

OHIO E.P.A.

NOV 15 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

YUSA Corporation : Director's Final Findings  
151 Jamison Road SW : and Orders  
Washington Court House, OH 43160 :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to YUSA Corporation (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3704.03 and 3745.01.

II. PARTIES BOUND

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

III. DEFINITIONS

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

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent manufactures motor vehicle steering and suspension components at its facility (Facility ID# 0124010098) located at 151 Jamison Road SW, in Washington Court House, Fayette County, Ohio (Facility).
2. Respondent operates, among other things, two adhesive/primer application operations at the Facility. Emissions unit (EU) K002 was installed in February of 1989, and the permit-to-install (PTI) for this unit was last modified in September of 2012 (PTI P0110932). In July of 2011, Ohio EPA issued PTI P0107944 to Respondent for EU P305. Respondent commenced operation of EU P305 on October 8, 2011. EUs K002 and P305 are each an "air contaminant source" as defined in Ohio Administrative Code (OAC) Rules 3745-15-01(C) and (X).

3. The terms and conditions of PTIs P0110932 and P0107944 require Respondent, in part, to comply with 40 CFR Part 63, Subpart M [National Emission Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Miscellaneous Metal Parts and Products] for EUs K002 and P305, respectively. As part of the compliance approach for the NESHAP requirements, the Respondent has elected to use emissions capture and control systems for EUs K002 and P305.

4. Each of the above-mentioned adhesive/primer application operations capture the volatile organic compound (VOC) emissions emitted by the operations in a permanent total enclosure (PTE) which directs the captured emissions to a regenerative thermal oxidizer (RTO) where the VOC emissions are controlled. Each PTE must be designed to meet specific criteria to ensure that all of the VOC emissions from the operation are captured and directed to the RTO. Each RTO must control the VOC emissions to the level specified in each operation's PTI. 40 CFR Part 51, Appendix M, Method 204 (Method 204) is used to determine compliance with the PTE design criteria and 40 CFR Part 60, Appendix A, Methods 1 through 4 and 25 are used to determine if the RTO met the required control level. The VOC emission limitations in the PTIs for EUs K002 and P305 are, in part, based upon the capture and control systems meeting their specified capture and control levels on an ongoing basis.

5. On June 28, 2007, Ohio EPA conducted a compliance evaluation at the Facility and determined that Respondent had failed to properly satisfy the design criteria of the PTE for EU K002, in violation of the terms and conditions of the unit's PTI and Title V permit, 40 CFR Part 63, Subpart M, and ORC § 3704.05(C). By letter dated August 14, 2007, Ohio EPA notified Respondent of these violations.

6. By letter dated November 16, 2009, Ohio EPA notified Respondent that the compliance demonstration tests conducted on September 29, 2009 for EU K002 indicated that the provisions of 40 CFR Part 51, Appendix M, Method 204 (Method 204) were not satisfied. Specifically, the natural draft opening (NDO) to enclosure area ratio and distance from emission point to NDO (equivalent diameters) design criteria associated with the PTE serving this unit were not met as documented through the Method 204 tests.

7. On February 17, 2012, Ohio EPA reviewed a compliance demonstration report submitted by Respondent for EU P305 and determined that Respondent had failed to comply with certain requirements specified in PTI P0107944. Specifically, for EU P305, Respondent failed to meet the design criteria associated with the PTE serving this unit as documented through the Method 204 tests. Method 204 states that any NDO shall be at least four equivalent opening diameters from each VOC emitting point. Based upon the information provided in the compliance demonstration, one of the NDOs associated with the PTE serving EU P305 was 2.9 equivalent diameters from the nearest VOC emitting point, in violation of the terms and conditions of PTI P0107944,

40 CFR Part 63, Subpart MMMM, and ORC § 3704.05(C). By letter dated February 23, 2012, Ohio EPA notified Respondent of these violations.

8. On March 7, 2012, Respondent fixed the problem identified in Finding No. 7 of these Orders. On March 19, 2012, Respondent submitted documentation to Ohio EPA demonstrating that Respondent had fixed the problem and abated the violations cited in Ohio EPA's February 23, 2012 notice of violation letter.

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

#### **V. ORDERS**

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of seventeen thousand dollars (\$17,000) 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 thirteen thousand six hundred dollars (\$13,600) of the total amount. The official check shall be submitted to Akia Smith, or her successor, together with a letter identifying the Respondent, to:

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

2. In lieu of paying the remaining three thousand four hundred dollars (\$3,400) of the 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 in the amount of \$3,400 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$3,400. The official check shall be submitted to Akia Smith, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to Bruce Weinberg, Enforcement Section Manager, or his successor, at the following address:

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

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$3,400 of the civil penalty in accordance with the procedures in Order 1.

#### **VI. TERMINATION**

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

#### **VII. OTHER CLAIMS**

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

#### **VIII. OTHER APPLICABLE LAWS**

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

#### **IX. MODIFICATIONS**

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

#### **X. NOTICE**

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

Ohio Environmental Protection Agency  
Central District Office  
Division of Air Pollution Control  
50 West Town Street, Suite 700

Columbus, Ohio 43215  
Attn: Kelly Toth

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Bruce Weinberg

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**

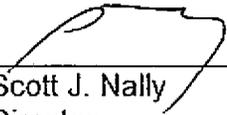
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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:**

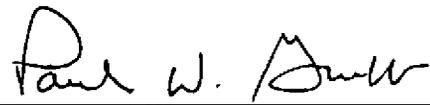
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Scott J. Nally  
Director

11/9/12  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**YUSA Corporation**

  
\_\_\_\_\_  
Signature

11-1-2012  
\_\_\_\_\_  
Date

Paul W. GRUBB  
\_\_\_\_\_  
Printed or Typed Name

Vice President / Corporate Secretary  
\_\_\_\_\_  
Title