

OHIO E.P.A.  
MAY 17 2013  
ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Johns Manville : Director's Final Findings  
6050 River Road : and Orders  
Waterville, Ohio 43566 :

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Johns Manville for its Plant #1 (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 Respondent or of Respondent's 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 owns and operates a fiberglass manufacturing facility (Facility ID# 0448000012) located at 6050 River Road, Waterville, Lucas County, Ohio (Facility).
2. The Toledo Division of Environmental Services (TDOES) is the contractual agent for Ohio EPA in Lucas County for the administration of Ohio's air pollution rules and laws.
3. On December 18, 2002, Ohio EPA issued a Title V permit-to-operate (PTO) to Respondent. The Title V permit expired on December 18, 2007 ; however; its requirements remain in effect pursuant to Ohio Administrative Code (OAC) Rule 3745-

77-08(E)(1) until a renewal Title V permit is issued by Ohio EPA. A renewal permit application was timely submitted by Respondent to Ohio EPA on June 21, 2007.

4. On June 13, 2006, Ohio EPA issued permit-to-install (PTI) 04-01345 to Respondent. The terms and conditions of the Title V PTO and PTI 04-01345 contain applicable emission limitations and operational control and reporting requirements for emissions units (EU) P001 (9211 glass melting furnace) and P013 (9212 glass melting furnace). Specifically, the Title V PTO and PTI 04-01345 established emission limitations of 1.87 pounds of particulate emissions as PM<sub>10</sub> per ton of glass pull and 0.50 pound of filterable particulate emissions (PE) per ton of glass pull. The Title V PTO and PTI 04-01345 also requires Respondent to develop and implement a written standard operating procedure in order to maintain the emissions unit in compliance with the limitations contained in the permit. In accordance with the Title V PTO and PTI 04-01345, Respondent shall initiate corrective action within one hour of an alarm from the bag leak detection system and complete corrective actions in a timely manner according to the procedures documented in this SOP. EUs P001 and P013 are "air contaminant sources" as defined in OAC Rule 3745-15-01(C) and (X).

4. On March 13, 2012, Respondent conducted a stack test for PE and PM<sub>10</sub>. The results of the stack test showed that EUs P001 and P013 exceeded the emission limitations established in the Title V PTO and PTI 04-01345, in violation of the terms and conditions of Title V PTO and PTI 04-01345 and ORC § 3704.05(C). Specifically, PM<sub>10</sub> emissions were 2.36 pounds per ton of glass pull and PE emissions were 1.30 pounds per ton of glass pull. On April 30, 2012, Respondent submitted the first quarter deviation report for 2012. The report showed that the bag leak detection system was in alarm mode for greater than 5% of the emissions unit operating time during the quarter. By letter dated May 3, 2012, TDOES notified Respondent of these violations.

5. By letter dated April 12, 2011, Respondent submitted the stack test results. In this same letter, Respondent indicated that on April 3-5, 2012, maintenance was performed on the baghouse, which included: an inspection and calibration of bag breaker detectors; replacement of several baghouse filter bags; a dye leak test; degradation testing on filter bags that were removed; and an entire cleaning of the scrubber tower. On May 2, 2012, Respondent conducted and passed a stack test for EUs P001 and P013. The May 2, 2012 stack test results showed PM<sub>10</sub> emissions of 0.97 pound per ton of glass pull and PE emissions of 0.10 pound per ton of glass pull. By letters May 22, 2012, Respondent submitted a response to TDOES's notice of violation letter May 3, 2012. Respondent's May 22, 2012 letter contained the necessary information to abate the violations referenced in Finding Nos. 4.

6. 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 thirty-two thousand dollars (\$32,000) 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 twenty-five thousand six hundred dollars (\$25,600) of the total amount. The official check shall be submitted to Carol Butler, 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 six thousand four hundred dollars (\$6,400) 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 \$6,400 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 \$6,400. The official check shall be submitted to Carol Butler, 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, Manager Enforcement Section, 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 \$6,400 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 by 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:

Toledo Division of Environmental Services  
348 South Erie Street  
Toledo, Ohio 43604  
Attn: Karen Granata

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
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**

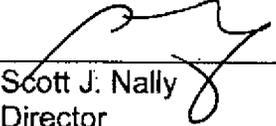
| The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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.

**ORDERED AND AGREED:**

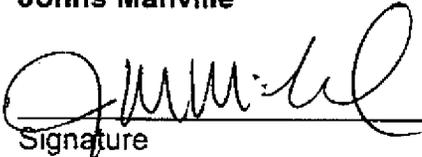
**Ohio Environmental Protection Agency**

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

5/10/13  
\_\_\_\_\_  
Date

**AGREED:**

**Johns Manville**

  
\_\_\_\_\_  
Signature

05/06/2013  
\_\_\_\_\_  
Date

J. M. Mc Cormick  
\_\_\_\_\_  
Printed or Typed Name

Waterville Complex Manager  
\_\_\_\_\_  
Title