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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Chemical Solvents, Inc. **3751 Jennings Road** **Cleveland, Ohio 44109**	: : :	**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 Chemical Solvents, Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES

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

III. DEFINITIONS

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

IV. FINDINGS

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

1. The City of Cleveland, Division of Air Quality ("CDAQ") acts as an agent of Ohio EPA for the Division of Air Pollution Control in Cuyahoga County.

2. Respondent manufactures special chemical products and also recycles and disposes of off-site chemicals at its facility located at 3751 Jennings Road in Cleveland, Cuyahoga County, Ohio (Ohio EPA facility #1318007651). At this facility, Respondent operates, in addition to other emissions units:

- a vapor recovery system (Ohio EPA emissions unit P001);

- hazardous and non-hazardous loading racks (Ohio EPA emissions units J001 and J002); and

- a dip tank and wheel strippers (Ohio EPA emissions units L001 and L002).

3. Respondent is subject to the terms and conditions of permits to install ("PTIs") #13-03755 and #13-1454 and is also subject to the rules and laws specified in Ohio Administrative Code ("OAC") Chapter 3745-31 and Ohio Revised Code ("ORC") section 3704.

4. CDAQ conducted inspections of Respondent's facility on May 20 and June 3, 2004.

5. During the May 20 and June 3, 2004 inspections, Respondent could not provide the CDAQ inspectors with the most recent quarterly or semiannual deviation reports for emissions unit L001, Dip Tank Stripping Operation, and L002, Wheel Stripper, in violation of the general and specific terms and conditions located in PTI #13-03755. Respondent submitted a quarterly deviation report on November 11, 2004 and a semiannual deviation report on July 7, 2004.

6. Respondent did not submit annual reports for emissions unit P001 for reporting years 2001, 2002, and 2003, in violation of the special terms and conditions of its permit to operate. Respondent submitted the required 2004 annual report on January 28, 2005. CDAQ did not require past reports to be submitted.

7. Respondent failed to submit annual throughput reports for emissions units J001 and J002, solvent loading racks, for calendar years 2001 and 2002. The throughput report for 2003 was submitted after the January 31, 2004 deadline. CDAQ did not require Respondent to submit the late throughput reports from 2001 and 2002. During the inspection, CDAQ stressed the importance of submitting future reports on time.

8. Based on throughput data provided by Respondent, CDAQ concluded that in 2003 Respondent exceeded emissions limitations established by PTI #13-1454 for emissions units J001 and J002.

9. During the inspection, CDAQ also noticed several emissions units that had not been issued a permit to install or operate. These emissions units included loading/unloading racks and the roadways. Respondent subsequently provided information that demonstrated that these sources met de minimis status and, thus, did not require permits.

10. On July 7, 2004, Respondent submitted information to CDAQ stating a new condenser to control emissions from emissions units L001 and L002 would be installed. Respondent stated that the condenser would meet 90% control efficiency.

11. On July 16, 2004, CDAQ sent a Notice of Violation ("NOV") to Respondent that outlined the violations noted above. In the NOV, CDAQ requested that Respondent take

corrective action to abate the violations. CDAQ also requested that the facility submit an intent to test notification for emissions units L001, L002, and P001.

12. On August 15, 2004, Respondent sent a corrective action plan letter to CDAQ addressing some of the issues in the NOV. Respondent outlined a plan to rectify the violations regarding the late and missing reports. Respondent disagreed with the CDAQ findings that the emissions limits for emissions units J001 and J002 had been exceeded in 2003. Respondent also provided information that showed that the unpermitted emissions units noted by CDAQ met de minimis standards and, thus, did not require permits.

13. In a letter dated August 18, 2004, Respondent further responded to CDAQ regarding the provision in the July 16, 2004 NOV requesting that Respondent submit an intent to test notification for emissions units L001, L002, and P001. Respondent questioned why CDAQ requested a stack test for emissions units L001 and L002 as it was not explicitly required in the permit to install ("PTI").

14. On August 31, 2004, CDAQ sent a response to Respondent's August 15 and August 18, 2004 corrective action letters. In the letter, CDAQ stated that although it agreed that the PTI does not specifically require a stack test, CDAQ had the authority to require the test under Ohio Revised Code ("ORC") Section 3704.03(I).

15. On September 22, 2004, CDAQ received another letter from Respondent further addressing the NOV issued on July 16, 2004. The letter stated that an intent to test for emissions unit P001 would be submitted. To date, CDAQ has not received the intent to test notification.

16. On November 1, 2004, CDAQ received a deviation report for third quarter 2004 from Respondent. The report stated that Respondent exceeded the emissions limit for emissions unit L002 by 0.94 pounds per hour ("lbs/hr"), in violation of the terms and conditions of PTI #13-3755 and OAC Rule 3745-31-05(A)(3). The allowable emissions rate for emissions unit L002 is 17 lbs/hr for VOC emissions. The actual emissions for emissions unit L002 were 17.94 lbs/hr. CDAQ issued an NOV for this violation on November 1, 2004. The following quarter Respondent returned to compliance as they did not report any deviations for fourth quarter 2004.

17. On January 7, 2005, Respondent submitted an erroneous quarterly deviation report for the forth quarter of 2004 that stated no deviations occurred for emissions unit L002, when in fact the tons per year emissions were exceeded by 5.4 tpy, as noted in Finding 17.

18. On April 29, 2005, CDAQ received a deviation report from Respondent. In the deviation report, Respondent stated that the emissions limit for emissions unit L002 was exceeded by 5.4 tpy in 2004. The allowable emissions rates for emissions unit L002 are 17 lbs/ hour and 50 tpy for VOCs. The actual emissions noted in the deviation report were 55.4 tpy. CDAQ issued a NOV for this exceedance to Respondent on May 9, 2005. Respondent was also cited for failing to submit semiannual deviation reports as required in PTI #13-3755. Respondent returned to compliance with the PTI on April 29, 2005 as

they did not report any deviations for the first quarter of 2005.

19. On May 26, 2005, Respondent responded to CDAQ's May 9, 2005 NOV. Respondent outlined a plan to maintain a running total of emissions based on the tons per year limit in the permit. Respondent committed to reporting this running total in the quarterly deviation reports. In addition, Respondent stated that they intended to submit an intent to test for emissions unit P001 by July 1, 2005. To date, CDAQ has not received this notice.

20. On August 30, 2006, CDAQ and Ohio EPA met with Respondent in an attempt to achieve an administrative settlement of the above violations. During the meeting Respondent explained that their VOC emissions for emissions units L001 and L002 were overestimated because 25% of the solvent carries over into the rinse water. On October 13, 2006, Respondent supplied CDAQ with technical information supporting the claim of 25% solvent carryover to rinse water. CDAQ and Ohio EPA agree with the above stated explanation and recognize the fact that the emissions reported for L001 and L002 were overestimated and below the allowable emissions limitations of 50 tons per year. Additionally, Respondent provided information during the August 30, 2006 meeting that showed that there was an error in PTI #13-1454 that caused the emissions limits to be overly restrictive. CDAQ and Ohio EPA agree with this information and recognize that actual emissions for emissions unit J001 and J002 did not exceed emissions limits in 2002. CDAQ is currently working with Respondent to correct the error in the PTI.

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

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall submit an intent to test notification for emissions unit P001 within 30 days of the effective date of these Orders and shall submit emissions information for emissions unit P001 within 60 days of the effective date of these Orders.

2. Respondent shall pay the amount of seventeen thousand five hundred dollars ($17,500) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for fourteen thousand dollars ($14,000) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049

Columbus, Ohio 43216-1049

3. In lieu of paying the remaining three thousand five hundred dollars ($3,500) of civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for $3,500. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

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

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

5. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA $3,500 of the civil penalty in accordance with the procedures in Order 2.

VI. TERMINATION

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

VII. OTHER CLAIMS

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

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

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

X. NOTICE

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

City of Cleveland
Division of Air Quality
1925 St. Clair Road
Cleveland, Ohio 44114
Attn: Valencia White

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: John Paulian

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

XI. RESERVATION OF RIGHTS

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

XII. WAIVER

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

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

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

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Director

3/18/07
Date

IT IS SO AGREED:

Chemical Solvents, Inc.

Signature

Date 2-7-07

Ed Pavlish
Printed or Typed Name

President
Title