 31, 2011), checking for leaks, malfunctions or damage to the system. Copies of the records of these inspections and any repairs made are required to be submitted to Ohio EPA by August 14 of each year for the period from March 15 through July 31 and by November 14 of each year for the period from August 1 through October 31. Also, during the next two ozone seasons (2010 and 2011), the F&Os proposed to require Mr. Jundi to perform static leak and A/L ratio tests at this GDF prior to the beginning (during March) of each ozone season and during August of each ozone season. The results of these tests must be submitted to Ohio EPA within 14 days of completion of the tests. Lastly, the proposed F&Os would require Mr. Jundi to pay Ohio EPA a civil penalty in the amount of $27,000, from which $5,400 was to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

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

Ohio EPA did not receive a response from Mr. Jundi concerning the May 1, 2009 proposed F&Os. Attempts to reach Mr. Jundi have been unsuccessful. On June 11 and July 31, 2009, Ohio EPA Legal Office attempted to contact Mr. Jundi and on both occasions spoke with an employee who indicated Mr. Jundi was not available, but he would pass along a message for him. The employee was informed that if Ohio EPA did

not hear back from Mr. Jundi, it may be necessary to refer the case to the Attorney General's Office ("AGO"). Mr. Jundi has not contacted Ohio EPA despite the messages. Therefore, DAPC recommended to the Director that the case be referred to the AGO.

Action: In August 19, 2009 letter to the AGO, the Director referred these violations to the AGO for enforcement action. The referral letter requests that the AGO obtain either a consent order or a court order with the injunctive relief sought in the proposed F&Os and with a reasonable civil penalty consistent with the policy.

CASE CLOSED

		Dates:	
Case Number:	2812	**EAR**:	03/25/09
Entity:	Saif Khan, d.b.a. Lakeland Citgo	**DWL**:	N/A
Field Office:	NEDO	**F&Os**:	08/20/09
Contact:	Jim Kavalec/Tom Kalman	**Referral**:	N/A
Attorney:	Marcus Glasgow	**Dismissal**:	N/A

Background: On May 1, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Saif Khan, d.b.a. Lakeland Citgo, to attempt an administrative settlement of the violations of the Stage II vapor control system requirements of OAC Rule 3745-21-09(DDD) associated with the gasoline dispensing facility ("GDF") located at 30460 Lakeland Blvd., Wickliffe, Ohio. The proposed F&Os cited Mr. Khan for the following violations:

(1) On September 28, 2006, the static leak test passed the annual testing requirements, but the air-to-liquid ("A/L") ratio test failed due to multiple error codes on the Stage II vapor control system. Subsequent A/L ratio retests on October 5, 2006 and January 12, 2007 failed due to problems requiring the replacement of several dispenser nozzles and hoses. The GDF was operated prior to and after each failed test. The failure to operate the Stage II vapor control system free of defect and successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (DDD)(1)(c), PTI #02-19108, and ORC §

3704.05(C) and (G). A passing A/L ratio test was conducted on February 22, 2007.

(2) On November 5, 2007, the static leak test passed the annual testing requirements, but the A/L ratio test failed due to multiple error codes on the Stage II vapor control system. The GDF was operated prior to and after each failed test. An A/L ratio retest on May 28, 2008 also failed. Again, these were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (DDD)(1)(c), PTI #02-19108, and ORC § 3704.05(C) and (G). A passing A/L ratio test was conducted on July 17, 2008.

(3) On December 17, 2008, the static leak test passed the annual testing requirements, but the A/L ratio test failed for dispensers 4, 8 and 9. On January 15, 2009, an A/L ratio retest was conducted, with dispenser 4 passing the test and dispensers 8 and 9 failing the test. The GDF was operated prior to and after each failed test. Again, these were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (DDD)(1)(c), PTI #02-19108, and ORC § 3704.05(C) and (G). A passing A/L ratio test was conducted on dispensers 8 and 9 on March 9, 2009.

(4) Mr. Khan failed to timely submit the 2006 and 2007 fee emission reports, which were due by June 6, 2008, in violation of OAC Rule 3745-78-02(D) and (G) and ORC § 3704.05(G). The reports were submitted on May 22, 2009.

The F&Os proposed to require Mr. Khan to conduct weekly inspections of the Stage II vapor control system for the next two ozone seasons (2010 and 2011), checking for leaks, malfunctions or damage to the system. Copies of the records of these inspections and any repairs made are required to be submitted to Ohio EPA by August 14 of each year for the period from March 15 through July 31 and by November 14 of each year for the period from August 1 through October 31. Also, during the next two ozone seasons (2010 and 2011), the F&Os propose to require Mr. Khan to perform static leak and A/L ratio tests at this GDF prior to the beginning (during March) of each ozone season and during August of each ozone season. The results of these tests must be submitted to Ohio EPA within 14 days of completion of the tests. Lastly, the proposed F&Os would require Mr. Khan to pay Ohio EPA a civil penalty in the amount of $25,000, from which $5,000 will go towards the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. The penalty was determined using the Enhanced Enforcement Protocol penalty policy for Stage II vapor control system violations.

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

A settlement was reached via phone conversations between Mr. Khan's counsel and DAPC's attorney. A payment plan was provided to minimize any adverse financial impact on Mr. Khan's business.

Action: On August 20, 2009, final F&Os were issued to Mr. Khan. The F&Os continue to require the inspections and testing for the next two ozone seasons as in the proposed F&Os. A civil penalty of $10,000 is required to be paid to Ohio EPA, of which $2,000 is to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP within 30 days after the effective date of the F&Os. The remaining $8,000 is to be paid as follows:

$500 within 30 days after the effective date of the F&Os;
$2,500 within 120 days after the effective date of the F&Os;
$2,500 within 210 days after the effective date of the F&Os; and
$2,500 within 300 days after the effective date of the F&Os.

CASE CLOSED

		Dates:	
Case Number:	2846	**EAR**:	08/03/09
Entity:	Joseph Parker	**DWL**:	
Field Office:	SWDO	**F&Os**:	08/18/09 (final)
Contact:	Eric Yates/John Paulian	**Referral**:	
Attorney:	Marc Glasgow	**Dismissal**:	

Background: On July 20, 2009, an Ohio EPA SWDO DERR inspector responded to a complaint of an open burning event at Mr. Parker's property located at 3187 County Road 12 that occurred on or about July 18, 2009. The inspector discovered a large pile of demolition debris including asphalt shingles that had been placed into a dry creek bed and burned. The pile also contained computer equipment and mail that was used to identify Mr. Parker as the person responsible for the burning. The DERR inspector took multiple pictures of the burn pile and of the mail that was used to identify Mr. Parker.

The open burning of demolition debris in an unrestricted area is prohibited by OAC rule 3745-19-04.

The open burning is also being investigated by the Logan County Health Department for possible solid waste violations

Action: On August 18, 2009, Director's Unilateral Final Findings and Orders were sent to Mr. Parker. The Orders require Mr. Parker to pay a civil penalty of $250 to settle the open burning violations.

CASE CLOSED

		Dates:	
Case Number:	2685	**EAR**:	12/14/07
Entity:	Quikrete-Cleveland	**DWL**:	N/A
Field Office:	Akron	**F&Os**:	08/20/09 (prop)
Contact:	Urvi Doshi/Tom Kalman	**Referral**:	N/A
Attorney:	Donald L. Vanterpool	**Dismissal**:	N/A

Background: Quikrete-Cleveland ("Quikrete") has corporate offices located at 8951 Schaefer Highway, Bldg. #4 in Detroit, Michigan. It owns and operates a cement blending and packaging plant located at 2693 Lake Rockwell Road, Shalersville Township, Portage County, Ohio. Air contaminant sources at the plant consist cement packaging operations with baghouse (emissions unit P901), a fluid bed dryer (emissions unit P902), roadways and parking areas (emissions unit F001), and storage piles (emissions unit F002). Quikrete was issued Permit to Install ("PTI") #16-1513 on October 18, 1995 and permits to operate ("PTOs") on July 5, 2005 for these emissions units.

Between November 19, 2007 and July 29, 2008, on three days, visible particulate emission observations demonstrated violations of the visible particulate emission limit of one minute during any 60-minute period for the paved roadways of emissions unit F001, in violation of PTI #16-1513, the PTO, and ORC § 3704.05(C).

PTI #16-1513 and the PTO for emissions unit P901 require Quikrete to not allow any visible emissions of fugitive dust from the building housing this emissions unit. Between September 24, 2007 and December 15, 2008, on 37 days, visible particulate emissions of fugitive dust were observed from the building housing emissions unit P901, in

violation of PTI #16-1513, the PTO and ORC § 3704.05(C). Quikrete corrected these violations by repairing the baghouse and the broken parts of the production building and storage bin vents.

PTI #16-1513 and the PTO for emissions unit P901 and OAC Rule 3745-15-07 prohibit Quikrete from causing a public nuisance by the emission of air contaminants from this emissions unit. Between September 20, 2007 and October 25, 2007, six fugitive dust emission incidents involving emissions unit P901 caused a public nuisance in the vicinity outside of the facility, which endangered the health, safety or welfare of the public, or caused unreasonable injury or damage to property, in violation of PTI #16-1513, the PTO, OAC Rule 3745-15-07, and ORC § 3704.05(C) and (G).

Quikrete failed to timely submit quarterly deviation reports for the following calendar quarters: 2nd, 3rd and 4th quarters of 2005; 1st, 2nd, 3rd and 4th quarters of 2006; 1st, 2nd, 3rd and 4th quarters of 2007; and 1st quarter of 2008, in violation of PTI #16-1513 and ORC § 3704.05(C). The delinquent reports were finally submitted on July 25, 2008.

Quikrete failed to keep records of daily inspections for determining the need to implement control measures for emissions unit F001, in violation of PTI #16-1513 and ORC § 3704.05(C). On February 15, 2009, Quikrete submitted information on the daily inspections and record-keeping of visible emissions for emissions units F001 and F002 from January 2008 through December 2008.

On December 14, 2007, Akron submitted an Enforcement Action Request to Central Office to obtain compliance and the payment of a civil penalty.

Action: On August 20, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Quikrete to attempt an administrative settlement of the violations. The F&Os propose to require Quikrete to:

(1) upon the effective date of the F&Os and thereafter, maintain emissions units P901, P902, F001 and F002 in compliance with the visible emission limitations and control requirements in PTI #16-1513;

(2) pay a total civil penalty of $85,500 to Ohio EPA;

(3) within 14 days after the effective date of the F&Os, pay $68,400 of the total civil penalty to Ohio EPA; and

(4) within 14 days after the effective date of the F&Os, pay $17,100 of the total civil penalty to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

CASE CONTINUED

		Dates:	
Case Number:	2713	**EAR:**	04/10/08
Entity:	Quality Ready Mix, Inc.	**DWL:**	N/A
Field Office:	NWDO	**F&Os:**	08/20/09 (prop.)
Contact:	Patty Porter/Tom Kalman	**Referral:**	N/A
Attorney:	Bryan Zima	**Dismissal:**	N/A

Background: Quality Ready Mix, Inc. ("Quality") of St. Marys, Ohio, owned and operated a concrete batching plant that was formerly located at 1670 North McCullough Street in Lima, Allen County, Ohio. The facility mixed cement and other raw materials to produce concrete that was sold to various customers. Cement was delivered to the facility by trucks and pneumatically unloaded into a cement storage silo equipped with a fabric filter to control particulate emissions during loading of the silo. The cement along with other raw materials was weighed in weigh hoppers that were also equipped with a fabric filter to minimize particulate emissions. In December 2008, Quality gave notice that it was ceasing operations at this site and removed the equipment from the site. Quality owns and operates several other concrete batching facilities in Ohio.

On October 30, 1991, DAPC issued PTI #03-6000 to Quality for the installation of the facility. The PTI required Quality to conduct regular maintenance on the facility's air pollution control equipment in accordance with good engineering practices to minimize air contaminant emissions. The PTI also specified that the cement silo and weigh hoppers are subject to the requirements of OAC Rule 3745-17-08, including the requirement to install and employ reasonably available control measures ("RACM") to achieve the lowest particulate matter emissions possible. In this case, the fabric filter discharges are required to meet a grain loading of 0.030 grain per dry standard cubic foot of exhaust air or no visible emissions, whichever is less stringent.

Northwest District Office of Ohio EPA ("NWDO") received several complaints regarding excessive fugitive dust emissions being generated by Quality at the facility. The complainant provided NWDO with several photographs, video tapes, and notes

documenting excessive dust being emitted from a vent on the side of the cement silo. Although DAPC believes that these fugitive dust emissions are probably classified as a public nuisance, a public nuisance violation is not being pursued because the photographs and video tapes only document where emissions were being generated. In other words, the evidence fails to establish that the excessive fugitive dust was emitted in a manner or in such amounts as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to the property.

During the period from March 7, 2007 to April 10, 2007, for at least 16 incidents during pneumatic conveying of cement from tanker trucks to the silo, Quality failed to employ control equipment on the silo that achieved an outlet grain loading of not greater than 0.030 grain per dry standard cubic foot of exhaust gas or no visible emissions, whichever is less stringent, in violation of PTI #03-6000, OAC Rule 3745-17-08(B), and ORC § 3704.05(C) and (G). On each of those incidents, visible emissions were seen from the discharge of the fabric filter serving the silo and particulate emission calculations found the grain loading to exceed 0.030 grain per dry standard cubic foot. These violations were corrected by Quality on December 3, 2008 when the facility ceased production at this site.

NWDO visited the facility and discovered that Quality was not maintaining the control systems as required by the PTI, in violation of ORC § 3704.05(C). In fact, it appeared that the only time the fabric filters were serviced was due to the complaints and NWDO's investigation. The exact dates of the violations are not known; however, they occurred from at least August 25, 2006, the date of NWDO's first inspection, and continued until September 13, 2006, the date Quality repaired and replaced the torn and clogged bags on the weigh hopper fabric filter. On September 7, 2006, Quality completed similar maintenance on the cement silo's fabric filter.

A notice of violation ("NOV") letter was sent to Quality on January 10, 2007, which identified these violations.

On April 10, 2008, NWDO submitted an Enforcement Action Request to Central Office for these violations.

On December 3, 2008, Quality informed Ohio EPA that the facility would be ceasing production at this site and that operations would be relocated to another site. On December 11, 2008, NWDO staff visited the facility and observed that the cement silo was loaded onto a flat bed trailer for removal.

Action: On August 20, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Quality to attempt an administrative settlement of the violations. The F&Os

propose to require Quality to pay a civil penalty of $28,800, of which $5,700 would be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP and $5,000 would go toward the performance of a pollution prevention study of one or more of its facilities as a SEP. The penalty payments are proposed to be due within 14 days after the effective date of the F&Os and the pollution prevention study is to be completed within 330 days after the effective date of the F&Os.

The civil penalty includes a mitigation of 40 percent for the small amount of non-complying particulate emissions.

CASE CONTINUED

		Dates:	
Case Number:	2830	**EAR**:	06/16/09
Entity:	Barberton Steel Industries, Inc.	**DWL**:	08/27/09
Field Office:	Akron	**F&Os**:	N/A
Contact:	Muhammad Mereb/Tom Kalman	**Referral**:	N/A
Attorney:	Marcus Glasgow	**Dismissal**:	N/A

Background: Barberton Steel Industries, Inc. ("BSI") owns and operates a foundry located at 240 Huston Street in Barberton, Summit County, Ohio. The foundry operates several air contaminant sources, which were required to be permitted by Ohio EPA under the former OAC Rule 3745-35-02 ("Permits to Operate") and, as of June 30, 2008, OAC Rule 3745-31-02(A)(1)(c) ("Permits to Install and Operate").

On May 13, 2004, the permits to operate ("PTOs") for the following air contaminant sources expired and BSI failed to apply for and obtain renewal PTOs, and subsequently permits to install and operate ("PTIOs") while continuing operation, in violation of OAC Rules 3745-35-02(A) and 3745-31-02(A)(1)(c), and ORC § 3704.05(G):

Emissions Unit ID	Company ID
F003	Large Casting Shakeout
F005	Small Casting Shakeout
P001	Large Table Blast
P002	Tumble Blast Casting
P003	Shot Blast Casting
P901	Large Electromelt Electric Arc Furnace

P902	Small Electromelt Electric Arc Furnace
P905	Dry Sand Reclaimer

The Akron Regional Air Quality Management District ("ARAQMD") sent BSI a renewal notice approximately six months prior to the expiration date of the PTOs. On February 25, 2008, ARAQMS sent BSI a notice of expiration of the PTOs for the above emissions units along with the appropriate hardcopy application forms and instructions. Since applications had not been submitted, ARAQMD sent a notice of violation letter to BSI on August 21, 2008, requesting submission of the appropriate permit applications.
On May 18, 2009, BSI submitted incomplete renewal applications to ARAQMD. ARAQMD returned the incomplete applications to BSI along with clarifying instructions on June 1, 2009. Complete PTIO applications have not been submitted.

On June 16, 2009, ARAQMD submitted an Enforcement Action Request to Central Office to obtain assistance in bringing BSI into compliance.

Action: In a letter dated August 27, 2009, the Director requested BSI to submit complete PTIO applications to ARAQMD within 14 days of receipt of the letter. The letter indicates that failure to do so will result in Ohio EPA considering its enforcement options including referral of the matter to the Attorney General's Office for legal action and assessment of civil penalties.

CASE CONTINUED

		Dates:	
Case Number:	2837	**EAR**:	07/08/09
Entity:	Flying J, Inc.	**DWL**:	N/A
Field Office:	NEDO	**F&Os**:	08/18/09 (prop)
Contact:	Jim Kavalec/Tom Kalman	**Referral**:	N/A
Attorney:	Marcus Glasgow	**Dismissal**:	N/A

Background: Flying J, Inc. ("Flying J"), of Odgen, Utah, owns and operates a gasoline dispensing facility ("GDF") located at 2349 Center Road in Austinburg, Ashtabula County, Ohio. This GDF is subject to the requirements of OAC Rule 3745-21-09(DDD) concerning Stage II vapor control systems. Also, PTI #02-15824 and a Permit-by-Rule were issued to Flying J for this GDF on February 2, 2002 and December 18, 2007, respectively, and require compliance with OAC Rule 3745-21-09(DDD).

On August 7, 2007 and August 19, 2008, Flying J attempted to conduct the annual static leak and air-to-liquid ("A/L") ratio tests at this GDF. During each test, the test failed due to malfunctions with the Stage II vapor control system. In the case of the August 7, 2007 test failure, Flying J subsequently repaired the system and passed static leak and A/L ratio tests on December 11, 2007. In the case of the August 19, 2008 test failure, Flying J subsequently retested; however, the static leak test failed due to a leaking drop tube and leaking vacuum pump motor, and the A/L ratio test failed for dispenser #7 due to the vacuum pump not working on the dispenser. Flying J subsequently conducted and passed the static leak and A/L ratio tests for this GDF on July 14, 2009.

Flying J continued to operate the dispensers before and after the failed tests. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements of OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05 and OAC Rule 3745-21-09(DDD)(1)(b) and (c). Furthermore, the failure to complete and successfully pass the annual static leak and A/L ratio tests within one year from the last passing test (December 11, 2007) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle is a violation of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(2)(f).

Notice of violation letters were sent by the Northeast District Office of Ohio EPA ("NEDO") to Flying J on August 27, 2007 and July 1, 2009, in which repairs and retesting of the Stage II vapor control system were requested.
On July 8, 2009, NEDO submitted an Enforcement Action Request to Central Office for the violations.

Action: On August 18, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Flying J's corporate office to attempt an administrative settlement of the violations. The F&Os propose to require Flying J to do the following:

(1) Within 30 days after the effective date of the F&Os, demonstrate that the vapor control system is operating correctly by conducting and passing the static leak, A/L ratio, and dynamic pressure performance tests;

(2) Conduct weekly inspections of the Stage II vapor control system for the next two ozone seasons, i.e., April 1, 2010 to October 31, 2010, and April 1, 2011 to October 31, 2011, beginning on March 15, 2010 and March 15, 2011, checking for leaks, malfunctions or damage to the system;

(3) Perform static leak and A/L ratio tests at this GDF prior to the beginning (during March) of each ozone season and during August of each ozone season for the next two ozone seasons; and

(4) Pay a civil penalty of $29,650 to Ohio EPA, with $23,720 due within 14 days after the effective date of the F&Os and with $5,930 due to the Clean Diesel School Bus Program Fund as a SEP within 30 days after the effective date of the F&Os.

The Enhanced Enforcement Protocol penalty policy was used to calculate the civil penalty.

CASE CONTINUED

		Dates:	
Case Number:	2838	**EAR**:	07/14/09
Entity:	Englefield, Inc., d.b.a. Ashtabula Duchess	**DWL**:	08/12/09
Field Office:	NEDO	**F&Os**:	N/A
Contact:	Jim Kavalec/Tom Kalman	**Referral**:	N/A
Attorney:	Stephen Feldmann	**Dismissal**:	N/A

Background: Englefield, Inc. of 447 James Parkway in Heath, Ohio, owns and operates Ashtabula Duchess, a gasoline dispensing facility ("GDF") located at 1415 Lake Avenue in Ashtabula, Ohio. This GDF is subject to the Stage II vapor control system requirements of OAC Rule 3745-21-09(DDD) and employs a Stage II vapor control system.

For the past two years, the Ashtabula Duchess has failed to provide Ohio EPA with proof of attendance and completion of training for the operator or local manager of this GDF, in violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi) and ORC § 3704.05(G). Specifically, no proof of attendance and completion of training for the Stage II vapor control system was noted during Ohio EPA, Northeast District Office's ("NEDO") inspections of this GDF on April 24, 2008 and April 23, 2009.

In letters dated May 15, 2008 and April 29, 2009, NEDO notified Englefield, Inc. of these violations and the need to obtain this training. Despite these requests, Englefield, Inc.

has failed to provide Ohio EPA with documentation of attendance and completion of training.

On July 14, 2009, NEDO submitted an Enforcement Action Request to Central Office to obtain assistance in getting this GDF into compliance with training requirements.

Action: On August 12, 2009, a Director's warning letter was sent to Englefield, Inc. informing it of the violations and requesting that such training be obtained within 90 days of the receipt of the letter and that documentation demonstrating proof of attendance and completion of the training be submitted to NEDO within 30 days after completion of the training. The letter indicated that failure to do so would result in the Director's consideration of alternative enforcement mechanisms including referral of the matter to the Attorney General's Office for appropriate legal action.

CASE CONTINUED

		Dates:	
Case Number:	2848	**EAR**:	08/06/09
Entity:	Sandusky Dock Corporation	**DWL**:	N/A
Field Office:	NWDO	**F&Os**:	08/18/09 (prop.)
Contact:	Jim Orlemann	**Referral**:	N/A
Attorney:	Bryan Zima	**Dismissal**:	

Background: Sandusky Dock Corporation ("SDC"), of 2705 West Monroe Street in Sandusky, Ohio, owns and operates a coal handling facility that receives coal by rail, stockpiles it, and loads it into trucks and ships for distribution to power plants and various manufacturing plants. The facility is located in Sandusky on a pier that extends approximately one mile into Sandusky Bay of Lake Erie. SDC operates the following emissions units at the coal handling facility: paved and unpaved roadways and parking areas (F001), coal storage piles (F002), and material handling operations (F003).
The Northwest District Office of Ohio EPA ("NWDO") has received numerous complaints from neighboring businesses, residents, and Sandusky Harbor Marina patrons concerning the emissions of fugitive dust from SDC's coal handling facility. In June 2000, a Sandusky Harbor Marina patron filed a verified complaint with the Director alleging that emissions of fugitive dust from SDC's facility were causing damage to his boat and other personal property. The verified complaint included a petition signed by

98 individual Marina patrons complaining that the fugitive dust from the facility was causing a public nuisance, in violation of OAC Rule 3745-15-07.

NWDO investigated the verified complaint and determined that the fugitive dust emissions from SDC's facility were causing a public nuisance, in violation of OAC Rule 3745-15-07 and ORC § 3704.05(G). To address the public nuisance determination, the PTO for F002 was modified on October 16, 2001 to include control requirements and a visible emission limitation for the fugitive dust emissions. The terms of the permit stated that the control requirements were necessary to prevent further violations of OAC Rule 3745-15-07. SDC subsequently appealed the issuance of the permit modification to the ERAC.

On January 1, 2003, after conducting a hearing concerning SDC's appeal of the modified PTO, ERAC issued a decision that upheld (a) the Director's conclusion that SDC was causing a public nuisance and (b) his issuance of the modified PTO to address the nuisance. SDC subsequently appealed ERAC's decision to the Franklin County Court of Appeals.

On December 23, 2003, the Franklin County Court of Appeals issued its decision concerning SDC's appeal. In the decision, the Court stated "the ERAC's order is reversed and this cause is remanded to ERAC for further proceedings consistent with this opinion." The Director subsequently appealed the Franklin County Court of Appeals' decision to the Ohio Supreme Court.

On October 5, 2005, the Ohio Supreme Court issued its decision concerning the Director's appeal. The decision affirmed the judgment of the Franklin County Court of Appeals to remand the permit to ERAC and, in doing so, stated the following: "When, as in this case, a PTO modification requir[es] abatement of or prohibit[s] emissions, R.C. 3704.03[R] governs the Director's authority. R.C. 3704.03[R] requires the Director to give consideration to, and base his determination on, evidence relating to the technical feasibility and economic reasonableness of compliance. The record does not indicate the Director complied with this requirement."

ERAC issued its Final Order on Remand on October 20, 2005. In the Order, ERAC remanded the modified PTO to the Director "for formal consideration of the technical feasibility and economic reasonableness" of the control requirements and visible emission limitation specified in the permit. ERAC's remand did not require the Director to reconsider whether or not SDC is causing a public nuisance, in violation of OAC Rule 3745-15-07.

On July 27, 2007, a letter was sent to SDC by the NWDO requesting the company to prepare an engineering analysis of all the possible fugitive dust control measures for each of the three emissions units at the facility. For all the possible control measures,

SDC was required to identify the measures that are technically feasible; and for each of the technically feasible control measures, SDC was required to provide the uncontrolled and controlled emission estimates, the capital and annual operating costs, and a schedule for implementation (if the measure were required by the Director).

On November 26, 2007, SDC submitted the engineering analysis requested by the NWDO. The NWDO reviewed the report, and in a letter dated January 31, 2008, provided comments and requested additional clarification and information. On March 14, 2008, SDC responded to the NWDO's letter and provided information to supplement the engineering analysis.

Central Office reviewed the complete engineering analysis and, in consultation with the NWDO, completed a summary of the technically feasible control measures that could be employed for F001, F002, and F003. NWDO sent this summary to SDC by e-mail on February 11, 2009, and requested comments on its conclusions concerning the engineering analysis.

On March 31, 2009, SDC submitted comments concerning the summary to NWDO by e-mail. In general, SDC objected to the implementation of any control measure that has a cost-effectiveness greater than $5,000/ton of particulate removed.

During the time period from October 16, 2001, when the modified PTO for F002 was issued, to the present, SDC has operated F001, F002, and F003 under the expired PTOs that were initially issued on April 24, 1999. (SDC filed timely renewal applications for all three of the emissions units.) Also, during this same period, Ohio EPA has continued to receive complaints concerning the fugitive dust emissions, and this facility continues to cause a public nuisance, in violation of OAC Rule 3745-15-07 and ORC § 3704.05(G). In addition, during this same period, SDC has implemented no additional control measures to further abate the fugitive dust emissions.

With the March 31, 2009 response from SDC concerning the summary of the technically feasible control measures, Ohio EPA has completed the technical review required by ERAC's Final Order on Remand. Ohio EPA now is able to issue the 3704.03[R] Orders that the Ohio Supreme Court determined must be issued by the Agency to address the public nuisance. To fulfil this requirement, DAPC is recommending to the Director the issuance of proposed, consensual Director's Final Findings and Orders ("F&Os") with a civil penalty, rather than unilateral F&Os.

On August 6, 2009, NWDO submitted an Enforcement Action Request to Central Office that requests the issuance of F&Os with a control plan and schedule to abate the nuisance and with a civil penalty demand.

Action: On August 18, 2009, proposed F&Os were sent to SDC to attempt an

administrative settlement of the violations of the public nuisance rule. The purpose of these F&Os is two-fold: (1) to officially address the Final Order on Remand issued by ERAC on October 20, 2005 and (2) to abate the ongoing public nuisance.
It is not possible to completely eliminate the fugitive dust emissions from this facility by employing control measures; however, DAPC believes that by implementing (and properly operating) all the technically feasible control measures for F001, F002, and F003, the nuisance conditions will be abated and compliance with OAC Rule 3745-15-07 will be achieved.

The following briefly summarizes the additional control measures proposed to be required by these F&Os:

A. **F001 (paved and unpaved roadways and parking areas)**:

1. Employ chemical dust suppression for the unpaved roadways.
2. Pave unpaved road segment UR3, which runs adjacent to the coal piles and is traveled primarily by coal handling vehicles.
3. Employ watering for the paved roadways and parking areas.

B. **F002 (coal storage piles)**:

1. Automate the existing water spray towers by installing additional hardware, software, sensors, and real-time aerosol monitors to enable the watering of the storage piles based upon site-specific weather conditions. Also install an on-site meteorological station to provide site-specific ambient data that can be used by the new computer system to adjust the amount and frequency of the water sprayed on the storage piles.
2. For any coal storage pile that will remain inactive for a significant period of time, utilize a spray truck to apply a chemical dust suppressant (crusting agent) over the entire surface of the pile.
3. Limit the maximum height of each coal storage pile to 70 feet.

C. **F003 (material handling operations)**:

1. **Car dumping -**

   Install a water spray system that rotates with each railcar. Install a surfactant system to improve the control efficiency of the wet suppression system for dusty coal shipments. Install a wind barrier around three sides of the dumper structure.

2. **Conveyor 8 discharge -**

   Replace the existing spray nozzles to provide better coverage and install a surfactant system to improve the control efficiency of the wet suppression system for dusty coal shipments.

3. **Pan chute transfer to conveyor 1 -**

   Install water sprays at the transfer point.

4. **Transfer to conveyor 2, transfer to conveyor 3, transfer to conveyor 4, and transfer to conveyor 6 -**

   Install water sprays at each transfer point.

5. **Cross conveyor to bandwagon transfer -**

   Install a hood on the bandwagon hopper and a water spray at the cross conveyor discharge point.

6. **Bucket wheel reclaim from storage piles -**

   Install water sprays at the discharge of the buckets to the reclaim conveyor.

7. **Bandwagon to conveyor 4 hopper transfer -**

   Install water sprays at the discharge from the bandwagon to the hopper.

8. **Transfer from hopper to conveyor 4 and transfer from conveyor 4 to conveyor 5 -**

   Install water sprays at each of the transfer points.

9. **Silo discharges to conveyor 6 -**

   Install water sprays at each of the 6 transfer points.

10. **Silo structures -**

    Plant a wind barrier of adequately sized trees and bushes on the north side of the silos.

11. **Transfer to conveyor 7 and transfer to conveyor 8 -**

    Install water sprays at each of the transfer points.

12. **Transfer to stacker/reclaim conveyor -**

Install water sprays at each of the transfer points.

All of the above-mentioned control measures have been determined by SDC to be technically feasible, and the F&Os require the installation of all the control measures within 180 days after the effective date of the F&Os.

There is substantial cost information from the engineering analysis submitted on November 26, 2007 and supplemented on March 14, 2008, as well as the from the initial engineering analysis completed by the company in January 1995. This information was used to determine the economic reasonableness of the above-mentioned control measures. The total estimated capital cost of the control measures is $990,000, and the estimated annual operating cost of the control measures is $140,900.

In looking at the cost-effectiveness of the additional control measures, only the automation of the water spray towers has a cost-effectiveness value less than $5,000/ton. The overall cost-effectiveness for the control measures for the material handling operations is approximately $5,935/ton (in 2008 $) using the uncontrolled emission rates from the all the operations and $22,237/ton (in 2008 $) using the controlled emission rates for the operations that currently have some level of control and the uncontrolled emission rates for the remaining operations.

As mentioned above, SDC argues that any control measure with a cost-effectiveness greater than $5,000/ton is economically unreasonable. However, in determining economic reasonableness for a situation that involves a public nuisance, DAPC cannot rely solely upon cost-effectiveness figures. The entity causing the public nuisance must take whatever measures are necessary to cure the public nuisance. Therefore, with public nuisance situations, whether the entity can afford the necessary measures would be a better measure of economic reasonableness than simply looking at the cost-effectiveness values for the control measures.

The 1995 engineering study has some very interesting information concerning the affordability of the control measures required by these F&Os. Prior to the installation of the water spray towers, the annual operating cost associated with the use of the spray trucks was $446,927. By implementing only the water spray towers, which is what the company did as a result of the 1995 engineering study, the company reported that the annual operating costs for the control measures dropped to $101,742. This resulted, therefore, in an annual cost saving, in 1995 dollars, of $345,175. This cost saving has occurred each year for the past 13 years, for a total saving of $4,487,275 in 1995 dollars and approximately $7,292,000 in 2008 dollars.

Furthermore, the 1995 engineering study indicates that if all the control measures in the "Mode 4" option were implemented, the annual operating cost would drop to $146,826. Mode 4 includes the water spray towers as well as all the control measures for the

material handling operations that DAPC is requiring in these F&Os. Therefore, this control scheme would have resulted in an annual cost saving of $300,101, versus the annual cost saving of $345,175 for the implementation of only the water spray towers. This annual cost saving would have reduced the total cost saving for the past 13 years to $3,901,313 in 1995 dollars and approximately $6,340,000 in 2008 dollars.

Therefore, in light of the annual cost saving that has occurred, or would have occurred if all the control measures required by these F&Os were implemented, Ohio EPA believes the total capital cost and the total annual operating cost for all the control measures required by these F&Os are economically reasonable, even though some of the required control measures have cost-effectiveness values greater than $5,000/ton.

DAPC believes this longstanding public nuisance warrants a reasonable civil penalty; however, a specific value is not included in the proposed F&Os. The calculated civil penalty will depend greatly upon three factors: the total capital cost for the required control measures, the total annual operating cost for the required control measures, and the chosen start date for the period of noncompliance. Changes in one or more of these factors can dramatically affect the calculated civil penalty.

To get an idea of what the civil penalty might be, a calculation was completed using the above-mentioned capital and annual operating costs, and very conservatively assumed a noncompliance start date of July 27, 2008. This date was chosen because it was one year after the Agency requested the updated engineering analysis and indicated through the request that the company was still causing a public nuisance. It was felt that one year after the date of that request would have been an adequate period of time to implement all the required control measures. With these data inputs, the calculated civil penalty turned out to be $322,120. DAPC does not, however, want to propose this number in the F&Os because if SDC is successful in convincing the Division that not all the control measures for the material handling operations are necessary, the calculated civil penalty could change dramatically. DAPC wants to have the ability to appropriately adjust the noncompliance start date in such case so that it ends up with a reasonable civil penalty, which at this point in time could be in the "gray area" specified by the MOU. Therefore, DAPC recommended to the Director that the technical issues with SDC first be negotiated and an agreement reached on that, and then calculate the civil penalty based upon the technical agreement. At that point, the civil penalty would be negotiated with the company. The Director agreed with this approach through his signing of the cover letter to the proposed F&Os.

CASE CONTINUED

ACTIONS & MINUTES APPROVED BY: Bob Hodanbosi

Bob Hodanbosi, Chief, DAPC

NEXT MEETING:

September 6, 2009

3:00 pm

6C

PENDING AIR ENFORCEMENT COMMITTEE CASES

Total Unresolved Cases (97)

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
2618	TRC Industries	Akron	SF/MM	03/03/06	05/04/07
2638	Fairport Yachts, LTD (multi-media)	NEDO	MG/PP	01/27/98	07/02/07
2657	Environmental Affairs Management, Inc. (asbestos)	M-TAPCA	SF/FU	06/07/07	08/17/07
2666	Mr. and Mrs. James Conley (multi-media case)	SWDO	BZ/EY	08/06/07	09/25/07
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
2679	Rascal House Pizza / Cardinal Environmental Services, Inc. (asbestos)	Cleve.	BZ/EY	03/02/07	12/04/07
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
2696 (112r)	Eramet Marietta, Inc.	N/A	BZ/KJ	09/26/07	01/18/08
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
2710	Stein, Inc.	Cleve.	BZ/EY	07/31/07	03/14/08
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

Updated: 08/27/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2733	McCarthy Corporation (asbestos)	NWDO	SF/UD	10/10/07	06/23/08
2739	BP - Husky Refining LLC	TDES	BZ/JP	08/01/07	07/18/08
2744	The Afcose Group (asbestos)	NEDO	BZ/JK	02/14/08	08/06/08
2745	OmniSource Corporation	NWDO	MG/MM	12/14/05	08/11/08
2748	Great Plains Exploration, LLC	NEDO	BZ/UD	05/01/08	08/27/08
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
2754	Lepi Enterprises/Caldwell United Methodist Church (asbestos)	SEDO	DV/TT	06/28/08	09/12/08
2756	Pioneer Environmental Systems, Inc. (asbestos)	NWDO	BZ/JK	03/24/08	10/03/08
2760	Precision Environmental Company	Akron	SF/PP	08/06/08	10/22/08
2774	Total Environmental Services, LLC (asbestos)	SEDO	SF/TT	07/26/07	10/29/08
2775	Selvey's Dirt Works / Famous Supply (asbestos)	NWDO	DV/UD	06/12/08	11/05/08
2776	Circle K (GDF's #5204, 5209, 5318, and 5320)	NEDO	MG/JK	03/15/07	11/04/08
2777	Sawbrook Steel LLC	HAMCO	BZ/MM	11/13/06	11/07/08
2779 (112r)	Sunoco, Inc. R & M (Toledo Refinery)	N/A	DV/KJ	04/29/08	11/14/08
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
2796	Speedway SuperAmerica LLC (#3648 and #9975)	NEDO	SF/JK	05/19/08	02/24/09
2799	Convenient Food Mart, Inc., No. 391	NEDO	SF/EY	10/21/08	02/24/09

Updated: 08/27/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
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
2818	Mac Trailer Manufacturing, Inc.	Canton	SF/MM	10/06/08	04/07/09
2819	Masonic Temple/The New Victorians, Inc./AHC, Inc. (asbestos)	CDO	DV/	01/24/08	04/27/09
2820	Bailey PVS Oxides Delta, L.L.C.	NWDO	MG/JK	03/29/07	04/27/09
2821	OmniSource Corporation, Mansfield Division	NWDO	MG/MM	05/08/08	05/04/09
2822	J. S. Paris Excavating, Inc./Signature Development Group, LLC (asbestos)	MTAPCA	SF/TT	03/11/08	04/28/09
2823	Rudzik Excavating, Inc./Charles J. Arendas (asbestos)	MTAPCA	DV/FU	02/27/09	05/11/09
2824	Ariel Corporation **(HPV)**	CDO	MG/EY	04/02/08	05/18/09
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

Updated: 08/27/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2833	Veterans of Foreign Wars Post 6519 (asbestos)	Lake Co.	DV/TT	04/29/08	06/22/09
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
2837	Flying J, Inc. (Austinburg Truck Stop)	NEDO	MG/JK	08/19/08	07/08/09
2838	Englefield, Inc., d.b.a. Ashtabula Duchess	NEDO	SF/JK	04/29/09	07/14/09
2839	Liberty Gas USA, LLC (Middle Avenue GDF in Elyria and Colorado Avenue GDF 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
2843	Bruewer Woodwork Mfg. Co. (FER case)	HAMCO	MG/UD	06/06/08	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
2851	Joseph Eberz (open burning)	Akron	SF/JK	05/15/09	08/10/09
2852	AOHW Corporation/Hasper Leggett (asbestos)	M-TAPCA	DV/UD	03/25/09	08/11/09
2853	Valentine Contractors, Inc.	Akron	MG/TT	05/30/08	08/17/09

Updated: 08/27/09

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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
January													

Total for the month of January =

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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
February													
2736	Emanuel Hadgigeorgiou d.b.a. Society Dry Cleaners	3	Cleve.	JP	EY	DV	07/03/08						02/12/09
2747	Tri-County Concrete Co., Inc.	1	Akron	TK	MM	DV	08/19/08			Closed - NPA	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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
March													
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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
April													
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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
May													
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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
June													
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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
July													
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
2831	Aleris International, Inc./IMCO Recycling of Ohio,	3	SEDO	TK	TK	MG	06/19/09						07/07/09

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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
	Inc./Common-wealth Aluminum Concast of Ohio, Inc.												
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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	Warning Letter	Status	Source in Compliance	Director's F & O's	Referred To AGO
August													
2761	Cleveland Board of Education (E-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		08/04/09 (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			Dismissed	08/14/09		
2807	Hishan Jundi, 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

Docket Number	Case Name	Rank	Field Office	EC Contact	Staff	Attorney	Complaint/ Referral	Returned to Field Office	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 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	Civil penalty: ($3,000)					
(04/04/02)	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	Civil penalty: ($6,000)					
(09/18/02)	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*
City of Oregon	Civil penalty: ($10,000)					
(09/16/02)	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	Civil penalty: ($2,450)					
(11/27/02)	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	Civil penalty: ($7,000)					
(12/02/02)	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	

* CDAQ inspection date

Facility Name	Milestone or Requirement*		Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Goldline Wrecking Co.	Civil penalty: ($35,000)					
(12/23/02)	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.

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Glo-Mar Masonry	Civil penalty: ($8,500)					
(02/06/03)	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

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

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Minerva Enterprises, Inc.	Civil penalty: ($41,125)					
(12/31/03)		$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.

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Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Hydraulic Press Brick	Civil penalty: ($19,000)				
(04/28/04)	$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	Civil penalty: ($3,000.00)	443684	05/27/04	Y	
(05/13/04)					
**********					
John Dubuk	Civil penalty: ($10,000.00)				
(12/29/04)	$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	Civil penalty: ($5,600.00)	479998	01/21/05	Y	*
(12/21/04)					

* This account is Certified and still open--various payments have been made (10/05-05/06) totaling $2,150, leaving a balance of $3,450.

****

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

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Facility Name	Milestone or Requirement*		Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Columbus Steel Drum	Civil penalty: ($500,000.00)					
(07/06/05 - Consent Order)	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.	Civil penalty: ($37,800)					
(08/24/05)	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		

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Facility Name	Milestone or Requirement*		Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Shell Construction, Inc.	Civil penalty: ($3,700)					
(09/26/05)	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	

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Facility Name	Milestone or Requirement*		Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Environmental Affairs Management	Civil penalty: ($10,000)					
(12/29/05)	OEPA	$1,000	541425	03/29/06		03/06/06
		$1,000	541426	04/28/06	Y	FSC**
		$1,000	541427	05/28/06	Y	FSC**
		$1,000	541428	06/27/06	Y	12/28/07
		$1,000	541429	07/27/06	Y	FSC**
		$1,000	541430	08/26/06	Y	FSC**
		$1,000	541431	09/25/06	Y	FSC**
		$1,000	541432	10/25/06	Y	ACT**
	Bus Fund	$1,000	541433	01/28/06		01/25/06
		$1,000	541434	02/27/06		02/25/06
**********						
Cargill, Incorporated	Civil penalty: ($61,538)					
(03/03/06 - Consent Decree)	OEPA	$30,769	551695	03/27/06		04/03/06
* - CD modification on 11/26/08	RAPCA	$30,769	----	03/27/06		03/29/06
	Pay Title V permit fees $216,133.86			02/27/06		09/28/05
	Contribute $75,000 to RAPCA's wood stove replacement program			04/15/06		03/21/06
	Retire B005			09/01/07		09/14/06
	Install LNB & FGR for B006			03/03/11		
	Propose final VOC solvent loss limit for Sidney			02/27/09		
	Comply w/final VOC solvent loss limit for Sidney			02/27/10		
	Meet 95% control for VOC or 10 ppm for P067 & P582 at Dayton			02/27/09		06/17/08
	Meet 98% control for VOC for P057, P031, P052, P088, & P072 at Dayton			09/01/10		
	Meet control equipment operating parameters for P032, P033 and P034 at Dayton			02/28/10*		
	Test and establish an allowable short-term VOC limit for each scrubber stack serving P032, P033 and P034 at Dayton			02/28/10*		
	Submit permit applications for P032, P033 and P034 at Dayton to incorporate control equipment operating parameters and VOC emission limits			09/01/10*		
	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			09/01/10*		
	Submit odor control optimization report for Dayton			09/01/06		08/29/06
	Meet 90% control for CO or 100 ppm for P067 and P582 at Dayton			02/27/09		06/17/08
	Meet 90% control for CO or 100 ppm for P057, P031, P052, P088 & P072			09/01/10		
**********						

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Sunoco, Inc.	SEP Project ($50,000)				
(03/20/06 -	Pay contractor for project		04/20/06		08/01/06
Consent Decree)	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

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David Scholl	Civil penalty: ($400)	584589	10/25/06		12/11/06*
(09/25/06)					05/26/07*

* 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

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Alpha-Omega Chemical Company				Civil penalty		
(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

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Facility Name	Milestone or Requirement*		Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Astro Manufacturing & Design, Inc.	Civil penalty ($34,000)					
(12/29/06)	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.	Civil penalty: ($10,000)					
(03/14/07)	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	Civil penalty: ($44,853)		623581	08/16/07		08/20/07
(07/16/07 - Consent Order)	($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	Civil penalty: ($1,000)					
(08/21/07)	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**
			* Develops SOPs		** Training
	Develop and implement procedures to ensure QA/QC for all LDAR data		02/20/08		01/25/08
	Develop program to hold LDAR personnel accountable for LDAR performance		11/20/07		06/28/07
	Establish a tracking program for valves and pumps that should be added to LDAR program		11/20/08		01/25/08
	Reroute any SRP sulfur pit emissions to eliminate emissions		11/20/08		11/03/08
	Provide description of causes of all acid gas flaring incidents from 1/1/02 thru 12/31/06		11/20/08		08/11/08
	Submit compliance plan for flaring devices		12/31/09		
	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	
	Bus Fund	$2,400	686991	10/31/08	Y	04/23/09
**********						
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			
**********						
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		
		$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 Cairo	07/01/11 07/01/11		
	Comply w/ acid mist emission rate:		Oregon Cairo	04/02/09 07/01/11		
	Install SO_2 CEMS:		Oregon Cairo	07/01/11 07/01/11		
	Perform compliance tests:		Oregon Cairo	07/01/11 07/01/11		
	Submit O&M Plans:		Oregon Cairo	07/01/11 07/01/11		
	Submit permit applications:		Oregon Cairo	01/01/13 (365 days after acceptance of short-term limit)		
	Submit report re: how compliance will be achieved:		Oregon Cairo	07/01/10 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
Tim Davidson (05/21/09)	Civil penalty: ($3,000)		714624	06/21/09		07/06/09
**********						
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		
		$21,762.50	713430	01/18/10		
		$21762.50	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			08/07/09		
	Submit test report			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	$4,000	715181	09/15/09		
		$7,500	715182	09/15/10		
	Bus Fund	$3,000	715183	09/15/09		
**********						
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.	Civil penalty: ($850,000)					
(07/06/09 - Consent Order)	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	Civil penalty: ($5,000)			09/11/09		
(E-Check)	Have all vehicles tested and report results			12/31/09		
(08/11/09)						
**********						
Airstream, Inc.	Civil penalty: ($14,000)					
(08/12/09)	OEPA	$11,200	725209	09/12/09		08/20/09
	Bus Fund	$ 2,800	725210	09/12/09		08/20/09
**********						
Saif Khan, d.b.a. Lakeland Citgo	Civil penalty: ($10,000)					
(08/20/09)	OEPA	$ 500		09/20/09		08/06/09
		$2,500		12/20/09		
		$2,500		03/20/10		
		$2,500		06/20/10		
	Bus Fund	$2,000		09/20/09		08/06/09
**********						
Joseph Parker	Civil penalty: ($250)		725188	09/18/09		
(08/18/09)						
**********						

** 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