

OHIO E.P.A.

JUL 13 2012

BEFORE THE OHIO
ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Polysource, Inc.
555 East Statler Road
Piqua, Ohio 45356

:
:
:

Director's Final Findings
and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

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

II. PARTIES BOUND

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

III. DEFINITIONS

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

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent operates a polystyrene manufacturing facility located at 555 East Statler Road in Piqua, Ohio. This facility uses isopentane to make polystyrene foam pellets in specialty colors to be purchased by other companies to make bicycle helmets. Isopentane is a regulated substance listed in Ohio Administrative Code ("OAC") Rule 3745-104-04 and has a threshold limit of 10,000 pounds. The amount of isopentane at this facility is 65,809 pounds.

2. Pursuant to OAC Rule 3745-104-02, an owner or operator of a stationary source, which has more than a threshold quantity of a regulated substance in a process, shall comply with the requirements of this rule by submitting a Risk Management Plan ("RMP") to Ohio EPA no later than June 21, 1999 and every five years thereafter. Respondent submitted RMPs to Ohio EPA every five years.
3. On May 28, 2003, an inspector with Ohio EPA, Division of Air Pollution Control ("DAPC") conducted the initial five-year inspection at Respondent's facility, and discovered eight rule violations. No penalty was assessed, but the Respondent was required to correct the violations and remain in compliance. All of the violations were corrected and the facility was in compliance at that time.
4. On January 18, 2012, Ohio EPA conducted a second five-year inspection at Respondent's facility and discovered seven violations of the rules, which included six violations that were cited from the first inspection. The violations are as follows:
 - (a) Respondent failed to provide population data, in violation of OAC Rule 3745-104-12. This is a repeat violation from the 2003 inspection.
 - (b) Respondent failed to provide background documentation for the alternative scenario, in violation of OAC Rule 3745-104-15. This is a repeat violation from the 2003 inspection.
 - (c) Respondent failed to provide complete safety information, in violation of OAC Rule 3745-104-17. This is a repeat violation from the 2003 inspection.
 - (d) Respondent failed to provide operating procedures, in violation of OAC Rule 3745-104-19. This is a repeat violation from the 2003 inspection.
 - (e) Respondent failed to provide training to the employees at least every three years, in violation of OAC Rule 3745-104-20. This is a repeat violation from the 2003 inspection.
 - (f) Respondent failed to create and implement a complete maintenance program, in violation of OAC Rule 3745-104-21. This is a repeat violation from the 2003 inspection.
 - (g) Respondent failed to conduct a compliance audit every three years, in violation of OAC Rule 3745-104-22.

5. A letter dated February 1, 2012, was sent to Respondent requiring the above deficiencies to be corrected within thirty days of receipt of the letter.
6. From February 10, 2012, to April 23, 2012, Respondent submitted documentation to correct all of the violations.
7. ORC § 3753.06 prohibits violations of the provisions of ORC Chapter 3753 or any rule adopted or issued under it. Respondent violated rules adopted under ORC Chapter 3753, specifically, the rules cited in Finding 4.
8. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Pursuant to ORC § 3753.09, Respondent is assessed a civil penalty in the amount of six thousand three hundred fifty dollars (\$6,350) in settlement of Ohio EPA's claims for civil penalties. Within thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of six thousand three hundred fifty dollars (\$6,350) in settlement of Ohio EPA's claims for civil penalties, which will be deposited into the Risk Management Plan fund established pursuant to ORC § 3753.05. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$6,350. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, attention Akia Smith, 50 West Town Street, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility.
2. A copy of the above check shall be sent to Bruce Weinberg, Environmental Manager, Enforcement Section, or his successor at the following address:

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

VI. TERMINATION

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

VII. OTHER CLAIMS

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

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

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

X. NOTICE

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

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

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

XI. RESERVATION OF RIGHTS

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

XII. WAIVER

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

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

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

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

XIII. EFFECTIVE DATE

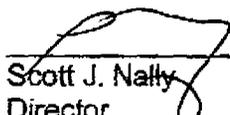
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

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

ORDERED AND AGREED:

Ohio Environmental Protection Agency

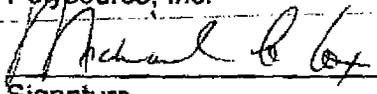


Scott J. Nally
Director

7/12/12
Date

AGREED:

Polysource, Inc.



Signature

7-2-12
Date

MICHAEL A. COX
Printed or Typed Name

President
Title