

AGENDA FOR THE DECEMBER 31, 2009 EC MEETING

CASES TO BE CLOSED:

Fairport Yachts, Ltd./Tartan Yachts/ C&C Yachts/Novis Marine (Composites), Ltd./Grand River Investments	#2638	NEDO	AG Referral	Tom/Marc
Cast-Fab Technologies, Inc.	#2687	HAMCO	Final F&Os	Tom/Bryan
L&C, Inc., Lucille Hall/Unique Finishers, Inc., Kenneth and Belinda Hall/D & S Coating, Sandy and Dan Hall/Binks Coating, Lynn Binkly	#2691	RAPCA	AG Referral	Tom/Bryan
Ameriseal & Restoration, LLC, d.b.a. Ameriseal	#2693	Akron	Final F&Os	Tom/Don
A. David Sugar, Jr./Honey Creek Contracting Co., Inc./Excavation Technologies, Inc./Dave Sugar Excavating, LLC/Howland Company, LLC	#2708	SEDO	AG Referral	Tom/Don
Quality Ready Mix, Inc.	#2713	NWDO	Final F&Os	Tom/Bryan
Hosea Project Movers, LLC	#2725	HAMCO	Final F&Os	Tom/Steve
Randy Wise	#2808	NWDO	Unil. F&Os	Tom/Steve
Republic Engineered Products, Inc. (HPV)	#2816	NEDO	Final F&Os	Tom/Don
El Ceramics, LLC.	#2825	HAMCO	Final F&Os	Tom/Steve
Blackhawk Automotive Plastics, Inc.	#2845	HAMCO	No Further Action	Tom/Don
Robert Schiekh	#2876	TDES	Unil. F&Os	John/Marc
Cemex, Inc.	#2882	RAPCA	AG Referral	Tom/Bryan

PENDING CASES:

City of Youngstown Wastewater #2879 112r Prop. F&Os Sherri/Marc
Treatment Plant

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) **Don is scheduled to provide food for today's meeting at 9:30 a.m. in DAPC Rm C.**
- (5) The next and first meeting of the new year is scheduled for Thursday, January 14, 2010 at 3:00 p.m. in DAPC Rm C. Bryan is scheduled for food. (Future food schedule: Marc for January 28; Tom for February 11.)

ENFORCEMENT COMMITTEE MEETING MINUTES

(December 31, 2009)

Case Number: 2638	Dates:
Entity: Fairport Yachts, Ltd., Tartan Yachts, C&C Yachts, Novis Marine (Composites), Ltd. And Grand River Investments	EAR: 07/02/07 DWL: 09/24/09
Field Office: NEDO	F&Os:
Contact: Patty Porter/Tom Kalman	Referral: 12/28/09
Attorney: Marcus Glasgow	Dismissal: N/A

Background: On September 24, 2009, a Director's request for information letter was sent to Fairport Yachts, Ltd. ("Fairport"), of 1920 Fairport-Nursery Road in Painesville, Ohio, under the authority of OAC Rule 3745-15-03(A) and ORC § 3704.03(I). The letter requested the submission of the following information for the boat manufacturing facility by October 15, 2009:

- (1) facility-wide emission calculations for the actual and PTE of volatile organic compounds, single and combined HAPs, in terms of rolling, 12-month averages, for each of the years 1998 to June 2009;
- (2) short-term emission rates expressed in pound per hour and per day of individual and combined HAPs and VOC and the basis for the use of any emission factors;
- (3) identification of any installation of a new source or modification of an existing source and the change in emissions rates due to the installation or modification;
- (4) a detailed description of the 70,000 square foot expansion of the facility and its effect on the facility's PTE;
- (5) emission calculations for the use of all epoxies, catalyzers, and/or any additives used in the process and justification for such calculations;
- (6) a detailed description of any inherent physical limitations used to limit the PTE for the facility for any particular year and the effect on the PTE;

- (7) records to demonstrate that any annual and/or short-term limitations on the facility's PTE were not exceeded and that the major source applicability thresholds, on a rolling, 12-month average basis, were not exceeded;
- (8) an explanation of the liner process and its emissions and specific information on the closed mold infusion molding process;
- (9) information on any modifications to the lacquer operations;
- (10) the emission factors that were used to determine compliance with the organic compound emission limitations;
- (11) a description of usage of chopper guns and resins and additives employed and detailed emission calculations on each gun;
- (12) the annual amount, type and VOC and HAP content of the resins, catalysts and solvents used or purchased since 1998 to June 2009;
- (13) the detailed calculations used to derive the annual HAP and OC emission estimates per a June 11, 2008 letter; and
- (14) the date the resin transfer mold was installed and the basis for any emission estimates.

For purposes of the MACT and Title V, the letter requests Fairport to demonstrate that the facility is not a major source using one of two methods provided in the MACT.

Fairport received the letter by certified mail on September 29, 2009. It did not respond to the Director's letter and submitted no reply after repeated phone calls to the company. The failure to timely respond to the request is a violation of ORC §§ 3704.05(D) and (G).

Fairport is a subsidiary of Novis Marine, LTD, which was formed in 2005 when Fairport Yachts and Novis Composites were consolidated. At the facility, Fairport employs four air contaminant sources, i.e., fiberglass lamination with polyester resin (gel coat, spray-up and resin hand layup) (emissions unit P001); striping of fiberglass sailboat hulls (emissions unit R001); woodworking sailboat cabinet components (emissions units P002); and varnishing woodwork and cabinets (emissions unit R002).

The above information is needed in order to determine all requirements applicable to the facility and the compliance status of the facility with those requirements. Ohio EPA believes the facility violated record-keeping, monitoring, and reporting requirements, exceeded organic compound emission limits, and violated permitting requirements for installing and operating emissions units without permits to install and operate. Also, this

facility appears to be a minor source, but information on hazardous air pollutants (“HAPs”) has not been submitted by Fairport despite numerous requests by NEDO in NOV’s dated June 19, 2003, November 18, 2004, and April 5, 2005, and two additional requests on May 31, 2005 and June 14, 2005. Specifically, the facility has not submitted a facility-wide potential to emit (“PTE”) analysis for individual and combined HAPs to confirm area source status for the Maximum Achievable Control Technology (“MACT”) requirements for boat manufacturing (40 CFR, Subpart VVVV—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing).

Also, it is unclear what firms are operating at the facility at this time and prior time. It may be that more than one company is operating at the facility. For example, one call to the company resulted in someone answering the phone as “C&C Yachts.”

On November 6, 2009, Ohio EPA’s attorney, Marcus Glasgow, contacted Bill Ross, the owner of Fairport. Later that day, Mr. Ross sent an e-mail stating that Fairport ceased operations in June 2004. The e-mail also stated that Novis Marine, Ltd. had purchased the assets through a third party sale and that Novis had operated the facility at the same location in Fairport Harbor until last year when it too ceased operations. He further said that there was a potential for a new company to again start up operations at the facility but that no transactions had occurred to date.

Information contained in a website article regarding Tartan Yachts’ history (www.goodoldboat.com), dated November/December 2003, indicates that in 2003, Fairport acquired a company named High Tech Composites, an Ohio-based company that manufactured carbon masts, and renamed the company Novis Marine, Ltd.

Fairport and Novis Marine, Ltd. both manufactured the same lines of luxury sailboats, called Tartan Yachts and C&C Yachts, at the facility. Based on Tartan Yachts and C&C Yacht’s websites, both of their boats are still being built and sold. Both websites list the Fairport Harbor address and state that the warranties for yachts delivered after November 1, 2003 are warranted by Tartan Yachts or C&C Yachts, which are divisions of Fairport (with the same address).

A Star Beacon news article, dated September 24, 2007, states that Novis Marine, Ltd. recently began construction of high-end sailboats at its manufacturing facility located at 341 Harbor Street, Conneaut, Ohio. This location appears to have been the location where Novis Marine, Ltd. produced its carbon filled masts for Tartan Yachts and C&C Yachts’ sailboats. This suggests that the Fairport’s facility may have changed locations or expanded the manufacturing of the yachts to a new location.

A Boating Industry article dated January 25, 2008, indicates that Novis Marine, Ltd. entered into an agreement for the sale of its assets to Grand River Investments, a private equity group based in Cleveland. The article also stated that Novis Marine, Ltd. will offer a 60-foot model and possibly a 57-foot model of its Tartan line of cruising boats and will continue to upgrade the C&C line. It further says that Tim Jackett, Novis Marine, Ltd.'s chief operating officer and chief designer, will continue with the company in his current role and that Bill Ross (the owner of Fairport and possibly the CEO of Novis Marine, Ltd.) will remain with the company during the transition. Tim Jackett also was employed by Fairport.

In a February 13, 2009, news release, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced that it had proposed a \$130,200 fine against Novis Marine, Ltd. for alleged willful, serious and repeat violations of federal workplace safety standards. OSHA's investigation opened in August 2008. The location of the investigation is not indicated.

Fairport, Novis Marine, Ltd. and Grand River Investments are listed as active businesses with the Ohio Secretary of State.

In light of the lack of a response to the Director's letter, the Agency's inability to determine rule applicability and compliance status due to lack of information provided by Fairport, and the confusion over who actually owns and operates the facility, it was decided to recommend to the Director that the case be referred to the Attorney General's Office (AGO) for enforcement action.

Action: In a letter dated December 28, 2009, the Director referred this case to the AGO for enforcement action. In the referral, it is requested that the AGO pursue obtaining the information itemized in the September 24, 2009 letter from the Director, whether directly from the parties or by obtaining a preliminary injunction through the court. A civil penalty for this case has not been calculated due to the lack of pertinent information to establish other significant violations that may have occurred. Once the information is obtained, Ohio EPA will determine what injunctive relief is needed and what additional violations occurred, and will compute a civil penalty for the AGO's use. The AGO can then pursue settlement of the violations through a consent order or through the court if necessary.

Case Closed



Case Number: 2687	Dates:
Entity: Cast-Fab Technologies, Inc.	EAR: 12/17/07
Field Office: HAMCO	DWL: N/A
Contact: Tan Tran/Tom Kalman	F&Os: 12/23/09
Attorney: Bryan Zima	Referral: N/A
	Dismissal: N/A

Background: On June 17, 2009, proposed Director’s Final Findings and Orders (“F&Os”) were sent to Cast-Fab Technologies, Inc. (“Cast-Fab”) of 3040 Forrer Street in Cincinnati, Ohio, to attempt an administrative settlement of the air violations at its ductile iron foundry at that address. The F&Os proposed to require Cast-Fab to pay a civil penalty of \$130,600, of which (1) \$94,480 would be due to Ohio EPA within 30 days after the effective date of the F&Os, (2) \$26,120 would be due to the Ohio EPA’s Clean Diesel School Bus Program Fund as a SEP within 30 days after the effective date of the F&Os, and (3) \$10,000 would be directed to perform a pollution prevention study of the facility as a SEP within one year after the effective date of the F&Os.

[Note that the proposed F&Os were in the name of a number of parties related to Cast-Fab as well as the individual(s) or entity doing business as Cast-Fab because Cast-Fab could not be found in the Secretary of State’s listing of incorporated entities. It was determined during negotiations that Cast-Fab is incorporated to do business in Ohio. The caption of the proposed F&Os was then changed to reflect Cast-Fab only.]

At the facility, Cast-Fab employs several emissions units (“EUs”) as identified in the following:

<u>Emissions Unit ID</u>	<u>EU Description</u>
F014	Inoculation Process
F015, F016	3600 KW Coreless Electric Induction Furnaces
F018	3750 KW Coreless Electric Induction Furnace
F019	Large Mold Pouring and Cooling Line
F020	Medium Mold Pouring and Cooling Line
F021	Small Mold Pouring and Cooling Line
F022	Charge Handling
F023	Medium Mold Mixer and Mold-Making
F024	Large Mold Mixer and Mold-Making
K001	Light Fab Paint Booth with Paint Applicator
K003, K006	Paint Applicators for Small Castings
K010-K015	Paint Applicators for Medium/Large Castings
K016, K017	Paint Applicators for Heavy Fabrications

P014	Medium Mold Line Abrasive Cleaning
P015	Large Mold Line Abrasive Cleaning
P016	Small Mold Line Abrasive Cleaning
P026	Pneumatic Sand Handling System
P029	Small/Medium Line Grinding Booths
P030	Small Mold Line Casting Shakeout
P031	Medium Mold Line Casting Shakeout
P032	Large Mold Line Casting Shakeout
P034	Swing Grinding
P036	Small Mold Line Mold Making and Sand Preparation
P038	Sand Reclamation

On May 16, 2001, a Title V permit was issued for the facility. The permit expired in 2006; however, the permit continues in effect since Cast Fab submitted a timely renewal application.

This case involved the following violations of air pollution control laws, the Title V permit, and rules by Cast-Fab:

- (1) Failed to perform weekly visible emissions checks when the EUs were in operation and record information, for about 137 days, from on or about April 25, 2005 until on or about December 31, 2006 for EUs F014 through F016 and F018 through F024, K001, K003, K006 and K010 through K017, P029 through P032, and P036; from April 25, 2005 to May 30, 2008 for EU P034; and for the weeks of June 11 and 18, 2007 for EUs P030 and P036, in violation of the Title V permit and ORC § 3704.05(J)(2);
- (2) Failed to record pressure drop readings for the air pollution control equipment serving EUs P014 through P016, P026 and P038 on various days during a period from April 25, 2005 through September 12, 2007, in violation of the Title V permit and ORC § 3704.05(J)(2);
- (3) Failure to check baghouses weekly and record observations for a period from April 25, 2005 through December 31, 2006 for EUs P029 through P032, and from on or about June 11, 2007 through June 25, 2007 for EU P036, in violation of the Title V permit and ORC § 3704.05(J)(2);
- (4) Failure to collect and record coating information for each coating employed in EUs K010 through K017 on January 11, 2007 (coatings used on that day were recorded as being for EUs K018 through K020, which don't exist), in violation of

the Title V permit and ORC § 3704.05(J)(2);

- (5) Failed to maintain the pressure drop, within the required ranges, across the baghouses serving EU P026 while the EU was in operation, except during startup and initial loading of filters following filter changes, on March 5 through 31, 2007; and across the baghouse and cartridge filter serving EU P038 while the EU was in operation, except during startup and initial loading of filters following filter changes, on February 15 through 19, 2007, February 21 through 27, 2007, March 10, 19 and 21, 2007, and from July 18 through September 20, 2007, in violation of the Title V permit and ORC § 3704.05(J)(2);
- (6) Failed to timely submit accurate semi-annual deviation reports by July 31 following each half for the first halves of 2005 and 2006 and by January 31 of the following year for the second halves of 2005 and 2006 (accurate and complete reports were submitted in March 2007, in violation of the Title V permit and ORC § 3704.05(J)(2);
- (7) Employed coatings in excess of the VOC emission limitation of 3.5 pounds of VOC per gallon of extreme performance coating, excluding water and exempt solvents, and taken as a daily, volume-weighted average, in EU K001, on January 25 and 30, February 4, March 2, 6 and 28, April 11 and 20, May 24, June 21, 28 and 29, July 15, August 24, September 1 and December 18 and 19, 2006, in violation of the Title V permit, OAC Rule 3745-21-09(U)(1)(c), and ORC § 3704.05(A), (G) and (J)(2);
- (8) Failed to limit the coating usage to 3 gallons per day on February 10 and 28, and March 9, 17, 20, 23, 30 and 31, 2006 for EU K010; on February 28, March 3, 8 and 24, and October 9 and 16, 2006, and February 26, 2007 for EU K011; on March 17 and September 29, 2006 for EU K012; and on March 15 and September 29, 2006 for EU K013, in violation of the Title V permit and ORC § 3704.05(J)(2).

(See the EC Meeting Minutes of June 18, 2009 for additional background information.)

Cast-Fab indicated its desire to resolve the violations through the mechanism of the proposed F&Os. Comments on the proposed F&Os and settlement offers were exchanged through electronic mail. A settlement was eventually reached. A proposed SEP involving the enclosure of an area with fugitive dust emissions was rejected by Ohio EPA since it could be argued that control of such emissions was already required by existing regulations.

Action: On December 23, 2009, final F&Os were issued to Cast-Fab. The F&Os require Cast-Fab to pay Ohio EPA a civil penalty of \$80,000 within 30 days after the effective date of the F&Os, of which \$16,000 of that amount is to be directed to the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

Case Closed



Case Number: 2691	Dates:
Entity: L&C, Inc., Lucille Hall; Unique Finishers, Inc., Kenneth and Belinda Hall; D&S Coating, Sandy and Dan Hall; Binks Coating, Lynn Binkly	EAR: 12/28/07
Field Office: RAPCA	DWL: N/A
Contact: Patty Porter/Tom Kalman	F&Os: N/A
Attorney: Bryan Zima	Referral: 12/30/09
	Dismissal: N/A

Background: L&C, Inc. and the Hall family owned and operated an automotive metal parts and products coating operation at 220 Fox Drive, Piqua, Ohio. The facility contained 13 coating lines (11 paint spray booths and two dip lines) and a mixing room for paints and solvents. These air contaminant sources were in operation for about seven years without permits to install and operate. The Regional Air Pollution Control Agency ("RAPCA") discovered this facility during a visit on February 16, 2006.

On March 29, 2006, RAPCA sent a letter to L&C, Inc. requesting the submittal of PTI applications for all of the emissions units at the Piqua facility within 30 days of receipt of the letter. No response was received. A full inspection was conducted on June 29, 2006, during which RAPCA found the coatings contained a maximum volatile organic compound ("VOC") content of 6.17 pounds per gallon of coating.

Based on information obtained from the company, the emissions units had been installed and operated without applying for and obtaining the required air permits. Also, based on purchase records, it was determined that the facility was subject to the Title V operating permit requirements due to exceeding the threshold level for hazardous air pollutants ("HAPs") (i.e., toluene) and was subject to the MACT requirements in Subpart Mmmm.

RAPCA sent the company a Notice of Violation letter on August 15, 2006, wherein it informed the company that it violated the permit to install and Title V operating permit rules. Furthermore, the company was given the option of either obtaining a synthetic minor permit to limit HAPs to below major source applicability thresholds or comply with the applicable requirements of the MACT in Subpart M MMM by January 2, 2007. A compliance plan and schedule and other information were requested. No response was received.

When RAPCA attempted to visit the facility on May 4, 2007, the facility was found to be vacant and no forwarding address was available. By checking with paint suppliers, RAPCA found that the Hall family had moved to adjacent properties in Troy, Ohio, in about December 2006, and were operating under different names. Unique Finishers, Inc. and D&S Coating were both located at 537 North Elm Street, and Binks Coating was located at 543 ½ North Elm Street.

On July 31 and August 2, 2007, RAPCA visited the sites and found six paint spray booths being used. Some of the same equipment was being used that was formerly at the Piqua facility. Unique Finishers was employing a dip coating line and a paint spray booth. D&S Coating was employing a phosphate part washer and three paint spray booths. Binks Coating was employing one paint spray booth.

RAPCA attempted to obtain the proper permit applications from the owner/operators of each of the three facilities (Unique Finishers, Inc.; D&S Coating; Binks Coating). Since the facilities were contiguous and met Title V criteria, a Title V application was requested from the parties. The parties then argued that they were separate facilities. Compliance discussions ended when RAPCA was informed that the Hall family did not intend to cooperate any further and would continue to operate. As a result, RAPCA referred the matter to Ohio EPA for enforcement action on December 28, 2007.

On August 28, 2008, RAPCA inspected the Troy facility and discovered that Unique Finishers had vacated the building at 537 North Elm Street and a sign indicated that the business had moved to Piqua. Also, D&S Coating and Binks Coating were collocated in the garage behind Kenneth and Lucille Hall's house at 543 ½ North Elm Street. Also, equipment that they are using continually is changing among the parties.

Based on information currently available, the following violations were determined by RAPCA and Ohio EPA:

- a) failed to apply for and obtain PTIs for the installation of 13 emissions units employed at the Piqua facility, in violation of ORC Rule 3745-31-02 and ORC § 3704.05(G);
- b) failed to apply for and obtain PTI for the installation of the six emissions units employed at the Troy facilities, in violation of ORC Rule 3745-31-02 and ORC § 3704.05(G);
- c) failed to apply for and obtain a Title V operating permit to operate both the Piqua and Troy facilities, in violation of ORC Rule 3745-77-02 and ORC §§ 3704.05(G) and (J)(2);
- d) failed to keep the applicable records, in violation of OAC Rule 3745-21-09(B)(3) and ORC § 3704.05(G);
- e) failed to submit fee emission reports, in violation of OAC Rule 3745-78-02(A) and ORC §§ 3704.05(G) and (J)(2); and
- f) failed to comply with the applicable requirements of Subpart MMMM.

Since the parties would not cooperate with RAPCA in achieving compliance with applicable regulations, it was decided to recommend to the Director of Ohio EPA that the matter be referred to the Attorney General's Office ("AGO") for enforcement action.

Action: In a letter dated December 30, 2009, the Director referred the case against these parties to the AGO for enforcement action. Ohio EPA recommends that the AGO obtain a consent order with these parties that contains the necessary injunctive relief and requires the payment of an appropriate civil penalty consistent with the USEPA's civil penalty policy. Otherwise, the AGO should pursue an injunction to cease the operations until compliance is achieved.

DAPC has calculated a proposed penalty of \$670,800 against the parties for the violations of the air pollution control requirements, using USEPA's air civil penalty policy. This penalty may be changed upon discovery of additional information concerning the operations at the facilities.

Case Closed



Case Number: 2693	Dates:
Entity: Ameriseal & Restoration, LLC. d.b.a. Ameriseal	EAR: 10/26/07
Field Office: Akron	DWL: N/A
Contact: Felix Udeani/Tom Kalman	F&Os: 12/30/09
Attorney: Donald L. Vanterpool	Referral: N/A
	Dismissal: N/A

Background: On August 12, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Ameriseal & Restoration, LLC, d.b.a. Ameriseal ("Ameriseal"), with office located at 685 High Grove Blvd., Akron, Ohio, to attempt an administrative settlement of the air violations associated with its cutting and sawing of masonry at various job sites in Akron. The F&Os propose to require Ameriseal to:

- (1) upon the effective date of the F&Os, employ reasonably available control measures ("RACM") to minimize or eliminate visible particulate emissions of fugitive dust for all masonry cutting and sawing operations at any of its Ohio construction sites located in the Appendix A areas identified in OAC Rule 3745-17-08, and maintain compliance with OAC Rule 3745-17-08(B);
- (2) pay a total civil penalty of \$15,000 to Ohio EPA;
- (3) within 14 days after the effective date of the F&Os, pay \$12,000 of the total civil penalty to Ohio EPA; and
- (4) within 14 days after the effective date of the F&Os, pay \$3,000 of the total civil penalty to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

The proposed F&Os addressed the violations of dust control regulations applicable to cutting and sawing of masonry. On the following dates and locations in Akron, the Akron Regional Air Quality Management District ("ARAQMD") observed Ameriseal's employees engaging in brick sawing operations without employing any manner of dust suppression (even though Ameriseal has water application equipment for its operations), in violation of OAC Rule 3745-17-08(B) and ORC § 3704.05(G):

April 26, 2007 (57 South Broadway Street)
 June 11, 2007 (57 South Broadway Street)
 September 20, 2007 (1115 South Main Street)
 August 7, 2007 (12 East Exchange Street)
 August 8, 2007 (12 East Exchange Street)
 March 16, 2009 (54 Mill Street)

To correct these violations, Ameriseal committed to use dust collectors, vacuum equipment and water sprayers to reduce or eliminate visible particulate emissions of fugitive dust. However, the 2009 violation occurred after this commitment.

(See the EC Meeting Minutes of August 13, 2009 for additional background information.)

On December 17, 2009, a meeting was held with Ameriseal and its legal counsel to attempt to settle the matter with the proposed F&Os. A settlement was reached during the meeting. A payment plan was provided to Ameriseal in light of the financial condition of the company.

Action: On December 30, 2009, final F&Os were issued to Ameriseal and require the company to do the following:

- (1) upon the effective date of the F&Os, employ RACM to minimize or eliminate visible particulate emissions of fugitive dust for all masonry cutting and sawing operations at any of its Ohio construction sites located in the Appendix A areas identified in OAC Rule 3745-17-08, and maintain compliance with OAC Rule 3745-17-08(B) thereafter;
- (2) pay a total civil penalty of \$6,700 to Ohio EPA;
- (3) by January 15, 2010, pay \$860 of the total civil penalty to Ohio EPA;
- (4) by January 15, 2010, pay \$1,340 of the total civil penalty to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP;
- (5) by February 15, 2010, pay \$2,200 of the total civil penalty to Ohio EPA; and
- (6) by March 15, 2010, pay \$2,300 of the total civil penalty to Ohio EPA.

Case Closed



Case Number: 2708	Dates:
Entity: A. David Sugar, Jr./Honey Creek Contracting Co., Inc./Excavation Technologies, Inc./Dave Sugar Excavating, LLC/Howland Company, LLC	EAR: 02/04/08
	DWL: N/A
Field Office: SEDO	F&Os: N/A
Contact: Muhammad Mereb/Tom Kalman	Referral: 12/30/09
Attorney: Donald L. Vanterpool	Dismissal: N/A

Background: A. David Sugar, Jr. ("Mr. Sugar, Jr.") is the incorporator of the following construction and excavation companies: Dave Sugar Excavating, LLC, Excavation Technologies, Inc., and Honey Creek Contracting Co., Inc., which are located at 11640 State Line Road, Petersburg, Ohio. The three businesses are incorporated with the Ohio Secretary of State to do business in Ohio. Howland Company, LLC, of 16 Wick Avenue, Suite 703, National City Bank Building, Youngstown, Ohio, is an asbestos abatement contractor and is incorporated with the State of Ohio to do business in Ohio. It appears to have separate ownership from Mr. Sugar, Jr.

Mr. Sugar, Jr. was the owner of the former Weirton Steel Plant located at 200 Slack Street, Steubenville, Jefferson County, Ohio. The former Weirton Steel Plant consisted of the following buildings: the Main Plant, Boiler House, Water Treatment Plant - Building #1, Water Treatment Plant - Building #2, Pump House, Clock Office, and Administration Office. The Main Plant consisted of several rooms/areas including, but not limited to, the following: Green Room, Conveyor and Hoist House, Scrap Storage, Cutting Lines, Annealing, Chrome and Tin Plating Lines, Machine Shop, Side Cutters, Demineralization Plant, Chromic Acid Loading, and Shipping.

Between March 31, 2003 and April 18, 2003, an asbestos building inspection survey was conducted by ABMECH Inc., in conjunction with AGX, Inc., as part of an application for financial assistance under the Clean Ohio Revitalization Fund. This survey was done before the former Weirton Steel Plant was purchased by Mr. Sugar, Jr. The cost of the survey was paid for by the City of Steubenville. On behalf of ABMECH Inc., AGX, Inc. conducted an asbestos building inspection of multiple bays, buildings and offices throughout the plant. A total of 820 bulk samples of representative materials suspected to contain asbestos were collected and analyzed by AGX, Inc.'s laboratory. Out of the total 820 samples collected, 643 were found to be asbestos-containing, and 177 were non-asbestos containing. Several samples in different locations were taken in several rooms to show that the entire floor area was to be considered contaminated. The

majority of the insulation debris and ground contamination was found throughout the Boiler House, and Conveyor and Hoist House. Several small rooms and offices were also contaminated. Roof samples were collected where accessible. Suspected materials from the electrical control panels located in various areas were randomly tested and found to contain asbestos. No internal boiler materials were sampled during the inspection. Several samples of wire coating and wire insulation were collected. The black wire insulation around the copper wires was tested and found to be asbestos-containing. The quantities of those materials containing any asbestos-containing material ("ACM") are shown in the following table. The type of asbestos present and its percent varies on a sample by sample basis. The laboratory reports for all samples were included with the building inspection report.

ACM	NESHAP Category	Quantity	RACM *
Surface materials	FAM**	19,012 sq. ft.	yes
Insulation debris	FAM**	15,650 sq. ft.	yes
Tank insulation	FAM**	4,858 sq. ft.	yes
Boiler insulation	FAM**	2,762 sq. ft.	yes
Furnace insulation	FAM**	486 sq. ft.	yes
Fittings and elbows	FAM**	7,492 fittings	yes
Pipe insulation	FAM**	29,809 lin. ft.	yes
Miscellaneous materials	FAM**	364 sq. ft.	yes

* RACM = Regulated asbestos-containing material as defined in OAC Rule 3745-20-01(B)(42).

** FAM = Friable asbestos material as defined in OAC Rule 3745-20-01(B)(20).

On March 9, 2005, Ohio EPA, Division of Air Pollution Control, Southeast District Office ("SEDO") received a complaint concerning asbestos removal work conducted by Mr. Sugar, Jr. or his companies' demolition workers at the former Weirton Steel Plant.

On March 13, 2005, representatives from SEDO conducted an inspection of the former Weirton Steel Plant. The inspectors observed that insulation had been recently disturbed or removed from pipes, and crushed by driving vehicles over it at an area called the Green Building. They also noticed pieces of white material that appeared to be pipe insulation on the floor of the Green Building; this material was dry and friable. Moreover, they took 12 samples of suspected ACM put-down, broken, and crushed at various locations in the facility by demolition employees of Mr. Sugar, Jr. or one of his companies. The crew chief was requested not to disturb any more insulation.

On March 15, 2005, Richard Gresley of Environmental Protection Systems, LLC called SEDO to inform Ohio EPA that Mr. Sugar, Jr. hired him to clean up any ACM present at the Green Building. Mr. Gresley was informed not to start any work before the proper notification had been submitted to Ohio EPA.

On March 17, 2005, Mr. Sugar, Jr. called a SEDO representative, and he denied that his employees disturbed any asbestos at the facility. The SEDO representative informed Mr. Sugar, Jr. that he inspected the building last fall and there was no material on the ground or any equipment taken down at that time. Jim Davidson was the crew supervisor at that time and he informed SEDO's representative that the ACM will be removed soon by an asbestos abatement company.

On March 22, 2005, SEDO received the results of the analysis for the samples that were collected on March 13, 2005, and it showed that 10 of the 12 samples contained amosite asbestos in the range of 13% to 25% and/or chrysotile asbestos in the range of 2% to 20%. Therefore, the material from which these samples were taken was "friable asbestos material," as defined in OAC Rule 3745-20-01(B)(20). This demolition project exceeded the threshold values in OAC Rule 3745-20-02(B)(1) and therefore the project was subject to the notification and work practice requirements of OAC Rules 3745-20-03, 3745-20-04, and 3745-20-05. As a result, Mr. Sugar, Jr. and Honey Creek Contracting Co., Inc. violated OAC Rule 3745-20-04(A)(1) and OAC Rule 20-04(A)(6)(a) on March 13, 2005, by failing to remove ACM prior to disturbing the material and failing to keep removed or stripped ACM adequately wet until collected for disposal. Also, Mr. Sugar, Jr. did not provide Ohio EPA with written notice of intention to demolish or renovate the former Weirton Steel Plant before the beginning of any asbestos stripping or removal work, in violation of OAC Rule 3745-20-03(A). This violation was cited as a result of the work done on and before March 13, 2005 at the former Weirton Steel Plant.

On March 24, 2005, representatives from SEDO and the Ohio Department of Health ("ODH") conducted a joint inspection at the former Weirton Steel Plant; however, they were asked to leave the property by Dan Burnette per Mr. Sugar, Jr.'s request.

On April 6, 2005, SEDO sent a warning letter to Mr. Sugar, Jr. The letter requested him to submit a plan stating procedures for cleaning up and securing any exposed or broken RACM in or about the Green Building.

On April 7, 2005, SEDO received the original notification of demolition for the Green Building (200,000+ sq. ft.) of the former Weirton Steel Plant that consisted of three floors. Regulated asbestos-containing material ("RACM") to be removed according to the notification was identified as 10,000 linear feet on pipe and 25 cubic yards from

other sources. Demolition was selected as the type of operation. Dates for asbestos removal were from April 18 to May 18, 2005, while dates for demolition were from May 23 to August 30, 2005. The owner of the building was identified as Mr. Sugar, Jr. and the asbestos removal contractor was identified as Environmental Protection Systems, LLC. The demolition contractor was identified as Excavation Technologies, Inc. Environmental Protection Systems, LLC and JMW Trucking Services were identified as the waste transporters, while Minerva Enterprises, Inc. was the waste disposal facility. Revisions to the original notification were received by SEDO on April 18, May 2, May 19, May 27, and June 27, 2005. The changes included different asbestos removal start dates, completion dates, and work schedules. The revision of May 2, 2005 included a change of RACM to be removed from pipes from 10,000 to 6,000 linear feet. The revision of May 19, 2005 listed June 23, 2005 as the completion date for asbestos removal.

On December 5, 2005, Mr. Sugar, Jr. returned a call from a representative from SEDO, and he indicated that he planned to rent out the facility as a warehouse; otherwise, he may demolish it in a year or so. However, demolition was selected as the type of operation in the notification of April 7, 2005. Mr. Sugar, Jr. indicated that Honey Creek Contracting Co., Inc. was doing the non-asbestos related work at the facility.

On March 28, 2006, SEDO received a complaint from ODH. It was indicated that the former Weirton Steel Plant was being demolished. ODH took photos to document the work that had been done. SEDO called Mr. Sugar, Jr., and he stated that they had been removing equipment from the facility since August 2005. However, the date of the demolition completion was indicated as August 30, 2005 in the last notification revision of June 27, 2005.

Mr. Sugar, Jr. or one of his companies did not submit an amended notification to Ohio EPA to reflect the change in work scheduled at the former Weirton Steel Plant between August 30, 2005 (scheduled demolition completion per the revised notification of June 27, 2005) and at least March 28, 2006, in violation of OAC Rule 3745-20-03(D).

On April 11, 2006, SEDO sent a Notice of Violation ("NOV") letter to Mr. Sugar, Jr. The letter informed him that SEDO had obtained a copy of the report of the former Weirton Steel Plant asbestos survey that was conducted on March 31 through April 18, 2003. The report documented the locations and amounts of all the RACM identified in the facility. The NOV cited Mr. Sugar, Jr. with violating the requirements specified in OAC Chapter 3745-20. The NOV also requested the submission of a plan and schedule to abate any remaining ACM from all buildings at the former Weirton Steel Plant using licensed asbestos abatement contractors, in addition to a report that identified all of the

ACM left in the remaining buildings. The NOV also requested a report from Environmental Protection Systems, LLC that documents the amounts and locations where ACM was removed during the abatement work conducted in 2005.

On April 17, 2006, SEDO received a revised demolition notification from Honey Creek Contracting Co., Inc. In this notification, the owner was changed from Mr. Sugar, Jr. to Honey Creek Contracting Co., Inc., and it was signed by Mr. Harry Manganaro. No asbestos removal dates were specified, while the demolition dates were from April 26, 2006 to November 30, 2006. The purpose of the notification was to cut steel at various areas at the facility.

On April 26, 2006, SEDO received Mr. Sugar, Jr.'s response to the NOV of April 11, 2006. He indicated that Environmental Protection Systems, LLC was hired to abate the Green Building which housed equipment to be removed along with the tank area at the rear of the property and any loose material. Also, he indicated that the goal was to remove all the equipment and use the former Weirton Steel Plant as a warehouse facility. He also indicated that Honey Creek Contracting Co., Inc. did not anticipate taking down the Boiler House or any safe structures at that time, and the goal was to cleanup the property and use the buildings. After Environmental Protection Systems, LLC completed the required cleanup and removal of ACM over several months, Honey Creek Contracting Co., Inc. was to remove the equipment and clean the rear of the property. He also indicated that they had contracted Phase One Development Corporation for asbestos removal.

On April 26, 2006, SEDO received a copy of the contract between Dave Sugar Excavating, Inc. and Environmental Protection Systems, LLC to demolish the Green Building. The package also included a copy of an asbestos waste shipment record of 578 double bags of friable asbestos-containing waste material that was signed by John Lucas of Environmental Protection Systems, LLC, as the operator on June 14, 2005. The reports from Environmental Protection Systems, LLC showed that asbestos removal activities occurred on various dates from April 20, 2005 to June 23, 2005. These dates were covered by the notifications.

On July 7, 2006, SEDO received a new demolition notification from Honey Creek Contracting, Co., Inc. The notification was to remove 17,000 linear feet of RACM on pipe from the former Weirton Steel Plant. It did not specify the buildings where the ACM was planned to be removed; however, it stated that buildings would be demolished with machinery. The asbestos removal dates were from July 18, 2006 to December 29, 2006. The asbestos removal contractor was identified as Phase One Development Corporation, and Mr. Sugar, Jr. was identified as the owner.

On August 28, 2006, a representative from ODH had issued a public health emergency notice after conducting an inspection of the facility for the failure of Honey Creek Contracting Co., Inc. and Phase one Development Corporation to follow the ODH required abatement procedures.

On August 29, 2006, representatives from SEDO and Ohio EPA Central Office conducted an inspection of the asbestos abatement work at the former Weirton Steel Plant in response to a complaint from ODH. It was determined that the release of ACM to the ambient air from the facility constituted a violation of OAC Rule 3745-15-07 due to the health consequences which might have occurred from the exposure to ACM.

On October 3, 2006, SEDO sent a NOV to Mr. Sugar, Jr. The NOV requested him to address several issues before the demolition of any part of the facility could occur. These include the following:

- Removal of the remaining thermal pipe insulation due to its friable nature.
- Removal of the floor tile in the office building because it was very brittle and could be rendered friable very easily during remediation.
- Removal of all galbestos siding and the galbestos debris from the siding.
- Sampling of the floors in the remaining buildings to determine the extent of the asbestos contamination.
- Inspecting and sampling the pits to determine if any ACM waste was in them.
- Sampling the Boiler House for any ACM.
- Employing a third party asbestos hazard evaluation specialist to inspect the facility before abatement work can resume.
- Revising or submitting a notification of demolition and renovation that accurately describes the work that will be done at the site before any future abatement or demolition work.

On October 23, 2006, SEDO received Mr. Sugar, Jr.'s response to the NOV of October 3, 2006. It was indicated that he was only the property owner and Phase One Development Corporation was hired to remediate all asbestos on the property except the Boiler House which will be handled by a different contractor. Mr. Sugar, Jr. believed that it was the responsibility of the contractor to follow the rules of Ohio EPA. It was also indicated that John Evan, a certified asbestos evaluation specialist from Howland Company, LLC, was hired by Mr. Sugar, Jr. at the start of Phase One Development Corporation's work, and he was preparing a report that would be forwarded to SEDO when it became available.

On December 5, 2006, Phase One Development Corporation sent by fax the results of an asbestos analysis for 11 floor debris samples that were collected from various locations. The analysis indicated that no asbestos was detected in any of them.

On April 11, 2007, representatives from SEDO and Ohio EPA Central Office met with Mr. Sugar, Jr. for a site inspection. Mr. David Sugar, Jr. wanted to start demolition of most of the remaining buildings. An inspection was conducted and several areas of concern were found where asbestos insulated pipes were located. The Boiler House was inspected, and it was noticed that most of the asbestos insulation was in a significantly damaged condition, and that most of the metal siding on two sides of the Boiler House has been removed. These conditions may have allowed asbestos to be released to the ambient air.

On May 18, 2007, Howland Company, LLC submitted a bid to Mr. Sugar, Jr. for the removal of ACM from the Boiler House and Demineralization Building at the former Weirton Steel Plant. The ACM identified in the Boiler House was approximately 3,600 linear feet on pipe, 11,500 square feet on facility components, and miscellaneous ACM on the 1st floor, 2nd floor, and 3rd floor, and on the exterior of the Boiler House. The estimated ACM based on the asbestos survey that was conducted in 2003 was about 4,670 linear feet on pipe, and 12,310 square feet on facility components, while the ACM in the Demineralization Building was identified as about 298 linear feet on pipes.

On May 24, 2007, SEDO received a new demolition notification for demolishing the Boiler House and Demineralization Building at the former Weirton Steel Plant from Mr. Sugar, Jr. The asbestos removal contractor was identified as Respondent Howland Company, LLC. RACM to be removed was 2,250 linear feet on pipe and 8,750 square feet on facility components. Dates of asbestos removal were given as June 6, 2007 through July 20, 2007. The transporter was Ace Roll-Off Service, Inc. Waste Disposal was to be provided by Minerva Enterprises. The notification was signed by Howland Company LLC.

On June 12, 2007, Harry Manganaro of Dave Sugar Excavating, Inc. informed SEDO that an asbestos evaluation was conducted after SEDO's inspection of April 11, 2007 for suspected ACM on pipe wrap. The evaluation revealed only 38 linear feet of ACM on pipes. Much of the suspected material was determined to be fiberglass. He also indicated that the Boiler House was currently being abated. Mr. Manganaro indicated that a separate notification would be submitted for the demolition of the Main Building.

On June 28, 2007, SEDO received a revision to the demolition notification of May 24, 2007 by fax from Dave Sugar Excavating, LLC. The new asbestos removal dates were from June 21, 2007 to October 12, 2007. It was indicated that following proper abatement of the remaining asbestos, the building will be demolished and reclaimed as scrap steel.

On July 5, 2007, a representative from SEDO inspected the Boiler House and the Demineralization Building to observe the asbestos removal activities by Respondent Howland Company, LLC. Mini-containments were being constructed within the Boiler House, and it was not fully contained as previously discussed. On July 9, 2007, a representative from SEDO called Harry Manganaro concerning the mini-containment and Mr. Manganaro indicated that they will build a full containment of the building.

On August 2, 2007, representatives from SEDO and ODH conducted a joint inspection at the former Weirton Steel Plant. When they arrived, abatement activities were occurring in the Boiler House and the Demineralization Plant by Howland Company, LLC. Four black bags of asbestos waste were found lying on the ground between the southern end of the Boiler House and the asbestos waste disposal dumpster. There was no asbestos label on the dumpster. Upon examination of the bags, one of the bags was noted to be ripped open. It was determined that the asbestos material in the bag was not adequately wet and that it was not sealed in a leak-tight manner. The bags did not have labels attached to them. Additionally, the dry ACM was not double bagged. One sample was collected from the ripped bag and an analysis revealed a total asbestos content of 23 to 35%. The ODH representative issued a public health emergency based on the above findings.

The following violations of OAC Chapter 3745-20 were observed by Howland Company, LLC and Mr. Sugar, Jr. during the inspection of August 2, 2007;

- a. In violation of OAC Rule 3745-20-05(B)(1)(a), the material in the bags of asbestos waste were not adequately wet;
- b. In violation of OAC Rule 3745-20-05(B)(1)(c), one bag was not sealed in durable leak-tight containers;
- c. In violation of OAC Rule 3745-20-05(C)(1), there was no asbestos warning label on the dumpster;

- d. In violation of OAC Rule 3745-20-05(C)(1), four (4) bags were not labeled with the name of the waste generator and the location at which the waste was generated; and
- e. In violation of OAC Rule 3745-20-05(C)(2), four (4) bags were not sealed in plastic bags having a thickness of at least 0.0006 inch.

On August 6, 2007, representatives from SEDO and ODH conducted a joint follow-up inspection at the former Weirton Steel Plant. The abatement supervisor was Marty Boulton from Howland Company, LLC. During the inspection, the representatives entered the containment area. While inside the Boiler House, large piles of ACM were noted on the floor beneath a large suspended tank. The material consisted of wire wrapped ACM and block material. The material had fallen onto and destroyed one of the mini-containment areas. Dozens of bags of ACM waste were observed on the 1st floor, 2nd floor, and the basement of the Boiler House. Upon inspection of several bags on each floor, it was determined that much of the ACM waste material was not adequately wet. Several bags of ACM were also observed to be ripped and punctured. SEDO representative took photos of the bags and collected a sample from a dry bag on the first floor of the Boiler House. ODH representative issued a public health emergency based on the above findings. The results of the analysis later revealed a total asbestos content of 25 to 40% (20% - 30% chrysotile and 5% - 10% crocidolite).

The following violations of OAC Chapter 3745-20 were observed during the inspection of August 6, 2007:

- a. In violation of OAC Rule 3745-20-04(A)(1), approximately 750 square feet of ACM from a large overhead tank was disturbed on August 2, 2007 and left in disturbed condition until the time of the inspection;
- b. In violation of OAC Rule 3745-20-05(B)(1)(c), approximately 20 bags of asbestos-containing waste material were not sealed in durable leak-tight containers;
- c. In violation of OAC Rule 3745-20-05(C)(1), there was no asbestos warning label on the dumpster;
- d. In violation of OAC Rule 3745-20-05(C)(1), several bags were not labeled with the name of the waste generator and the location at which the waste was generated and

- e. In violation of OAC Rule 3745-20-05(C)(2), six (6) bags were not sealed in plastic bags having a thickness of at least 0.0006 inch.

On August 14, 2007, SEDO sent NOV letters to Mr. Sugar, Jr. and Howland Company, LLC based on the findings of the inspections of August 2, 2007 and August 6, 2007. The NOV requested Mr. Sugar, Jr. to submit a summary of how the above violations were to be addressed, an update regarding Mr. Sugar, Jr.'s current and future asbestos abatement and demolition activities for the former Weirton Steel Plant, and a detailed description of the techniques and methods to be employed for all future asbestos abatement activities at the plant.

On August 27, 2007, SEDO received Mr. Sugar's response to the NOV of August 14, 2007. It was indicated that Howland Company, LLC was hired to properly handle the abatement of the Boiler House and Demineralization Room properly.

On November 19, 2007, SEDO received another revision to the demolition notification of May 24, 2007. In the revision the completion date of asbestos removal was changed to December 21, 2007.

On July 2, 2008, an inspector from SEDO visited the former Weirton Steel Facility. The gate was locked; however, looking through the fence, the inspector observed a large excavator with a shear attachment and over one dozen large gas cylinders. The inspector also observed scrapping equipment at the site. No notification was filed for any abatement work during this time period.

On August 14, 2008, an inspector from SEDO conducted an inspection of the exterior of the Boiler House and Demineralization Plant at the former Weirton Steel Plant. Per the most recent revision to the original notification of May 24, 2008, the abatement was to be completed by August 31, 2008, by Howland Company, LLC. There were no representatives of Howland Company, LLC on site at the time of inspection; however, the inspector observed the following violations:

- a. The asbestos waste dumpster was approximately half full of bagged asbestos waste and the inspector observed approximately 6 bags of asbestos-containing waste material with ripped outer 6 mil bags, in violation of OAC Rule 3745-20-05(C)(2).
- b. The inspector observed that the vast majority of the waste bags did not have waste generator attached to them, in violation of OAC Rule 3745-20-05(C)(1).

On August 28, 2008, an inspector from SEDO conducted a follow-up inspection of the former Weirton Steel Plant. The inspector noticed that the violations of August 14, 2008 were not fixed yet, in addition to the following violations:

- a. The inspector observed two asbestos abatement glove bags in the dumpster. The glove bags contained inadequate wetted mag-block asbestos insulation, in violation of OAC Rule 3745-20-05(B)(1)(a).
- b. The glove bags were not contained in second leak tight plastic bags, in violation of OAC Rule 3745-20-05(C)(1).
- c. The glove bags did not have generator labels attached to them, in violation of OAC Rule 3745-20-05(C)(1).

On September 5, 2008, SEDO sent a NOV to Mr. Sugar, Jr. and Howland Company, LLC. The NOV requested them to submit a compliance plan and an update regarding the current and future demolition activities for the former Weirton Steel Plant. The former Weirton Steel Plant had not yet been completely demolished; however, Mr. Sugar, Jr. is intending on initiating demolition of the facility in the near future. Additional asbestos abatement needs to be completed to allow for the start of the demolition.

Mr. Sugar, Sr. hired CMM Inc. to conduct a detailed asbestos survey of the facility to address concerns raised by SEDO and ODH. The survey was conducted in August/September 2008 and it was received by SEDO on June 10, 2009.

The following table summarizes the OAC rules that have been violated by Respondents at the former Weirton Steel Plant and the dates each violation occurred:

ORC Rule	Dates of Violation Discovery	Responsible Party
3745-20-03(A)(1)	3/13/05, 8/29/06	A. David Sugar, Jr., et al.
3745-20-03(D)	3/28/06	A. David Sugar, Jr., et al.
3745-20-05(B)(1)(a)	8/2/07, 8/6/07, 8/28/08	Howland Company, LLC and A. David Sugar, Jr.
3745-20-05(B)(1)(c)	8/2/07, 8/6/07	Howland Company, LLC and A. David Sugar, Jr.
3745-20-05(C)(1)	8/2/07, 8/6/07, 8/14/08, 8/28/08	Howland Company, LLC and A. David Sugar, Jr.
3745-20-05(C)(2)	8/2/07, 8/6/07, 8/14/08, 8/28/08	Howland Company, LLC and A. David Sugar, Jr.

3745-20-04(A)(1)	3/13/05, 8/6/07	Howland Company, LLC, A. David Sugar, Jr., and Honey Creek Contracting Co., Inc.
3745-20-04(A)(6)(a)	3/13/05	David Sugar, Jr. and Honey Creek Contracting Co., Inc.
3745-15-07	8/29/06	Howland Company, LLC and A. David Sugar, Jr.

ORC § 3704.05(G) states that no person shall violate any order, rule, determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Chapter 3745-20 was adopted by the Director pursuant to ORC Chapter 3704. Any violation of a rule in OAC Chapters 3745-20 and 3745-15 as defined above, was also a violation of ORC § 3704.05(G).

On February 4, 2008, SEDO submitted an Enforcement Action Request to Ohio EPA for the above-mentioned violations. Since the Attorney General’s Office (“AGO”) already had two cases involving Mr. Sugar’s Excavation Technologies, Inc., it was decided to recommend to the Director that this case be referred to the AGO to combine enforcement actions.

Action: In a letter dated December 30, 2009, the Director referred this case to the AGO for enforcement action. It was requested that the AGO have the appropriate parties properly remove all the accessible RACM from the Boiler House and the Demineralization Plant before restarting any demolition work at the facility. Also, a civil penalty of \$102,000 was requested to be obtained from the appropriate parties for the violations that DAPC is aware of.

Case Closed



Case Number: 2713	Dates:
Entity: Quality Ready Mix, Inc.	EAR: 04/10/08
Field Office: NWDO	DWL: N/A
Contact: Patty Porter/Tom Kalman	F&Os: 12/22/09
Attorney: Bryan Zima	Referral: N/A
	Dismissal: N/A

Background: On August 20, 2009, proposed Director’s Final Findings and Orders

("F&Os") were sent to Quality Ready Mix, Inc. ("Quality") of 16672 County Road 66A North in St. Marys, Ohio, to attempt an administrative settlement of the violations of air pollution control requirements that occurred at the company's former concrete batching plant located at 1670 North McCullough Street in Lima, Ohio. The F&Os proposed 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 were proposed to be due within 14 days after the effective date of the F&Os, and the pollution prevention study was to be completed within 330 days after the effective date of the F&Os.

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 were 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

The proposed F&Os cited Quality with the following violations:

- (1) 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 was 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 loadings 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.
- (2) Quality was not maintaining the fabric filters at the facility in accordance with good engineering practices to minimize air contaminant emissions as required by PTI #03-6000, in violation of PTI #03-6000 and ORC § 3704.05(C). In fact, it appeared that the only time the fabric filters were serviced was due to citizen dust complaints and NWDO's inspections. 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.

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.

(See the EC Meeting Minutes of August 27, 2009 for additional background information.)

Quality and Ohio EPA were able to reach a settlement via the proposed F&Os through electronic correspondence.

Action: On December 22, 2009, final F&Os were issued to Quality to resolve the claims for the violations. The F&Os require Quality to pay a civil penalty of \$15,000 to Ohio EPA within 14 days after the effective date of the F&Os. Of that amount, \$3,000 is to be directed to the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. Quality elected to not perform a pollution prevention study.

Case Closed



Case Number: 2725	Dates:
Entity: Hosea Project Movers, LLC	EAR: 05/16/08
Field Office: HAMCO	DWL: N/A
Contact: Tan Tran/Tom Kalman	F&Os: 12/23/09
Attorney: Stephen Feldmann	Referral: N/A
	Dismissal: N/A

Background: On June 17, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Todd Hosea, d.b.a. Hosea Project Movers, with office at 3951 Madison Pike in Covington, Kentucky, to attempt an administrative settlement of the violations of the asbestos emission control standards associated with the renovation of the Crosley Building located at 1333 Arlington Street, Cincinnati, Ohio. The F&Os proposed to require Mr. Hosea to pay a civil penalty of \$49,500 to Ohio EPA within 30 days after the effective date of the F&Os, of which 20 percent (\$9,900) would be

directed to the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. The proposed F&Os addressed the following violations of the asbestos emission control standards in OAC Chapter 3745-20 and State law:

- (1) OAC Rule 3745-20-03(A), by failing to submit a notification to the Hamilton County Department of Environmental Services ("HAMCO") or Ohio EPA at least ten days prior to the start of the renovation;
- (2) OAC Rule 3745-20-04(A)(1), by failing to completely remove all regulated asbestos-containing material ("RACM") from the facility being renovated before any activity begins that would break up the materials (RACM debris was observed scatteringly on floors 2 through 6 during the inspection by HAMCO on September 6, 2007);
- (3) OAC Rule 3745-20-04(A)(6)(a), by failing to maintain removed or stripped friable asbestos material in a wetted condition until the material was collected for disposal (RACM debris, observed on floors 2 through 6, were in a dry condition at the time of HAMCO's September 6, 2007 inspection);
- (4) OAC Rule 3745-20-05(B)(1)(c), by failing to maintain RACM debris in a wetted condition and sealed in durable leak-tight containers for disposal;
- (5) OAC Rule 3745-20-05(C)(1), by failing to comply with the labeling requirements for the dumpsters with RACM debris at the time of HAMCO's September 6, 2007 inspection; and
- (6) ORC § 3704.05(G), for violating rules adopted by the Director pursuant to ORC Chapter 3704.

As a result of HAMCO's September 6, 2007 inspection of the facility, the renovation work was stopped and an asbestos abatement contractor was hired to conduct a removal of the remaining exposed RACM and a cleanup of the RACM debris between October 8 and November 12, 2007. HAMCO confirmed the acceptable completion of the renovation project during an inspection on November 14, 2007.

(See the EC Meeting Minutes of June 18, 2009 for additional background information.)

On August 26, 2009, a meeting was held with D. Todd Hosea of Hosea Project Movers, LLC to discuss settlement of the violations with the proposed F&Os. No settlement was reached during the meeting, but Mr. Hosea promised to make an offer after discussion

with family members. At that time, it was determined that Hosea Project Movers, LLC was incorporated with the Secretary of State's Office and was the responsible party.

On September 28, 2009, Mr. Hosea made an offer of \$10,000 to settle the matter. No reason was provided for the offer other than alleged poor business conditions and the expense the building had cost the company. Ohio EPA then countered with an offer of \$32,000. On November 11, 2009, Mr. Hosea countered with an offer of \$16,000 payable over a 12-month period. Ohio EPA subsequently offered \$28,000 over a 12-month period, based on 30% mitigation for cooperation. A settlement was eventually reached at \$22,000 payable over a 12-month period.

Action: On December 23, 2009, final F&Os were issued to Hosea Project Movers, LLC ("Hosea") to resolve the above-mentioned violations. The F&Os require Hosea to pay a civil penalty of \$22,000 to Ohio EPA in five equal installments of \$4,400 each, which are due within 30, 90, 180, 270 and 360 days after the effective date of the F&Os. The first payment of \$4,400 is to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

Case Closed



Case Number: 2808	Dates:
Entity: Randy Wise	EAR: 03/20/09
Field Office: NWDO	DWL: N/A
Contact: Felix Udeani/Tom Kalman	F&Os: 12/23/09 (unil.)
Attorney: Stephen Feldmann	Referral: N/A
	Dismissal: N/A

Background: Randy Wise owns the residential property located at 10515 County Road 12 in Pike Township of Fulton County. This property is located in an "unrestricted area" as defined in the open burning rules of OAC Chapter 3745-19. OAC Rule 3745-19-04(A) prohibits open burning in an unrestricted area except as specified therein. The exceptions therein do not include the open burning of landscape waste and tires from motor vehicles.

On November 5, 2008, Mr. Wise conducted open burning of landscape waste and approximately 20 to 30 tires. The Northwest District Office of Ohio EPA ("NWDO") sent

a Notice of Violation letter to Mr. Wise on December 4, 2008, which cited him for open burning in violation of OAC Rule 3745-19-04(A).

On March 20, 2009, NWDO sent an Enforcement Action Request ("EAR") to Central Office for the above-mentioned violation. The EAR requested that the violation be resolved through unilateral findings and orders with a civil penalty based on the provisions in OAC Rule 3745-19-06.

Action: On December 23, 2009, unilateral Director's Final Findings and Orders ("F&Os") were issued to Mr. Wise. The F&Os require Mr. Wise to pay a civil penalty of \$250 to Ohio EPA within 30 days after the effective date of the F&Os. The penalty is based on a factor of \$250 per day per violation pursuant to OAC Rule 3745-19-06 for open burning on residential property. This one day violation was pursued with penalties due to the size of the fire and the fact that vehicle tires were burned.

Case Closed



Case Number: 2816	Dates:
Entity: Republic Engineered Products, Inc.	EAR: 04/16/09
Field Office: NEDO	DWL: N/A
Contact: Jim Kavalec/Tom Kalman	F&Os: 12/30/09
Attorney: Donald L. Vanterpool	Referral: N/A
	Dismissal: N/A

Background: On July 9, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Republic Engineered Products, Inc. ("Republic") to attempt an administrative settlement of the violations at its integrated steel plant located at 1807 E. 28th Street, Lorain, Lorain County, Ohio. The F&Os proposed to require Republic to pay Ohio EPA a civil penalty of \$59,000 within 14 days after the effective date of the F&Os. Of the total penalty, it was proposed that \$11,800 be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

The proposed F&Os addressed the following violations of the facility's Title V permit and State law relating to nitrogen oxide ("NOx") emissions from emissions unit P081, a 421.6 million Btu/hr bloom reheat furnace with low NOx burner:

- (1) Exceedance of the NOx emission limitation of 0.132 pound per million Btu ("lb/MM Btu") from November 13, 2007 (test date with failing measured NOx emissions of 0.141 lb/MM Btu) to April 8, 2008 (test date with complying measured NOx emissions of 0.044 lb/MM Btu), in violation of the Title V permit and ORC § 3704.05(J)(2);
- (2) Exceedance of the NOx emission limitation of 0.132 lb/MM Btu from November 12, 2008 (test date with failing measured NOx emissions of 0.230 lb/MM Btu) to December 19, 2008 (test date with complying measured NOx emissions of 0.063 lb/MM Btu), in violation of the Title V permit and ORC § 3704.05(J)(2); and
- (3) Failing to comply with the prohibition on violating any terms and conditions of a permit issued by the Director, due to the above-mentioned exceedances, in violation of ORC § 3704.05(J)(2).

Compliance was achieved in both violating periods by making repairs to the emissions unit.

(See the EC Meeting Minutes of July 16, 2009 for additional background information.)

A settlement was reached with Republic via the proposed F&Os through written and electronic correspondence.

Action: On December 30, 2009, final F&Os were issued to Republic. The F&Os require the payment of a civil penalty of \$30,600 within 45 days after the effective date of the F&Os, of which \$6,120 is due to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP.

Case Closed



Case Number: 2825	Dates:
Entity: El Ceramics, LLC.	EAR: 05/08/09
Field Office: HAMCO	DWL: N/A
Contact: Jim Kavalec/Tom Kalman	F&Os: 12/21/09
Attorney: Stephen Feldmann	Referral: N/A
	Dismissal: N/A

Background: On November 12, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to EI Ceramics of 2600 Commerce Boulevard in Cincinnati, Ohio, to attempt an administrative settlement of the air violations that occurred at the facility. The F&Os proposed to require the company to pay a civil penalty of \$175,000 within 14 days after the effective date of the F&Os, of which \$35,000 would be directed to the Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. The penalty derivation included mitigation for cooperation (10% or \$20,500) for immediately correcting the violations upon discovery by HAMCO and mitigation for unique factors in the amount of 10% (\$9,500) of the portion of the penalty relating to temperature deviations.

The proposed F&Os addressed the following violations of air pollution control permits and laws concerning a mixing process ("emissions unit P001"); blending, pressing, glazing and curing process with fabric filter ("emissions unit P002"); kiln #1 ("emissions unit P003"); kiln #2 ("emissions unit P004"); and curing oven #2 ("emissions unit P005"). Emissions units P002 and P005 are vented to a common thermal oxidizer, while emissions units P001, P003 and P004 are vented to separate thermal oxidizers:

- (1) For emissions units P001 through P003, from April 30, 2005 (the date that the first quarterly deviation report for 2005 was due) until March 11, 2008, a total of 1,046 days, EI Ceramics failed to submit annual emissions reports and quarterly deviation reports for the years 2005, 2006 and 2007, in violation of PTI 14-05345, PTI 14-05702 and ORC § 3704.05(C). EI Ceramics provided the annual emissions reports and the quarterly deviation reports for the years 2005, 2006 and 2007 to HAMCO at the time of the inspection.
- (2) For emissions unit P001, from November 19, 2002 until March 24, 2008, a total of 278 days, EI Ceramics failed to record the pressure drop across the fabric filter on a weekly basis, in violation of PTI 14-05345 and ORC § 3704.05(C).
- (3) For emissions unit P001, from November 19, 2002 until March 11, 2008, a total of 1,938 days, EI Ceramics failed to operate and maintain a continuous temperature monitor and recorder for the thermal oxidizer, in violation of PTI 14-05345 and ORC § 3704.05(C). At the time of the inspection, EI Ceramics made the necessary adjustments to ensure the monitor and recorder were continuously running.
- (4) For emissions unit P002, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P002 was in operation, was required to be not less than 1,450 degrees Fahrenheit. For 55 percent of the operating time between November 19, 2002 and March 11, 2008, EI

Ceramics failed to keep the average combustion temperature of the thermal oxidizer at no less than 1,450 degrees Fahrenheit, in violation of PTI 14-05345 and ORC § 3704.05(C).

- (5) For emissions unit P002, EI Ceramics exceeded the annual OC emissions rate of 11.0 tons per year ("TPY") for the years 2006 and 2007, in violation of PTI 14-05345 and ORC § 3704.05(C). Specifically, the annual OC emissions for 2006 and 2007 were 16.2 TPY and 20.0 TPY, respectively.
- (6) For emissions unit P002, EI Ceramics exceeded the monthly OC emissions rate of 0.92 ton per month ("TPM") for 23 months between June 2005 and March 2008, in violation of PTI 14-05345 and ORC § 3704.05(C).
- (7) For emissions unit P003, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P003 was in operation, was required to be not more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2003 stack test, the average temperature was 1,335 degrees Fahrenheit. For 3 percent of the operating time between October 2003 and March 11, 2008, EI Ceramics failed to operate pursuant to this temperature restriction, in violation of PTI 14-05345 and ORC § 3704.05(C).
- (8) For emissions unit P004, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P004 was in operation, was required to be not more than 50 degrees Fahrenheit below the average temperature during the most recent emissions test that demonstrated the emissions unit was in compliance. Based upon the October 2006 stack test, the average temperature was 1,395 degrees Fahrenheit. For 8.7 percent of the operating time between October 2006 and March 11, 2008, EI Ceramics failed to operate under this temperature restriction, in violation of PTI 14-05702 and ORC § 3704.05(C).
- (9) For emissions unit P005, the average combustion temperature for the thermal oxidizer, for any 3-hour block of time when emissions unit P005 was in operation, was not to be less than 1,450 degrees Fahrenheit. For 79 percent of the operating time between June 21, 2005 and March 11, 2008, EI Ceramics failed to keep the average combustion temperature of the thermal oxidizer at no less than 1,450 degrees Fahrenheit, in violation of PTI 14-05702 and ORC § 3704.05(C).

- (10) For emissions unit P005, EI Ceramics exceeded the annual OC emissions rate of 11.0 TPY for the years 2006 and 2007, in violation of PTI 14-05702 and ORC § 3704.05(C). Specifically, the annual OC emissions for 2006 and 2007 were 13.0 TPY and 24.4 TPY, respectively.
- (11) For emissions unit P005, EI Ceramics exceeded the monthly OC emissions rate of 0.92 TPM for 21 months between May 2006 and March 2008, in violation of PTI 14-05702 and ORC § 3704.05(C).

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

On December 16, 2009, Ohio EPA and EI Ceramics held a meeting during which a settlement was reached via the proposed F&Os. A payment plan was provided to EI Ceramics to mitigate concerns about its ability to pay the penalty.

(See the EC Meeting Minutes of November 19, 2009 for additional background information.)

Action: On December 21, 2009, final F&Os were issued to EI Ceramics to resolve the violations. The F&Os require EI Ceramics to pay Ohio EPA a civil penalty of \$78,700, of which \$15,740 will go to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. The penalty is to be paid within 30 days after the effective date of the F&Os.

Case Closed



Case Number: 2845	Dates:
Entity: Blackhawk Automotive Plastics, Inc.	EAR: 07/28/09
Field Office: HAMCO	DWL: N/A
Contact: Tan Tran/Tom Kalman	F&Os: N/A
Attorney: Donald L. Vanterpool	Referral: N/A
	Dismissal: N/A

Background: Blackhawk Automotive Plastics, Inc. ("Blackhawk") owned and operated an automotive parts manufacturing facility located at 4219 US Route 42,

Mason, Warren County, Ohio. It was identified by Ohio EPA as facility ID #1483090101. The Blackhawk facility was a synthetic minor Title V facility that was subject to the annual fee emission report filing and fee payment requirements of OAC Rule 3745-78-02 and ORC § 3745.11, respectively.

On April 9, 2008, Blackhawk permanently shut down operations at the Mason facility. Also, in a fax dated September 9, 2008, Blackhawk reported to the Hamilton County, Department of Environmental Services ("HAMCO") that, on October 22, 2007, the company filed for Chapter 11 bankruptcy protection. Furthermore, Blackhawk also reported that, because of financial issues, the company was put up for sale and was acquired on March 18, 2008; however, the Mason facility was not part of the sale. HAMCO reported on July 3, 2008 that the Mason facility was acquired by Flex-N-Gate.

Blackhawk failed to submit a fee emission report to Ohio EPA for calendar year 2007 by the deadline of April 15, 2008 (extended to June 6, 2008), in violation of OAC Rule 3745-78-02 and ORC § 3704.05(G). A Notice of Violation ("NOV") letter dated October 1, 2008 was sent to Blackhawk by Ohio EPA, in which the required fee emission report was requested to be submitted to Ohio EPA within 30 days of receipt of the NOV letter. There was no response from Blackhawk to the NOV letter.

Also, a fee emission report for calendar year 2008 was not submitted by Blackhawk by the April 15, 2009 deadline, in violation of OAC Rule 3745-78-02 and ORC § 3704.05(G). It was decided by Ohio EPA that a fee emission report for calendar year 2008 would not be pursued due to the company's shutdown status as of the end of that year.

On July 28, 2009, HAMCO submitted an Enforcement Action Request to Central Office to obtain assistance in getting Blackhawk to submit the delinquent fee emission reports.

Action: The DAPC EC has decided to close this case at this time with no further enforcement action. Since Blackhawk ceased operation of the Mason facility in April of 2008, a fee emission report for 2008 from Blackhawk is not required. Only a fee emission report for 2007 is delinquent. This report will not be pursued because Blackhawk essentially is non-existent in Ohio, its estate is in bankruptcy and selling assets to pay creditors, and collection of emission fees from Blackhawk for 2007 is

highly improbable. Also, the amount of the emission fees due for 2007 is likely to be very small (e.g., the fees paid for 2006 were only \$670).

Case Closed



Case Number: 2876	Dates:
Entity: Robert Schiekh	EAR: 11/24/09
Field Office: Toledo	DWL: N/A
Contact: Eric Yates/John Paulian	F&Os: 12/22/09 (unil.)
Attorney: Marc Glasgow	Referral: N/A
	Dismissal: N/A

Background: Mr. Robert Schiekh owns property located at 1145 Raymill Road in Holland, Ohio. The property is located in a "restricted area" as defined in Ohio Administrative Code ("OAC") Rule 3745-19-01(J).

On July 5, 6, and 28, 2009, the Springfield Township Fire Department responded to complaints of open burning at Mr. Schiekh's property. On each visit, the Fire Department encountered a large fire at the back of the property consisting of trash and what appeared to be demolition debris. The Fire Department extinguished the fires and informed Mr. Schiekh that the burning of these materials was against Ohio EPA's open burning regulations. Mr. Schiekh informed the Fire Department that he has always burned his waste and will continue to do so. Mr. Schiekh even attempted to throw more debris on the fire as the Fire Department was attempting to extinguish it.

The open burning of trash and demolition debris in a restricted area is prohibited by OAC Rule 3745-19-03. The above-mentioned open burning incidents were in violation of OAC Rule 3745-19-03(A) and ORC § 3704.05(G).

The Fire Department requested that the City of Toledo pursue Mr. Schiekh for enforcement to deter future open burning events.

The City of Toledo sent a NOV to Mr. Schiekh for open burning in a restricted area on August 20, 2009.

Action: On December 22, 2009, unilateral Director's Final Findings and Orders were sent to Mr. Schiekh. The Orders require Mr. Schiekh to pay a civil penalty of \$750 to

settle the violations. The penalty is based on a factor of \$250 per day per violation from OAC Rule 3745-19-06 for open burning on residential property and three days of open burning.

Case Closed



Case Number: 2882	Dates:
Entity: Cemex, Inc.	EAR: 05/19/08
Field Office: RAPCA	DWL: N/A
Contact: Patty Porter/Tom Kalman	F&Os: N/A
Attorney: Bryan Zima	Referral: 12/30/09
	Dismissal: N/A

Background: Cemex, Inc. (“Cemex”) owns and operates a cement manufacturing plant (“facility”) located at 3250 Linebaugh Road, Xenia, Greene County, Ohio. Prior to Cemex acquiring the facility in 2000, the facility was owned and operated by Southdown, Inc. The facility is classified as a “major source” for Title V and the Prevention of Significant Deterioration (“PSD”) regulations in Ohio Administrative Code (“OAC”) Chapters 3745-77 and 3745-31, respectively, and in the mirrored federal regulations (i.e., Part 70 and 40 C.F.R. § 52.21, respectively). At the time of the violations, Ohio EPA did not have a separate PSD program; however, Ohio’s authority to implement and enforce the federal PSD program was incorporated into the Ohio SIP. Cement is produced at the facility through the following processes: quarrying of raw materials, the crushing of raw materials, the grinding and mixing of raw materials, the heating of raw materials in a pre-heater kiln to produce clinker, the cooling of clinker in a clinker cooler, and the mixing of clinker with other materials at a finish grinding system. In or about 1996 or 1997, Southdown, Inc., the owner at the time, started a modernization and expansion project of the existing facility. The modernization project was designed to increase clinker production and kiln utilization. It involved a variety of construction activities, including the replacement of the existing finish grinding system with a new finish grinding system; the construction of new facilities for clinker and cement storage; modification of the clinker cooler; and improvements to the kiln, including the installation of a new pre-heater induced draft fan. The project resulted in significant net increases in NO_x and SO₂ emissions and a significant increase in PM and PM₁₀ emissions (PM_{2.5} rules were not promulgated at this time; therefore, they are not applicable). These changes are estimated to have increased the potential-to-emit (“PTE”) of NO_x from 1,642 tons per year (the preconstruction 1995 and 1996 average actual emissions referred to as “baseline emission rate”) to 2,043 tons per year (i.e., 401 tons per year increase in the PTE of NO_x). Similarly, the PTE of SO₂ increased

from 337 tons per year of actual baseline emissions to 420 tons per year. More importantly, based on 2003 reported actual emissions, NO_x and SO₂ actual annual emission rates increased 284 tons and 59 tons, respectively, over the baseline emission rates. The significant increases in PM and PM₁₀ emissions were determined to be below the “significant *net* emission increase” thresholds due to decreases associated with replacement of the finishing grinding mill (i.e., PM and PM₁₀ emissions increases associated the physical changes netted out of PSD requirements).

Based on the above information, Cemex violated the requirements of the New Source Review (“NSR”) and Title V permit programs. Specifically, Cemex violated the requirements of NSR by failing to apply for and obtain a PSD permit and failing to install and operate control equipment capable of achieving and maintaining compliance with the best available control technical (“BACT”) emission limitations. Cemex also failed to comply with the Title V permit requirements by not timely submitting an application that included the NSR requirements.

The significant net emission increases in NO_x and SO₂ emissions constitutes a “major modification” within the meaning of the PSD regulations. The PSD regulation prohibits the start of actual construction of a major modification without obtaining a valid PSD permit which states that the source or modification will meet all of requirements of the PSD permit program. This includes, but is not limited to, the requirement to perform an analysis of source impacts, perform air quality modeling and analysis, apply BACT, and allow for meaningful public participation in the process. Cemex failed to apply for and obtain a preconstruction PSD permit prior to the start of construction and failed, among other things, to install and comply with BACT emission limitations as required by the applicable NSR program. The violations occurred from the start of construction (i.e., in or around 1996 or 1997) and are ongoing.

On or about July 1, 1996, Southdown submitted a Title V permit application that did not identify the PSD regulations as applicable requirements. On or about 1998, construction was completed and commencement of operation of the modified facility started. In January 2004, Ohio EPA issued a Title V permit to Cemex. In accordance with the Title V permit regulations, a source required to have a preconstruction PSD permit is required to submit a Title V permit application within twelve months after commencing operation. The Title V regulations also require a source to supplement a pending Title V permit application as necessary to include applicable requirements and to certify the compliance status of all applicable requirements. The requirements of the PSD program are defined as applicable requirements. Cemex failed to timely submit a Title V application or to supplement its pending Title V permit application with the PSD requirements. Similarly, Cemex failed to certify the “non-compliance” status of the modified facility and to include a compliance schedule to return the modified facility to

compliance. These violations occurred from at least 12 months after Cemex commenced operation of the modified facility (i.e., on or about 1999) and is ongoing.

USEPA and Ohio EPA have agreed to pursue these violations in a joint action to be resolved with a consent decree with Cemex. Entry of a consent decree will resolve all civil liabilities for violations of the applicable NSR/PSD regulations and the Title V permit program resulting from the modifications. Additional alleged violations to be contained in the consent decree are for violations of State Implementation Plans ("SIPs") that implement the PSD federal requirements, and the SIP permitting programs for construction and operation of new and modified stationary sources of air pollution.

Negotiations are continuing to finalize a draft Consent Decree. Cemex will be required to: install and operate control equipment to reduce the NO_x and SO₂ emissions generated by the cement kiln; to make process and/or operational changes to reduce the emissions of SO₂ and NO_x; and to install and operate continuous emission monitoring systems ("CEMS") to assure compliance with NO_x and SO₂ BACT limitations. The exact BACT limitation for NO_x will be established by a "test-and-set" procedure outlined in the Consent Decree. The following is a short synopsis of the control requirements as they now stand:

- Cemex will be required to install, within 180 days following the effective date of Consent Decree, a Lime Spray Absorber ("LSA") at the alkali bypass stack ("bypass") of the kiln to reduce SO₂ emissions. Beginning 210 days following the effective date of Consent Decree, Cemex will be required to comply with a BACT SO₂ emission limitation expressed in pounds of SO₂ per ton of clinker produced. The limit will be based on a rolling, 30 operating day (i.e., any day that raw materials are fed into the kiln or clinker is produced) period. Although the limit is still being negotiated, the limit is expected to be 1.1 pounds of SO₂ per ton of clinker and includes the emissions from both the main and bypass stacks.
- Cemex will install, certify and operate NO_x and SO₂ CEMs and data acquisition systems at both the main stack and the bypass stack of the kiln within 90 days of the lodging of the Consent Decree. The CEMs will be used to determine the background emissions (i.e., emissions before the installation of the control equipment) and the emissions after the installation of the required control systems.
- Within 180 days following the effective date of the Consent Decree, Cemex is required to complete a "NO_x Emission Reduction Study" and submit a report to EPA identifying NO_x emission reduction measures to be undertaken at the facility prior to the installation of the NO_x control equipment. (See Appendix A of the

draft Consent Decree for more details.) The control measures will be completed in accordance the USEPA approved schedule and are required to be installed prior to installation of NO_x emission control equipment.

- Cemex will be required to install and operate a selective non-catalytic reduction (SNCR) system to reduce NO_x emissions from the main stack of the kiln by no later than July 1, 2011 or 18 months after the effective date of the Consent Decree, whichever date is later. Within 90 operating days following the commencement of operation (i.e., introduction of the reagent) of the SNCR, Cemex will be required to complete the optimization of the SNCR (see Appendix B of the draft Consent Decree for more details) and submit a report to USEPA for approval.
- The first 365 operating days (i.e., the “NO_x Demonstration Period”) following approval of the optimization report, Cemex will be required to operate the SNCR, in conjunction with the implemented process and/or operational NO_x emission control measures, with a goal to achieve and maintain a rolling, 30 operating day emission rate of no greater than 1.85 pounds of NO_x per ton of clinker. This limit will be achieved and maintained if 99 percent of the “operating days” during the “NO_x Demonstration Period” meets or is below this emission rate. Thirty days following the NO_x Demonstration Period, Cemex has the option to submit a demonstration, for USEPA’s approval, supporting the kiln’s inability to achieve and maintain the NO_x “goal” emission limitation and proposing an “Alternate NO_x Emission Limit.” The Alternative NO_x Emission Limit cannot exceed 3.11 pounds of NO_x per ton of clinker produced. Under certain specified circumstances, the Consent Decree allows for a longer or shorter NO_x Demonstration Period.
- Cemex is also required to install and operate an ammonia injection monitoring system to measure the ammonia injection rate in terms of volumetric flow and converted to pounds per hour as 100% ammonia.
- Cemex is also required to timely submit appropriate permit applications associated with the above requirements and violations identified in the Consent Decree.

The civil penalty is still being negotiated but is expected to be over seven figures with a percentage being paid to Ohio EPA. Twenty percent of Ohio EPA’s proportion will be contributed to Ohio EPA’s Clean Diesel School Bus Program Fund. At this time, Cemex has not proposed any supplemental environment projects in lieu of payment of a portion of the civil penalty.

Negotiations associated with the Consent Decree have been going on for several months. USEPA has informed DAPC that the draft Consent Decree is very close to being final and could be signed by the company in the near future. It was recommended to the Director that the Attorney General's Office ("AGO") represent Ohio EPA in the enforcement case by filing the necessary documents and being a signatory to the Consent Decree.

Action: On December 30, 2009, a letter signed by the Director was sent to the AGO to refer the case to them for enforcement action. The AGO is requested to file the necessary complaint and motion to intervene in the federal case and to otherwise represent Ohio EPA.

Case Closed



Case Number: 2879	Dates:
Entity: City of Youngstown Wastewater Treatment Plant	EAR: 12/04/09
Field Office: 112r	DWL: N/A
Contact: Sherri Swihart	F&Os: 12/23/09 (prop.)
Attorney: Marcus Glasgow	Referral: N/A
	Dismissal: N/A

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

On July 23, 2009, a second five-year audit was conducted at the facility and Ohio EPA, DAPC discovered eight violations of the rules including (a) OAC Rule 3745-104-07 (written management system); (b) OAC Rules 3745-104(C)(1)(d) and (e) (process safety information); (c) OAC Rule 3745-104-24(D)(1)(h) (safety systems); (d) OAC Rule 3745-104-26(C) (certification of operating procedures); (e) OAC Rules 3745-104-27(A) and (B) (training); (f) OAC Rule 3745-104-28(A) (written mechanical integrity program); (g) OAC Rule 3745-104-28(D) (inspections/tests on process equipment); and (h) OAC Rule 3745-104-33 (written employee participation plan). Furthermore, the facility has

not reviewed and resubmitted its RMP by June 21, 2009, in violation of OAC Rule 3745-104-49(B)(1).

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

Action: On December 23, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to the City of Youngstown to attempt an administrative settlement of the violations. The F&Os propose to require the City to (1) pay a civil penalty of \$12,405 within 14 days of the effective date of the F&Os, with \$2,481 of that amount to be directed to the Clean Diesel School Bus Program Fund, (2) resubmit an RMP to Ohio EPA and USEPA; and (3) within 30 days after the effective date of the F&Os, submit documentation verifying correction of the deficiencies and completion of the second five-year process hazard analysis, and implement the compliant RMP program thereafter.

Case Continued



ACTIONS & MINUTES APPROVED BY:



Bob Hodanbosi, Chief, DAPC

NEXT MEETING:

January 14, 2010
3:00 p.m.
DAPC Room C

PENDING AIR ENFORCEMENT COMMITTEE CASES

Total Unresolved Cases (85)

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2527	Carmeuse Lime, Inc., Maple Grove Facility (HPV)	NWDO	DV/UD	11/05/02	06/19/06
2671	Mar-Zane, Inc. (Plant #1)	CDO	MG/JP	12/11/06	10/25/07
2676	OmniSource Corporation - Lima Division	NWDO	MG/MM	02/23/06	11/08/07
2685	Quickrete - Cleveland Plant	Akron	DV/UD	10/17/07	12/14/07
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
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
2726	Glick Real Estate LTD/All-Type Demolition and Excavating (asbestos)	Canton	BZ/FU	05/19/06	05/19/08
2731 (112r)	H. B. Fuller Company	N/A	DV/KJ	03/26/08	06/04/08
2739	BP - Husky Refining LLC	TDES	BZ/JP	08/01/07	07/18/08
2744	The Afcose Group (asbestos)	NEDO	BZ/JK	02/14/08	08/06/08
2745	OmniSource Corporation	NWDO	MG/MM	12/14/05	08/11/08
2750 (VC)	New Day Farms, LLC / Henning Construction Company	CDO	SF/JP	08/21/08	08/21/08
2752	Allied Corporation (Plant #75)	Akron	MG/JP	01/29/05	09/02/08
2760	Precision Environmental Company	Akron	SF/PP	08/06/08	10/22/08
2775	Selvey's Dirt Works / Famous Supply (asbestos)	NWDO	DV/UD	06/12/08	11/05/08
2777	Sawbrook Steel LLC	HAMCO	BZ/MM	11/13/06	11/07/08
2781	Great Lakes Crushing, Ltd. (asbestos)	NEDO	SF/PP	06/18/08	11/18/08
2782	International Converter, Inc. - Caldwell (HPV)	SEDO	DV/FU	07/05/08	11/26/08
2784	Reichert Excavating, Inc. (asbestos)	CDO	SF/EY	06/12/08	12/04/08
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

Updated: 12/31/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2803	Wheeling Brake Band & Friction Mfg., Inc./Investment Capital of America, Inc./Rob Burgess Enterprises, LLC (asbestos) (multi-media case, DSIWM lead)	SEDO	DV/PP	01/13/09	02/26/09
2806	Ramon Patel, d.b.a. Marathon Quick Mart	NEDO	DV/JK	10/21/08	03/02/09
2810	Ellwood Engineered Castings Co. (HPV)	NEDO	DV/TT	02/25/09	03/13/09
2811	NewKor, Inc.	Cleve.	SF/EY	01/27/09	03/30/09
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
2817	S.H. Bell Company	NEDO	MG/TK	01/16/08	04/21/09
2819	Masonic Temple/The New Victorians, Inc./AHC, Inc. (asbestos)	CDO	DV/	01/24/08	04/27/09
2820	Bailey PVS Oxides Delta, L.L.C.	NWDO	MG/JK	03/29/07	04/27/09
2821	OmniSource Corporation, Mansfield Division	NWDO	MG/MM	05/08/08	05/04/09
2822	J. S. Paris Excavating, Inc./Signature Development Group, LLC (asbestos)	MTAPCA	SF/TT	03/11/08	04/28/09
2823	Rudzik Excavating, Inc./Charles J. Arendas (asbestos)	MTAPCA	DV/FU	02/27/09	05/11/09
2824	Ariel Corporation (HPV)	CDO	MG/EY	04/02/08	05/18/09
2826	Staker Alloys, Inc.	RAPCA	DV/FU	11/14/07	05/29/09
2827	Evelyn M. (Burger) Koch (asbestos)	MTAPCA	MG/UD	07/21/08	06/01/09
2829(VC)	ODNR, Division of Forestry (regarding the Shawnee State Forest open burning)	Ports.	DV/JP	04/24/09	06/03/09
2833	Veterans of Foreign Wars Post 6519 (asbestos)	Lake Co.	DV/TT	04/29/08	06/22/09
2834	Foti Contracting, LLC	Akron	MG/FU	10/23/08	06/29/09
2835	Elyria Foundry Company (HPV)	NEDO	SF/PP	10/18/07	07/13/09
2839	Liberty Gas USA, LLC (Middle Avenue GDF in Elyria and Clark Oil 1163 in Lorain)	NEDO	DV/JK	07/07/09	07/21/09
2840	Von Vittersan Le Copla USA LLC Delaware Corporation (asbestos)	MTAPCA	MG/UD	07/03/08	07/23/09
2841	Salvatore Sorice/Michael A. Kernan (asbestos)	MTAPCA	SF/MM	03/13/09	07/27/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2844	Iten Industries, Inc. (Plant 1) (HPV)	NEDO	SF/MM	04/18/08	07/28/09
2847	Ultimate Building Systems, Ltd.	HAMCO	SF/FU	04/29/08	08/03/09
2848	Sandusky Dock Corporation	NWDO	BZ/JO	07/27/08	08/06/09
2849	Dean Calhoun/Tim Gearhart (asbestos)	NWDO	DV/MM	03/27/09	08/11/09
2850	Yochman Excavating, Inc. (open burning)	M-TAPCA	MG/PP	03/23/09	08/05/09
2852	AOHW Corporation/Hasper Leggett (asbestos)	M-TAPCA	DV/UD	03/25/09	08/11/09
2853	Valentine Contractors, Inc.	Akron	MG/TT	05/30/08	08/17/09
2854	Ohio Turnpike Commission (Vermillion Valley and Middle Ridge Service Plazas)	NEDO	SF/JK	05/19/09	09/03/09
2855	Lakeside Fuel Mini-Mart	NEDO	DV/JK	02/09/09	09/09/09
2856	Dorothy Jeannine Slessman	NWDO	MG/MM	08/02/09	09/14/09
2857	Pure Gas Incorporated (East Erie St. GDF in Lorain)	NEDO	SF/JK	09/09/09	09/22/09
2858	Burnham Foundry, LLC	SEDO	DV/TK	04/01/08	09/22/09
2859	Rollin Cooke, d.b.a. Concord Sunoco, Cooke's Car Care, Incorporated, and Munson Corners Sunoco	NEDO	MG/JK	07/20/09	09/17/09
2860	Richard C. Zahn	Akron	SF/PP	06/15/09	09/14/09
2861	Scott Klem	Akron	DV/TT	08/14/09	09/14/09
2864	Forest Creek Mobile Home Park	HAMCO	SF/ FU	03/19/09	09/25/09
2865	Great Lakes Construction Co.	HAMCO	DV/UD	05/07/09	09/25/09
2866	3M Medina (HPV)	Akron	MG/ PP	08/27/09	09/29/09
2867 (VC)	ODNR, Division of Forestry (regarding another Shawnee Forest open burning)	Ports.	SF/JP	04/02/09	09/02/09
2869	Bridgestone APM Company, Foam Products Division (HPV)	NWDO	DV/EY	02/11/08	10/06/09
2870	Simon Excavating	NWDO	MG/TT		10/15/09
2871	Ali Mohammad, d.b.a. Marathon Oil 2992	NWDO	SF/JK	05/12/09	10/15/09
2872	Piper Excavation (asbestos and open burning)	NWDO	DV/JK	11/24/08	11/03/09
2873	Hanini Marathon - Superior	Cleve.	MG/EY		11/04/09
2874	Ron Smith	NWDO	SF/		11/09/09
2875	Belle-Aire Cleaners	Akron	DV/		11/13/09
2877	Murphy Oil USA, Inc. (GDFs #6630, #7294, and #7371)	NEDO	SF/JK	07/27/09	11/30/09

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2878	Pexco Packaging Corp.	TDES	DV/EY	03/13/09	12/01/09
2879 (112r)	City of Youngstown Wastewater Treatment Plant	N/A	MG/SS		12/04/09
2880	Prime Properties Limited Partnership, d.b.a. Prime #5	Cleve.	SF/EY		12/07/09
2881	Tube City IMS, LLC	NWDO	DV		12/10/09
2882	CEMEX, Inc.	RAPCA	BZ/PP		12/01/09
2883	The Andersons Marathon Ethanol, LLC	RAPCA	MG/		12/28/09
2884 (112r)	Eaton Aeroquip, Inc.	N/A	SF/KJ		12/30/09
2885	Hughes-Roller Building Co./Sovereign SP, LLC (asbestos)	NEDO	MG/UD	07/07/09	12/08/09
2886	David Rose, d.b.a. Rose Excavating/Jacqueline MacAleese (asbestos)	NEDO	DV/TT	10/17/08	12/08/09

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

January

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

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

February

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

Total for the month of February = 7

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

March

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

Total for the month of March = 5

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

April

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2639	Keim Lumber Company, Inc.	3	NEDO	TK	UD	SF	07/02/07					04/09/09	
2755	Liberta Construction Company	3	Akron	TK	FU	MG	09/15/08					04/09/09	
2724	Moser Construction Company, Inc.	3	Akron	TK	MM	MG	05/19/08						04/10/09
2746	Steel Structures of Ohio, LLC	1	Akron	TK	MM	SF	08/19/08		10/15/08 (DWL)	Closed - NFA	04/23/09		
2765	Lagrange Township Trustees (E-check)	3	N/A	JP	JP	DV	10/01/08					04/15/09	
2773	George Rank	3	NWDO	TK	FU	MG	10/27/08			Unilateral F&Os		04/16/09	
2792	Grand Avenue Realty Corporation, d.b.a. DLH Plating, and Clean CEMP (asbestos)	3	CDO	JP	EY	MG	02/10/09						04/13/09

Total for the month of April = 7

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

May

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2753	Richard Morrow	3	NEDO	TK	PP	SF	09/08/08			Unilateral F&Os		05/01/09	
2802	James Brown	3	RAPCA	TK	UD	SF	03/13/09						05/01/09
2763	Deerfield Township Trustees (E-check)	3	N/A	JP	JP	DV	10/01/08					05/15/09	
2766	Lorain County Regional Transit Authority (E-check)	3	N/A	JP	JP	DV	10/01/08					05/15/09	
2780	Magnesium Elektron North America, Inc.	3	NWDO	TK	JK	MG	11/17/08					05/14/09	
2804	Tim Davidson	3	SWDO	JP	EY	MG	03/18/09					05/21/09	

Total for the month of May = 6

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

June

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

Total for the month of June = 5

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

July

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

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

July

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2831	Aleris International, Inc./IMCO Recycling of Ohio, Inc./ Commonwealth Aluminum Concast of Ohio, Inc.	3	SEDO	TK	TK	MG	06/19/09						07/07/09
2712	Cleveland Trencher Company	3	Cleve.	JP	EY	DV	03/24/08						07/14/09

Total for the month of July = 10

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

August

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2761	Cleveland Board of Education (C-check)	3	N/A	JP	JP	DV	10/01/08					08/11/09	
2764	Homer Township Trustees (E-Check)	1	N/A	JP	JP	DV	10/01/08			Closed-NFA	08/13/09		
2787	Airstream, Inc.	3	SWDO	JP	EY	SF	01/09/09					08/11/09	
2788	Gas Express, Inc.	3	Akron	TK	JK	DV	01/27/09						08/12/09
2832	United Tool and Machine	1	SWDO	JP	EY	SF	07/01/09		8/4/09 (DWL)	Closed-NFA	08/13/09		
2704	Gallo's Convenient Market	1	Cleve.	JP	EY	SF	03/05/08			Closed-NFA	08/13/09		
2732 VC	Ohio DNR, Division of Forestry (for open burning permit 07-30)	3	Ports	JP	JP	MG	05/14/08			Closed-NFA	08/14/09		
2807	Hishan Judi, d.b.a. Avon Lake Shell	3	NEDO	TK	JK	MG	03/16/09						08/19/09
2812	Saif Khan, d.b.a. Lakeland Valero	3	NEDO	TK	JK	MG	03/25/09					08/20/09	

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

August

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

Total for the month of August = 10

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

September

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

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

September

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

Total for the month of September = 9

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

October

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

Total for the month of October = 4

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

November

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

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

November

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

Total for the month of November = 9

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

December

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2707	Thermo-Rite Manufacturing Co.	3	Akron	TK	UD	MG	03/12/08					12/02/09	
2786	D & R Supply, Inc.	3	NEDO	TK	UD	MG	12/24/08					12/02/09	
2800	Gary Rogers, d.b.a. Rogers Sunoco	3	NEDO	TK	JK	DV	02/24/09						11/30/09
2801	Alton C. Laccheo and Terry Adams, d.b.a. Rusty's Auto Care Shell	3	NEDO	TK	JK	MG	02/25/09						11/30/09
2783	Evonik Degussa Engineered Carbons Corporation (HPV)	3	SEDO	TK	TT	MG	11/26/08					12/17/09	
2799	Convenient Food Mart, Inc., No. 391	1	NEDO	TK	JK	SF	02/24/09			Closed-NFA	12/17/09		
2830	Barberton Steel Industries, Inc.	1	Akron	TK	MM	MG	06/16/09			Closed-NFA	12/17/09		

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

December

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2836	Uni-Mart, Inc. (GDFs #04767, #04768, and #74775)	3	NEDO	TK	JK	DV	07/13/09						12/11/09
2842	Duff Quarry, Inc.	3	SWDO	JP	EY	DV	07/28/09					12/11/09	
2723	Emery Oleochemicals, LLC (HPV)	3	HAMCO	TK	PP	DV	05/19/08					12/17/09	
2825	El Ceramics LLC	3	HAMCO	TK	JK	SF	05/08/09					12/21/09	
2713	Quality Ready Mix	3	NWDO	TK	PP	BZ	04/10/08					12/22/09	
2876	Robert Schiekh	3	TDES	JP	EY	MG	11/24/09					12/22/09	
2725	Hosea Project Movers, LLC (asbestos)	3	HAMCO	TK	TT	SF	05/16/08					12/23/09	
2808	Randy Wise	3	NWDO	TK	FU	SF	03/20/09					12/23/09	
2687	Cast-Fab Technologies, Inc.	3	HAMCO	TK	TT	BZ	12/17/07					12/23/09	

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

December

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Director's F&O's	Referred to AGO
2638	Fairport Yachts, LTD, et al.	3	NEDO	TK	PP	MG	07/02/07						12/28/09
2693	Ameriseal & Restoration, LLC	3	Akron	TK	FU	DV	10/26/07					12/30/09	
2816	Republic Engineered Products, Inc. (HPV)	3	NEDO	TK	JK	DV	04/16/09					12/30/09	
2708	Dave Sugar Excavating, LLC, et al.	3	SEDO	TK	MM	DV	02/04/08						12/30/09
2691	L & C, Inc., Unique Finishers, Inc., et al.	3	RAPCA	TK	PP	BZ	12/28/07						12/30/09
2882	CEMEX, Inc.	3	RAPCA	TK	PP	BZ	12/01/09						12/30/09
2845	Blackhawk Automotive Plastics, Inc. (FER case)	1	HAMCO	TK	TT	DV	07/28/09			Closed-NFA	12/31/09		

Total for the month of December = 23

Summary of Compliance with Effective Findings and Orders

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

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

Mark Fuerst (02/08/00)	Civil penalty (\$10,000.00)				
	to ODNR \$2,000.00	606212	03/08/00	Y	FSC**
	to OEPA \$2,000.00	172154	04/08/00	Y	*
	\$2,000.00	172155	05/08/00	Y	FSC**
	\$2,000.00	172156	06/08/00	Y	FSC**
	\$2,000.00	172157	07/08/00	Y	FSC**
* Paid \$1,654 on 2/10/09. \$165.40 of that amount was paid to AGO.					

American Environmental Abatement Company, Inc. (12/29/00)	Civil penalty: (\$2,500)				
	to OEPA \$2,000	206005	01/12/01		01/16/01
	to ODNR \$500	564224	01/29/01	N	

Anco Properties (06/19/01)	Civil penalty: (\$23,000)				
	to OEPA \$4,600	224714	09/19/01	Y	FSC**
	\$4,600	224715	12/19/01	Y	FSC**
	\$4,600	224716	03/19/02	Y	FSC**
	\$4,600	224717	06/19/02	Y	FSC**
	to ODNR \$4,600	613129	07/19/01	N	FSC**

Superior Demolition and Excavating (12/28/01)	Civil penalty: (\$15,000)				
	to ODNR \$3,000	270395	01/11/02		01/10/02
	to OEPA \$3,000	270396	01/28/02		02/11/02
	\$3,000	270397	02/28/02		03/14/02
	\$3,000	270398	03/28/02		04/23/02
	\$3,000	270399	04/28/02	Y	UNC**

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	Cert. y/n	Completion Date
Richard and Joby Hackett (04/04/02)	Civil penalty: (\$3,000) to OEPA	\$150 279226	09/04/02	Y	RTN**
		\$150 279227	10/04/02	Y	RTN**
		\$150 279228	11/04/02	Y	RTN**
		\$150 279229	12/04/02	Y	RTN**
		\$150 279230	01/04/03	Y	RTN**
		\$150 279231	02/04/03	Y	RTN**
		\$150 279232	03/04/03	Y	RTN**
		\$1,350 279233	04/04/03	Y	RTN**
	to ODNR	\$150	05/04/02		
		\$150	06/04/02		
		\$150	07/04/02		
		\$150	08/04/02		

Schloss Materials Company (09/18/02)	Civil penalty: (\$6,000) to OEPA	\$4,000 304257	10/02/02		09/30/02
	to ODNR	\$2,000 564243	10/18/02	N	
	pave entrance & access road to facility		10/31/02		06/03/04*
* CDAQ inspection date					

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

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

M & J Excavating (11/27/02)	Civil penalty: (\$2,450) * to ODNR	\$490 564257	12/27/02		09/25/02
	to OEPA	\$392 333074	01/27/03	Y	09/27/03
		\$392 333075	02/27/03	Y	10/25/03*
		\$392 333076	03/27/03	Y	UNC
		\$392 333077	04/27/03	Y	01/24/04*
		\$392 333078	05/27/03	Y	01/24/04*

Chris Corso (12/02/02)	Civil penalty: (\$7,000) to OEPA	\$1,600 319940	12/16/02		12/16/02
		\$2,000 319941	03/02/03		09/04/03
		\$2,000 319942	06/02/03		09/27/03
	to ODNR	\$1,400 614162	01/02/03	N	

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

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

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

Glo-Mar Masonry (02/06/03)	Civil penalty: (\$8,500)				
	to ODNR \$1,700	583375	03/06/03	Y	
	to OEPA \$ 500	336723	03/06/03	P	06/23/03
	\$2,100	336724	06/06/03	Y	01/24/04
	\$2,100	336725	08/06/03	Y	04/24/04
	\$2,100	336726	02/06/04	Y	03/26/05* (\$680.60)

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

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

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

a. Paid \$3,501.92, of which \$315.17 was kept by AGO and \$3,186.75 was put into OEPA's account. The remaining \$1.92 is interest charged.

b. Paid \$53.70 to resolve this claim. \$4.83 of that amount was AGO's share. \$48.87 was put in OEPA's account.

c. Paid \$831.54 to resolve this claim. \$74.84 of that amount was AGO's share. \$756.70 was put in OEPA's account.

d. Paid \$3,574.03 to resolve this claim. \$321.66 of that amount was AGO's share. \$3,252.37 was put in OEPA's account.

e. Paid \$2,211.00 to resolve this claim. \$198.99 of that amount was AGO's share. \$2,012.01 was put in OEPA's account.

f. Paid \$3,903.47 to resolve this claim. \$351.31 of that amount was AGO's share. \$3,552.16 was put in OEPA's account.

h. Paid \$3,500 to resolve this claim. \$315 of that amount was AGO's share. \$3,185 was put in OEPA's account..

I. Paid \$1,141.96 to resolve claim. \$102.78 of that amount was AGO's share. \$1,039.18 was put in OEPA's account.

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date	
Hydraulic Press Brick (04/28/04)	Civil penalty: (\$19,000)					
	\$7,000	439209	05/12/04		05/12/04	
	\$7,000	439210	08/12/04		05/12/04	
	Submit P ² reports			07/28/04		07/26/04
				10/28/04		10/25/04
				01/28/05		01/21/05
				03/28/05		N/A
Submit cost of P ² study		04/05/05				

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

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

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

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

* 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.

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Columbus Steel Drum (07/06/05 - Consent Order)	Civil penalty: (\$500,000.00)				
	Bus Fund	\$25,000	514606	07/31/05	09/20/05
		\$25,000	514607	10/01/05	10/12/05
		\$25,000	514608	01/01/06	02/08/06
		\$25,000	514609	04/01/06	04/21/06
	OEPA	\$25,000	514163	07/01/06	07/10/06
		\$25,000	514164	10/01/06	10/30/06
		\$25,000	514165	01/01/07	01/09/07
		\$25,000	514166	04/01/07	04/11/07
		\$25,000	514167	07/01/07	08/01/07
		\$25,000	514168	10/01/07	10/17/07
		\$25,000	514169	01/01/08	03/12/08
		\$25,000	514170	04/01/08	04/15/08
		\$25,000	514171	07/01/08	07/01/08
		\$25,000	514172	10/01/08	10/01/08
		\$25,000	514173	01/01/09	04/08/09
		\$25,000	514174	04/01/09	07/17/09
		\$21,250	514175	07/01/09	10/15/09
		\$21,250	726464	09/01/09	12/01/09
		\$21,250	726465	11/01/09	
		\$21,250	726466	12/01/09	
	Submit PTI app. for K001-K003			08/06/05	05/31/05
	Award contracts		30 days from issuance of PTI		
	IC		60 days from issuance of PTI		07/16/06
	CC		180 days from issuance of PTI		07/13/07
	Perform stack tests		210 days from issuance of PTI		07/03/07
	Submit ITT for P015 & P016			07/20/05	06/07/05
	Perform stack tests			12/27/05	06/23/05
	Submit PTI app. for P015 & P016		30 days after submission of test results		09/22/05
	Award Contracts		30 days from issuance of PTI		*
	IC		60 days from issuance of PTI		*
	CC		120 days from issuance of PTI		*
	Perform stack tests		150 days from issuance of PTI		*
	Perform stack tests for P001, P005, P012 & P013			09/06/05	07/5-7/05
* PTI not issued due to the continued incomplete nature of the PTI application.					

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

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date	
Shell Construction, Inc. (09/26/05)	Civil penalty: (\$3,700) OEPA	\$100.00	526004	10/26/05		09/27/05
		\$100.00	526005	11/25/05		11/10/05
		\$100.00	526006	12/25/05		12/20/05
		\$100.00	526007	01/24/06		10/28/06
		\$100.00	526008	02/23/06		10/28/06
		\$100.00	526009	03/25/06		10/28/06
		\$100.00	526010	04/24/06		09/13/06
		\$100.00	526011	05/24/06		09/13/06
		\$100.00	526012	06/23/06		09/13/06
		\$100.00	526013	07/23/06		09/13/06
		\$100.00	526014	08/22/06		11/02/06
		\$100.00	526015	09/21/06		11/02/06
		\$100.00	526016	10/21/06		11/02/06
		\$100.00	526017	11/20/06		11/02/06
		\$100.00	526018	12/20/06		11/14/06
		\$100.00	526019	01/19/07		11/30/06
		\$100.00	526020	02/18/07		11/30/06
		\$100.00	526021	03/20/07		12/18/06
		\$100.00	526022	04/19/07		01/10/07
		\$100.00	526023	05/19/07		02/02/07
		\$100.00	526024	06/18/07		03/01/07
		\$100.00	526025	07/18/07		03/12/07
		\$100.00	526026	08/17/07		05/07/07
		\$100.00	526027	09/16/07		06/27/07
		\$100.00	526028	10/16/07		06/27/07
		\$100.00	526029	11/15/07		06/27/07
		\$100.00	529030	12/15/07		06/27/07
		\$100.00	526031	01/14/08		08/13/07
		\$100.00	526032	02/13/08		08/13/07
		\$100.00	526033	03/14/08		10/24/07
		\$100.00	526034	04/13/08		10/24/07
		\$100.00	526035	05/13/08		10/24/07
		\$100.00	526036	06/12/08	Y	05/07/09
		\$100.00	526037	07/12/08	Y	
		\$100.00	526038	08/11/08	Y	05/07/09
		\$100.00	526039	09/10/08	Y	05/07/09
		\$100.00	526040	10/10/08	Y	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Environmental Affairs Management (12/29/05)	Civil penalty: (\$10,000)				
	OEPA	\$1,000	541425	03/29/06	03/06/06
		\$1,000	541426	03/29/06	Y FSC**
		\$1,000	541427	05/28/06	Y FSC**
		\$1,000	541428	06/27/06	Y 12/28/07
		\$1,000	541429	07/27/06	Y FSC**
		\$1,000	541430	08/26/06	Y FSC**
		\$1,000	541431	09/25/06	Y FSC**
		\$1,000	541432	10/25/06	Y ACT**
	Bus Fund	\$1,000	541433	01/28/06	01/25/06
	\$1,000	541434	02/27/06	02/25/06	

Cargill, Incorporated (03/03/06 - Consent Decree) * - CD modification on 11/26/08	Civil penalty: (\$61,538)				
	OEPA	\$30,769	551695	03/27/06	04/03/06
	RAPCA	\$30,769	----	03/27/06	03/29/06
	Pay Title V permit fees \$216,133.86			02/27/06	09/28/05
	Contribute \$75,000 to RAPCA's wood stove replacement program			04/15/06	03/21/06
	Retire B005			09/01/07	09/14/06
	Install LNB & FGR for B006			03/03/11	
	Propose final VOC solvent loss limit for Sidney			02/27/09	
	Comply w/final VOC solvent loss limit for Sidney			02/27/10	
	Meet 95% control for VOC or 10 ppm for P067 & P582 at Dayton			02/27/09	06/17/08
	Meet 98% control for VOC for P057, P031, P052, P088, & P072 at Dayton			09/01/10	
	Meet control equipment operating parameters for P032, P033 and P034 at Dayton			02/28/10*	
	Test and establish an allowable short-term VOC limit for each scrubber stack serving P032, P033 and P034 at Dayton			02/28/10*	
	Submit permit 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. (03/20/06 - Consent Decree)	SEP Project (\$50,000)					
	Pay contractor for project		04/20/06		08/01/06	
	Install SCR for FCCU		12/31/09			
	Install WGS for FCCU		12/31/09			
	Comply with NSPS for SO ₂ and opacity for FCCU		12/31/09			
	Comply with NSPS for PM for FCCU		03/20/06		03/20/06	
	Comply with NSPS for CO for FCCU		03/20/08		03/27/08	
	Reduce NOx emissions from heaters and boilers greater than 40mm Btu/hr by at least 2,189 tons/yr		03/20/14			
	Achieve 2/3 of 2,189 tons/yr NOx reduction		03/20/10			
	Submit a detailed NOx Control Plan		07/20/06		07/05/06	
	Install a second Claus train and 2 TGUs at the SRP		12/31/09			
	Submit optimization study for the SRP		09/20/06		09/10/06	
	Implement recommendations of optimization study for SRP		03/20/07		03/12/07	
	Propose interim performance standards for SRP		03/20/07		03/12/07	
	Submit enhanced O & M plans for SRP and TGUs		09/20/06		09/08/06	
	Submit Phase One review and verification of the TAB and BWON compliance status for 2 refineries		11/20/06		11/03/06	
	Modify procedures for annual review of process information for benzene waste streams		09/20/06		08/01/06	
	Implement annual benzene training for employees		06/20/06		06/08/06	
	Develop SOPs for all benzene control equipment		09/20/06		09/08/06	
	Submit schematics for waste/slop/off-spec oil streams		05/20/06		05/11/06	
	Develop and submit written LDAR program		09/20/06		09/08/06	
	Implement an LDAR training program		03/20/07		03/14/07	
	Perform LDAR compliance audit		12/20/06		12/07/06	
	Develop QA & QC procedures for LDAR monitoring		07/20/06		07/11/06	
	Develop LDAR personnel accountability program		09/20/06		09/08/06	
	Submit application to revise Title V permit to incorporate CD requirements		09/20/06		10/31/06	

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

Alpha-Omega Chemical Company (12/14/06)	OEPA	\$1,000	605635	05/14/07	08/20/07	
		\$1,000	605636	09/14/07	Y	
		\$1,200	605637	12/14/07	Y	
	Bus Fund	\$ 800	605638	01/14/07	Y 07/29/07	

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

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

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

Eslich Wrecking Company (07/16/07 - Consent Order)	Civil penalty: (\$44,853) (\$44,853 = 45% of \$99,674)		623581	08/16/07	08/20/07
	Submit survey and plan to install protective physical barrier			08/16/07	
	Install cap			w/i 60 days of OEPA approval of survey and plan	
	Grant a new deed			w/i 30 days of OEPA approval of survey	

Avalon Cleaners (08/21/07)	Civil penalty: (\$1,000)				
	OEPA	\$250	624475	09/21/07	Y
		\$250	624476	10/21/07	Y
		\$250	624477	11/21/07	Y
		\$250	624478	12/21/07	Y
	Submit records & documentation			01/31/08	
	Submit records & documentation			07/31/08	

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

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

The Premcor Refining Group, Inc. (11/20/07 - Consent Decree)	Civil penalty: (\$800,000)				
	OEPA	\$640,000	634775	12/20/07	12/19/07
	Bus Fund	\$160,000	634776	12/20/07	12/19/07
	Submit plan to meet .060 lb NOx/MMBtu for heaters and boilers			12/31/08	12/10/08
	Install controls to meet .060 lb NOx/MMBtu for heaters and boilers			12/31/11	
	Submit plan to meet .044 lb NOx/MMBtu for heaters and boilers			12/31/10	
	Install controls to meet .044 lb NOx/MMBtu for heaters and boilers			12/31/13	
	Submit report that demonstrates compliance with limits for heaters and boilers			03/31/12 03/31/14	
	Submit report re: the NOx concentration emissions for the FCCU thru optimization of O ₂ CS			03/01/12	
	Submit report that demonstrates compliance w/ <u>interim</u> NOx system-wide average for FCCUs			03/31/11	
	Submit report that demonstrates compliance w/ final NOx system-wide average for FCCUs			03/31/14	
	Commence implementation of SO ₂ adsorbing catalyst additive protocol for FCCU			11/20/07	09/07/07
	Comply w/ CO emission limit for FCCU			02/20/08	11/20/07
	Comply w/ opacity and PE limits for FCCU			12/31/13	
	Submit alternative monitoring plan application for NSPS Subpart J monitoring for SO ₂ at FCCU			12/31/08	12/19/08

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date	
The Premcor Refining Group, Inc (Continued)	Discontinue burning of fuel oil in heaters and boilers		11/20/07		08/16/07	
	Determine compliance w/ 6 BQ compliance option & submit a Benzene Waste NESHAP Compliance Review and Verification Report		03/01/08		03/14/08	
	Submit a report re: carbon canisters installed pursuant to Subpart FF		02/20/08		02/12/08	
	Develop annual training program for employees that draw benzene waste samples		02/20/08		03/19/08	
	Develop SOPs for all control equipment used to comply w/ Benzene Waste NESHAP and complete initial training re: SOPs		11/20/08		05/19/08* 02/12/09**	
	Develop and implement procedures to ensure QA/QC for all LDAR data		02/20/08	* Develops SOPs	** Training	01/25/08
	Develop program to hold LDAR personnel accountable for LDAR performance		11/20/07			06/28/07
	Establish a tracking program for valves and pumps that should be added to LDAR program		11/20/08			01/25/08
	Reroute any SRP sulfur pit emissions to eliminate emissions		11/20/08			11/03/08
	Provide description of causes of all acid gas flaring incidents from 1/1/02 thru 12/31/06		11/20/08			08/11/08
	Submit compliance plan for flaring devices		12/31/09			
	Certify compliance for all flaring devices		12/31/13			
	Complete design of compressor system for P025		12/20/07			01/03/08
	Complete installation of compressor system for P025		04/01/08			04/01/08
	Submit T5 permit applications to incorporate emission limits required by Consent Decree		12/31/07			06/12/08
	Pay \$200,000 to develop and implement a Traffic Signal Synchronization study for City of Lima		02/20/08			01/25/08
	Install controls for unregulated and uncontrolled relief vents at Refinery (spend \$675,000 for SEP)		12/31/09			
	Submit plan for the Lima Infrared Camera Imaging Project (spend \$50,000 for SEP)		02/20/08			02/12/08
	Transfer \$200,000 to LADCO for PM 2.5 speciation		02/20/08			01/18/08

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

E. I. Du Pont de Nemours & Company (11/06/07 - Consent Decree)	Civil penalty: (\$550,000) OEPA	\$440,000	634777	12/06/07	12/19/07
	Bus Fund	\$110,000	634778	12/06/07	12/19/07
	Comply w/ short-term SO ₂ emission limit of 2.2 lbs/ton		03/01/11		
	Comply w/ Mass Cap of 281 TPY		03/01/13		
	Submit proposed O&M Plan for short-term SO ₂ limit		11/01/10		
	Submit a complete T5 permit application for Consent Decree SO ₂ limits		09/01/11		

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

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

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

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

James Brown (03/11/08)	Civil penalty: (\$750)	653125	04/11/08	Y	ACT

Bates Recycling, Inc. (06/04/08)	Civil penalty: (\$1,000)	657594	06/18/08	Y	

Craig Eddy (06/04/08)	Civil penalty: (\$750)	657302	07/04/08	Y	

Warren Ropp (06/02/08)	Civil penalty: (\$250)	657293	07/02/08	Y	

JR's Truck Parts (06/02/08)	Civil penalty: (\$500)	657294	07/02/08	Y	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Peter Backer (07/01/08)	Civil penalty: (\$750)	657790	07/31/08	Y	

W. A. Miller (07/16/08)	Civil penalty: (\$1,000)	666334	08/16/08	Y	*
* Partial payment of \$350 received 10/20/08 - Potential to Certify.					

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

Lance Dudgeon (07/09/08)	Civil penalty: (\$500)	659540	08/09/08	Y	

Johnathan Strickland (07/16/08)	Civil penalty: (\$2,000)	666331	08/16/08	Y	

Luci, Inc. (07/08/08)	Civil penalty: (\$10,000)				
	OEPA	\$8,000	659538	08/08/08	Y
	Bus Fund	\$2,000	659539	08/08/08	Y

Ford Motor Company (07/31/08)	Civil penalty: (\$1,400,000)				
	OEPA	\$1,120,000	666337	08/31/08	08/18/08
	Bus Fund	\$280,000	666338	08/31/08	08/18/08
	Shut down cupola 3 and mold line 7		12/31/08		12/11/08
	Shut down cupola 1 & 2 and mold lines 2 & 3		12/31/10		

Douglas Kehres (08/13/08)	Civil penalty: (\$500)	666363	09/13/08	Y	

Great Lakes Crushing Ltd. (10/01/08)	Civil penalty: (\$12,000)				
	OEPA	\$9,600	686990	10/31/08	Y 09/10/09*
	Bus Fund	\$2,400	686991	10/31/08	Y 04/23/09**
* Paid the \$9,600 plus \$1,095.45 in interest to AGO Revenue Recovery. AGO took \$1,069.55 for its collection efforts.					
** AGO took \$240 of this amount for its collection efforts.					

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

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

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

Ultimate Industries, Inc. (02/25/09 - Consent Order)	Civil penalty: (\$4,200) EPA	\$175.00 712529	03/05/09		05/12/09
		\$175.00 712530	04/05/09		06/15/09
		\$175.00 712531	05/05/09		08/07/09
		\$175.00 712532	06/05/09		09/28/09
		\$175.00 712533	07/05/09		
		\$175.00 712534	08/05/09		
		\$175.00 712535	09/05/09		
		\$175.00 712536	10/05/09		
		\$175.00 712537	11/05/09		
		\$175.00 712538	12/05/09		
		\$175.00 712539	01/05/10		
		\$175.00 712540	02/05/10		
		\$175.00 712541	03/05/10		
		\$175.00 712542	04/05/10		
		\$175.00 712543	05/05/10		
		\$175.00 712544	06/05/10		
		\$175.00 712545	07/05/10		
		\$175.00 712546	08/05/10		
		\$175.00 712547	09/05/10		
		\$175.00 712548	10/05/10		
		\$175.00 712549	11/05/10		
		\$175.00 712550	12/05/10		
		\$175.00 712551	01/05/11		
		\$175.00 712552	02/05/11		

N-Viro International Corp. (03/24/09)	Civil penalty: (\$16,000) OEPA	\$4,000 707974	07/22/09		04/22/09
		\$4,000 707975	10/20/09		07/21/09
		\$4,000 707976	01/18/10		10/19/09
		\$4,000 707977	04/18/10		
	Bus Fund	\$4,000 707978	04/23/09		04/27/09

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

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

Lagrange Township Trustees (04/14/09)	Civil penalty: (\$250)	713233	05/14/09		
	Report the results of vehicle inspections		12/31/09		

George Rank (04/16/09)	Civil penalty: (\$500)	713237	05/16/09		

Richard Morrow (05/01/09)	Civil penalty: (\$3,000)	713246	05/15/09		

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

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

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

T.S. Trim Industries, Inc. (06/17/09)	Civil penalty: (\$85,200)				
	OEPA	\$68,160	714704	07/17/09	06/25/09
	Bus Fund	\$17,040	714705	07/17/09	06/25/09
	Conduct emission tests			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	\$4,500	715181	09/15/09	09/14/09
		\$7,500	715182	09/15/10	
	Bus Fund	\$3,000	715183	09/15/09	09/14/09

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

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
The Belden Brick Company, L.L.C. (07/06/09 - Consent Order)	Civil penalty: (\$850,000)				
	OEPA	\$170,000	717042	08/06/09	08/17/09
		\$170,000	717043	07/06/10	
		\$170,000	717044	01/06/11	
		\$170,000	717045	07/06/11	
	Bus Fund	\$170,000	717046	08/06/09	08/17/09
	Pay \$334,514.43 for Title V permit emission fees for CY 2001 thru 2006			Upon receipt of invoice from OEPA	
	Submit SO ₂ FERs for CY 1993 thru 2000			01/06/10	
For Plant 8, pay difference in emission fees for CY 1999 and 2000			Upon receipt of invoice from OEPA		

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

Saif Khan, d.b.a. Lakeland Citgo (08/20/09)	Civil penalty: (\$10,000)				
	OEPA	\$ 500	726488	09/20/09	08/06/09
		\$2,500	726489	12/20/09	11/30/09
		\$2,500	726490	03/20/10	
		\$2,500	726491	06/20/10	
	Bus Fund	\$2,000	726492	09/20/09	08/06/09

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

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

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

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

Total Environmental Services, LLC (09/17/09)	Civil penalty: (\$5,000)				
	OEPA	\$4,000	727529	10/01/09	
	Bus Fund	\$1,000	727530	10/17/09	

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

Eramet Marietta, Inc. (10/07/09)	Civil penalty: (\$30,000)				
	OEPA	\$24,000	735687	10/21/09	10/13/09
	Bus Fund	\$6,000	735688	11/06/09	10/13/09
	Submit copy of inspection & testing schedule			11/06/09	09/10/09
	Submit documentation of de-registering of formerly covered processes			11/06/09	08/13/09

Stein, Inc. (10/13/09)	Civil penalty: (\$50,000)				
	Bus Fund	\$10,000	735700	11/13/09	10/23/09
	OEPA	\$10,000	735696	05/13/10	
		\$10,000	735697	08/13/10	
		\$10,000	735698	11/13/10	
	\$10,000	735700	02/13/11		

Joseph and Marie Eberz (10/19/09)	Civil penalty: (\$500)		735796	11/19/09	

CertainTeed Corp (10/19/09 - CO)	Civil penalty: (\$230,000)				
	OEPA	\$184,000	735799	11/19/09	
	Bus Fund	\$ 46,000	735800	11/19/09	
	Submit Title V permit appl.			w/i 90 days of issuance of PTI	
	Submit plan for measuring OC content of stone			01/19/10	
Submit FERs for 1993-1996			04/19/10		

Aleris International, Inc., et. Al. (10/30/09 - CO)	Civil penalty: (\$334,545)				
				when U.S. Bankruptcy court for District of Delaware decides	
	Install load cells to weigh flux			04/29/10	
	Submit Capture and Collection System Improvement Plan			11/29/09	
	Complete all improvements described in CCSIP			04/29/10	
	Measure fan RPM			01/29/10	
	Measure static pressure of air curtain			01/29/10	
	Perform compliance tests			10/29/10	
Submit test results			12/29/10		

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

Circle K Midwest (GDFs 5204, 5209, 5318, 5320, 5557, 5558, 0059, and 5217) (11/04/09)	Civil penalty: (\$100,000)				
	OEPA	\$80,000 735797	12/04/09		11/13/09
	Bus Fund	\$20,000 735798	12/04/09		11/13/09
	Perform static leak & A/L ratio tests at each GDF		03/31/10		
			08/31/10		
		03/31/11			
		08/31/11			

Rascal House Pizza (11/12/09)	Civil penalty: (\$10,000)				
	OEPA	\$1,250 746346	12/12/09		12/07/09
		\$1,250 746347	03/12/10		
		\$1,250 746348	06/12/10		
		\$1,250 746349	09/12/10		
		\$1,250 746350	12/12/10		
		\$1,250 746351	03/12/11		
		\$1,250 746352	06/12/11		
	\$1,250 746353	09/12/11			

Great Plains Exploration (11/12/09)	Civil penalty: (\$19,000)				
	OEPA	\$1,000 746093	03/01/10		
		\$1,000 746094	04/01/10		
		\$1,000 746095	05/01/10		
		\$1,000 746096	06/10/10		
		\$1,000 746097	07/01/10		
		\$1,000 746098	08/01/10		
		\$1,000 746099	09/01/10		
		\$1,000 746100	10/01/10		
		\$1,000 746101	11/01/10		
		\$1,000 746102	12/01/10		
		\$1,000 746103	01/01/11		
		\$1,000 746104	02/01/11		
		\$1,000 746105	03/01/11		
		\$1,000 746106	04/01/11		
		\$1,000 746107	05/01/11		
	Bus Fund	\$1,000 746108	11/01/09		
		\$1,000 746109	12/01/09		
		\$1,000 746110	01/01/10		
		\$1,000 746111	02/01/10		

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Sunoco, Inc. (Toledo Refinery) (11/12/09)	Civil penalty: (\$32,250)				
	OEPA	\$25,800	746355	11/26/09	11/06/09
	Bus Fund	\$6,450	746356	12/12/09	11/06/09
	Complete corrective actions in Finding 15(a) and submit documentation			12/31/09	
	Correct deficiencies in butane sphere inspection reports and submit documentation			06/30/10	
	Resolve compliance audit findings in Finding 14(c) and submit documentation			12/31/09	

Thermo-Rite Manufacturing Company, Inc. (12/02/09)	Civil penalty: (\$36,000)				
	OEPA	\$ 800	747314	03/01/10	
		\$2,000	747315	04/01/10	
		\$2,000	747316	05/01/10	
		\$2,000	747317	06/01/10	
		\$2,000	747318	07/01/10	
		\$2,000	747319	08/01/10	
		\$2,000	747320	09/01/10	
		\$2,000	747321	10/01/10	
		\$2,000	747322	11/01/10	
		\$2,000	747323	12/01/10	
		\$2,000	747324	01/01/11	
		\$2,000	747325	02/01/11	
		\$2,000	747326	03/01/11	
		\$2,000	747327	04/01/11	
		\$2,000	747328	05/01/11	
	Bus Fund	\$2,000	747329	12/01/09	11/30/09
		\$2,000	747330	01/01/10	12/23/09
		\$2,000	747331	02/01/10	
		\$1,200	747332	03/01/10	

D & R Supply, Inc. (12/02/09)	Civil penalty: (\$20,000)				
	OEPA	\$5,000	746313	01/01/10	12/22/09
		\$2,750	746314	04/01/10	
		\$2,750	746315	07/01/10	
		\$2,750	746316	10/01/10	
		\$2,750	746317	01/01/11	
	Bus Fund	\$4,000	746318	12/01/09	11/06/09

Duff Quarry, Inc. (12/11/09)	Civil penalty: (\$5,000)		747347	01/11/10	12/07/09

Evonik Degussa Engineered Carbons Corp. (12/17/09)	Civil penalty: (\$34,310)				
	OEPA	\$27,448		01/17/10	
	Bus Fund	\$ 6,862		01/14/10	

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Emery Oleochemicals, LLC (12/17/09)	Civil penalty: (\$57,400)				
	OEPA	\$28,700	747345		12/31/09
	Bus Fund	\$28,700	747346		12/31/09
	For odor emission control system for P004 (penalty credit project):				
		submit plans			03/01/10
		issue purchase odors			07/01/10
		initiate construction			10/01/10
		complete construction			12/31/10
	submit documentation of spending at least \$340,000			01/31/11	

EI Ceramics, LLC (12/21/09)	Civil penalty: (\$78,700)				
	OEPA	\$62,960			01/21/10
	Bus Fund	\$15,740			01/21/10

Quality Ready Mix, Inc. (12/22/09)	Civil penalty: (\$15,000)				
	OEPA	\$12,000			01/05/10
	Bus Fund	\$ 3,000			01/05/10

Robert Schiekh (12/22/09)	Civil penalty: (\$750)				01/22/10

D. Todd Hosea, d.b.a. Hosea Project Movers (12/23/09)	Civil penalty: (\$22,000)				
	OEPA	\$4,400			03/23/10
		\$4,400			06/23/10
		\$4,400			09/23/10
		\$4,400			12/23/10
	Bus Fund	\$4,400			01/23/10

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

Cast-Fab Technologies, Inc. (12/23/09)	Civil penalty: (\$80,000)				
	OEPA	\$64,000			01/23/10
	Bus Fund	\$16,000			01/23/10

Ameriseal & Restoration, LLC (12/30/09)	Civil penalty: (\$6,700)				
	OEPA	\$ 860			01/15/10
		\$2,200			02/15/10
		\$2,300			03/15/10
	Bus Fund	\$1,340			01/15/10

Republic Engineered Products, Inc. (12/30/09)	Civil penalty: (\$30,600)				
	OEPA	\$24,480			02/15/10
	Bus Fund	\$ 6,120			02/15/10

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

Facility Name	Milestone or Requirement*	Revenue ID #	Deadline in F&O's	C y/n	Completion Date
Tinkler Construction, Co. (12/30/09 - CO)	Civil penalty: (\$14,500)				
	OEPA	\$11,600	01/30/10		
	Bus Fund	\$ 2,900	01/30/10		

- ** 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