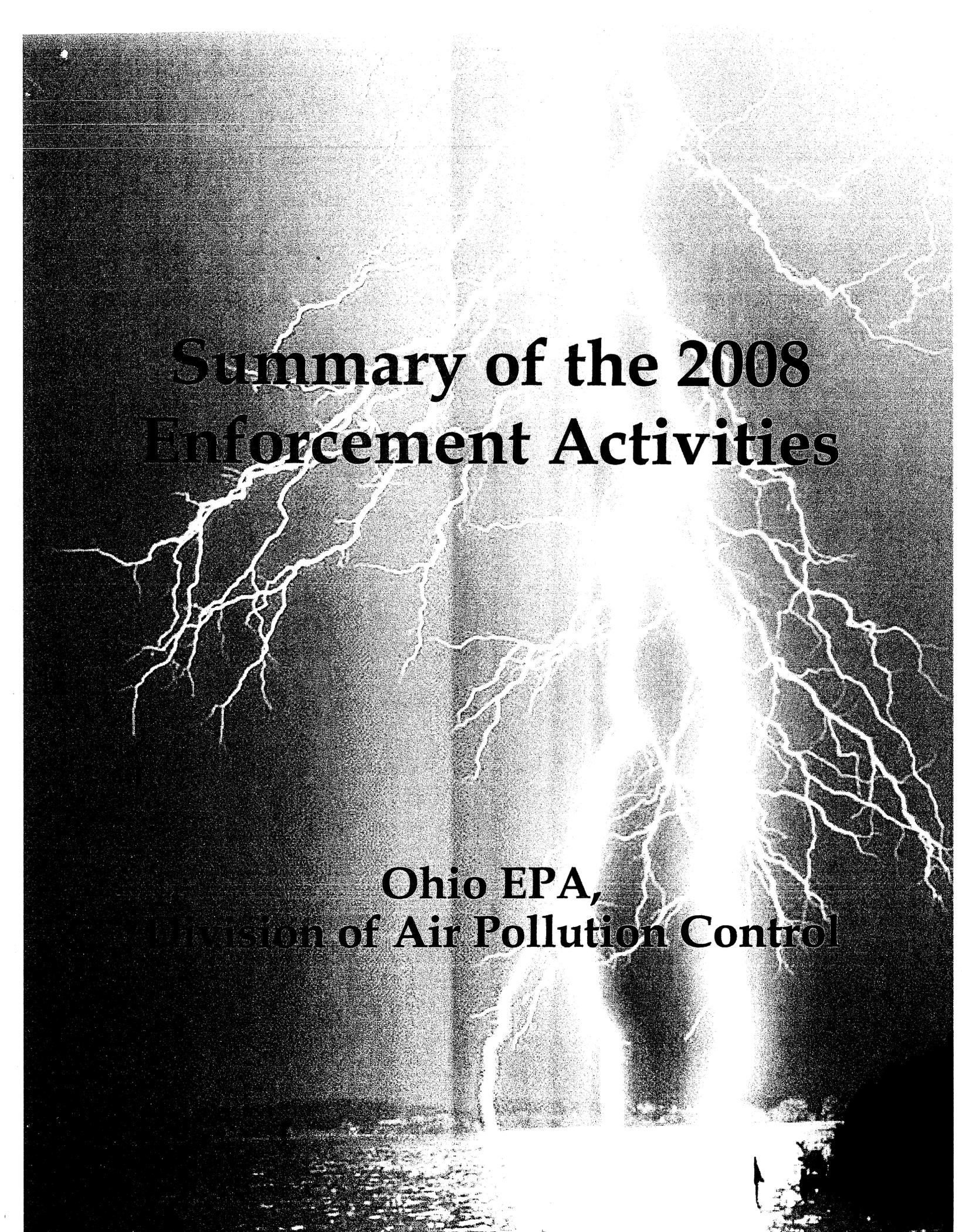


Attachment 2

Summary of the 2008 Enforcement Activities



Summary of the 2008 Enforcement Activities

**Ohio EPA,
Division of Air Pollution Control**

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Highlights from 2008

During calendar year 2008, the District Offices and local air agencies completed **859** full compliance evaluations (inspections) of regulated entities. This number does not include inspections of gasoline dispensing facilities, for which **3,095** inspections were conducted by NEDO, RAPCA, Cleveland DAQ, HAMCO DES, and Akron RAQMD. In addition, the District Offices and local air agencies received and responded to **3,427** complaints, witnessed **332** separate emission tests, and issued **314** formal notices of violation to noncomplying facilities. (The attached tables show the breakdowns of these numbers by field office.)

A total of **99** cases on the DAPC's Enforcement Committee (EC) docket were resolved during the calendar year. **(The DAPC's goal for resolved cases was 100.)** Of those 99 cases, **57** cases were resolved with Findings and Orders (F&Os), and **18** cases were referred to the Attorney General's Office (AGO). **(The DAPC's goal for the issuance of F&Os was 50.)** At the end of the year, after receiving **93** new enforcement action requests (EARs) during the year from the field offices and the Central Office Risk Management and E-check programs, **80** cases remained pending on the EC docket.

The calendar year began with 44 "old cases" on the DAPC's EC docket. (An "old case" was defined as an enforcement case having an EAR date prior to July 1, 2007.) **All but 2** of those cases were resolved before the end of the year. **(The DAPC's goal was to resolve all of the "old cases" before the end of the year.)**

The AGO resolved **11** air enforcement cases during the calendar year. Of those 11 cases, 7 were resolved by means of **4** Consent Orders. At the end of the year, **97** air enforcement cases remained pending at the AGO.

Of the 110 cases that were resolved by the Ohio EPA and the Ohio EPA/AGO, the following were resolved with large civil penalties, i.e., greater than \$ 100,000:

* Mar-Zane, Inc.	\$ 140,000
* R.L.R. Investments, LLC	\$ 227,700
* Ford Motor Company, Cleveland Casting Plant	\$ 1,400,000
* Erie Materials, Inc. (Sandusky and Portage facilities)	\$ 180,000
* AK Steel Corporation, Middletown Works	\$ 250,000

The R.L.R. Investments, LLC case involved violations of the asbestos control regulations, and the civil penalty is the largest-ever penalty obtained for a State asbestos case. Also, the violations at the Ford Motor Company, Cleveland Casting Plant involved the MACT standards for iron and steel foundries, and the civil penalty is the largest-ever penalty obtained by means of F&Os.

The civil penalties assessed in all the enforcement cases resolved during the calendar year totaled \$3,855,736. The following shows the contribution to that total figure from each governmental entity:

- * \$ 2,248,886 Ohio EPA
- * \$ 675,100 Ohio EPA/AGO
- * \$ 121,750 local air agencies
- * \$ 810,000 USEPA

The penalties assessed during 2008 bring the total civil penalties assessed in Ohio since 1984, when the Agency began pursuing civil penalties for violations of air pollution control regulations, to \$111,061,564.

Finally, at the end of the calendar year, there were 699 Title V facilities and 978 synthetic minor facilities in the State. Of the Title V facilities, 100 facilities, or 14.3%, had unresolved emission and/or administrative violations. Of the synthetic minor facilities, 123 facilities, or 12.6%, had unresolved emission and/or administrative violations. Therefore, for the 1,677 Title V and synthetic minor facilities, the overall compliance percentage at the end of the year was 86.7%. This is significantly below the **DAPC's goal for the year of 93.0%**, and this one statistic that the DAPC will be striving to improve by the end of calendar year 2009.

SUMMARY OF ENVIRONMENTAL IMPROVEMENTS RESULTING FROM OHIO EPA AIR ENFORCEMENT SETTLEMENTS DURING 2008

<u>FACILITY</u>	<u>SETTLEMENT DATE</u>	<u>TYPE OF SETTLEMENT</u>	<u>POLLUTANT</u>	<u>POLLUTANT REDUCTIONS</u>	<u>REMEDY</u>
MarZane, Inc., Plant #26	02/05/08	Consent Order	SO ₂ CO NO _x	8 TPY 28 TPY 2 TPY	Emissions reductions were achieved through the installation of a low NO _x burner. Reductions are based on the use of on-spec used oil and 500,000 tons per year of asphalt production (the highest observed annual production rate).
S. H. Bell Company, Stateline Facility	04/14/08	F&Os	PE	16 TPY [PE includes: Mn 3 TPY Cr 3 TPY]	All truck loadout operations on the Ohio side are now conducted in a new building that is vented to a baghouse.
Ford Motor Company, Cleveland Casting Plant	07/31/08	F&Os	PE SO ₂ OC CO NO _x Pb	102 TPY 100 TPY 113 TPY 1,076 TPY 38 TPY 1 TPY	Emission reductions are the result of Ford's business decision to shut down Cupolas 2 and 3, along with Mold Lines 1, 3, and 7, prior to the total facility closure by the end of 2010. Reductions are based upon Ford's 2007 FERs.
MarZane, Inc., Plant #27	11/18/08	F&Os	PE	1 TPY	Bags and seals were replaced in the baghouse serving emissions unit P901.
B.P. Products, Inc. d.b.a. BP Products North America	12/29/08	F&Os	OC	1 TPY	The Stage II vapor recovery systems at two retail facilities were repaired and the maintenance was improved.

**SUMMARY OF ENVIRONMENTAL IMPROVEMENTS RESULTING
FROM OHIO EPA AIR ENFORCEMENT SETTLEMENTS DURING 2008 (con't)**

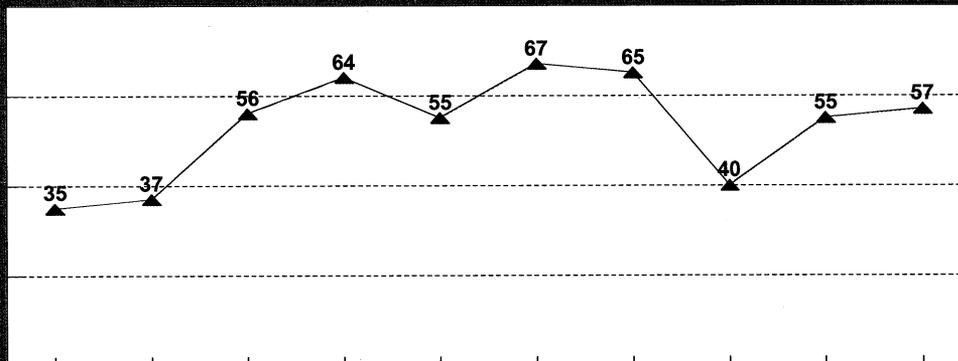
In addition to the environmental improvements described above, since 2005, 20% of the penalty of each enforcement settlement has been contributed to the Ohio Diesel School Bus Retrofit Grant Program. In 2008, a total of \$654,416.66 was awarded in two grant rounds. 338 school buses were retrofitted with control equipment (others had exhaust gas recirculation or preheaters installed), reducing emissions by 20% to 60% per vehicle, depending on the pollutant controlled and the type of control equipment installed. The program resulted in the following estimated emissions reductions in 2008:

PE	475 lbs/year =	0.24 TPY
CO	3,697 lbs/year =	1.85 TPY
HC/VOC	1,668 lbs/year =	0.83 TPY

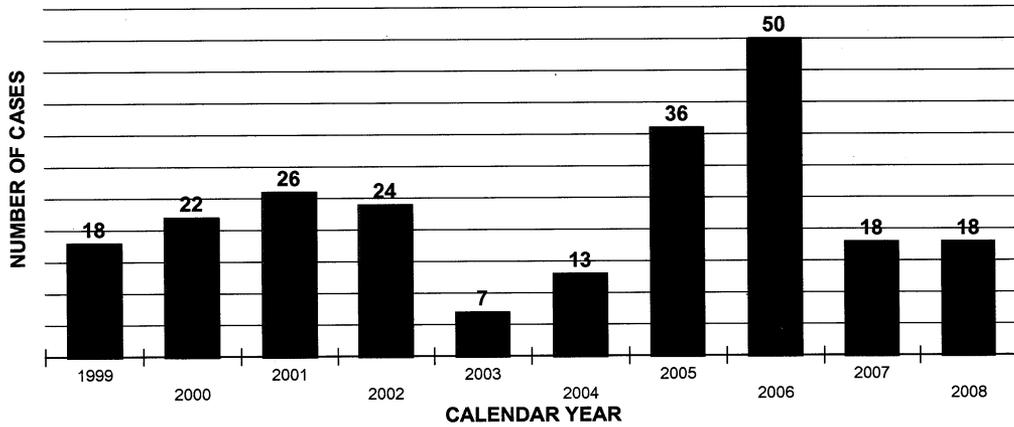
SUMMARY TABLE

<u>POLLUTANT</u>	<u>TOTAL REDUCTIONS</u>
Particulates	119 TPY
VOC/OC	115 TPY
NOx	40 TPY
SO ₂	108 TPY
CO	1,106 TPY
Pb	1 TPY
TOTAL	1,489 TPY

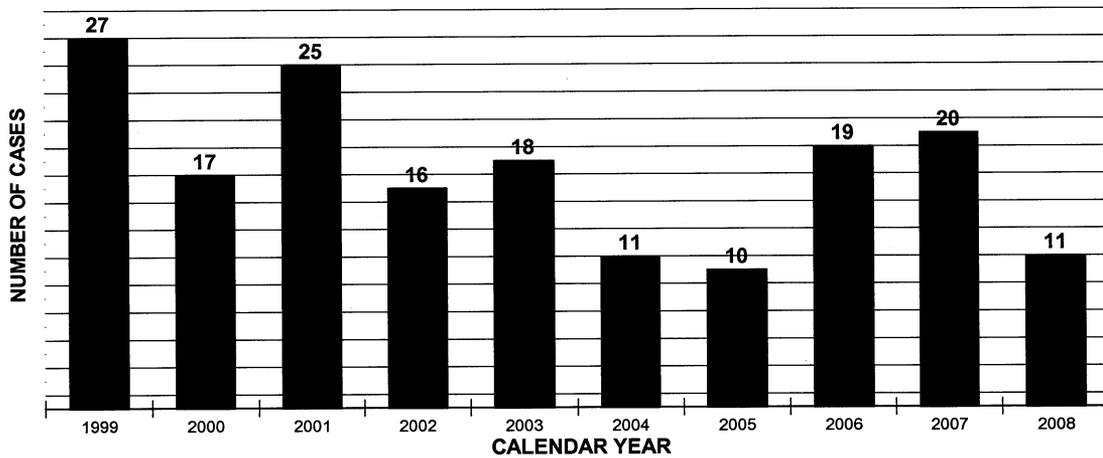
Overall Program Statistics

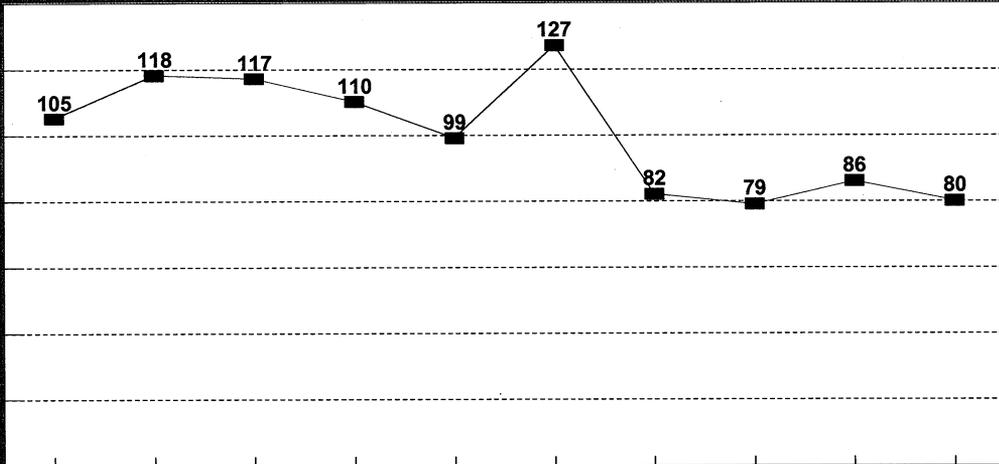
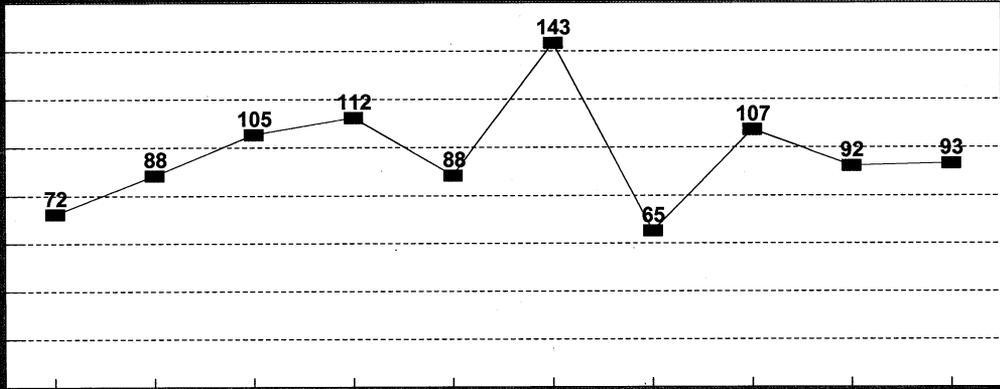


**NUMBER OF CASES REFERRED TO THE AGO
DURING 1999 THRU 2008**



**AIR ENFORCEMENT CASES RESOLVED BY
THE OEPA/AGO DURING 1999 THRU 2008**





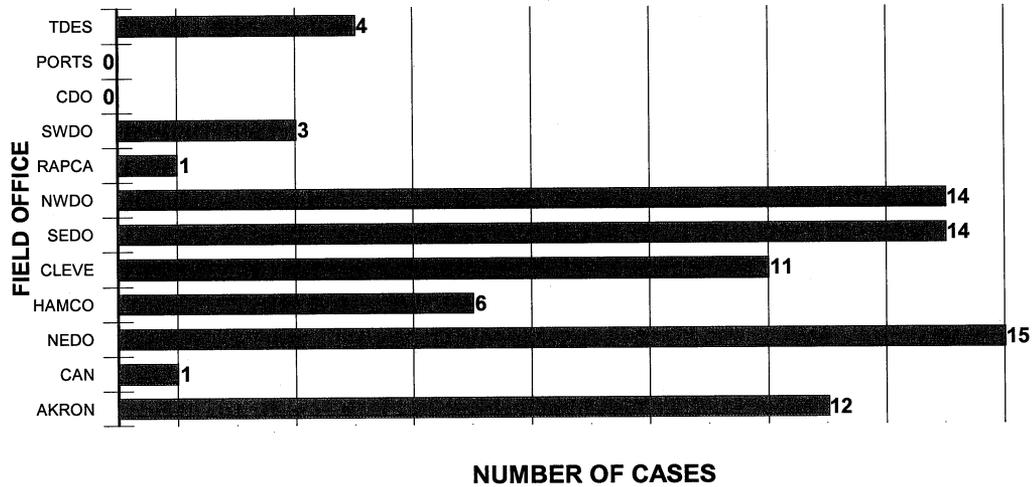
Field Office Statistics

(The following two **graphs** do not include the partial-role local air agencies, viz., the Lake County General Health District and the Mahoning-Trumbull Air Pollution Control Agency.)

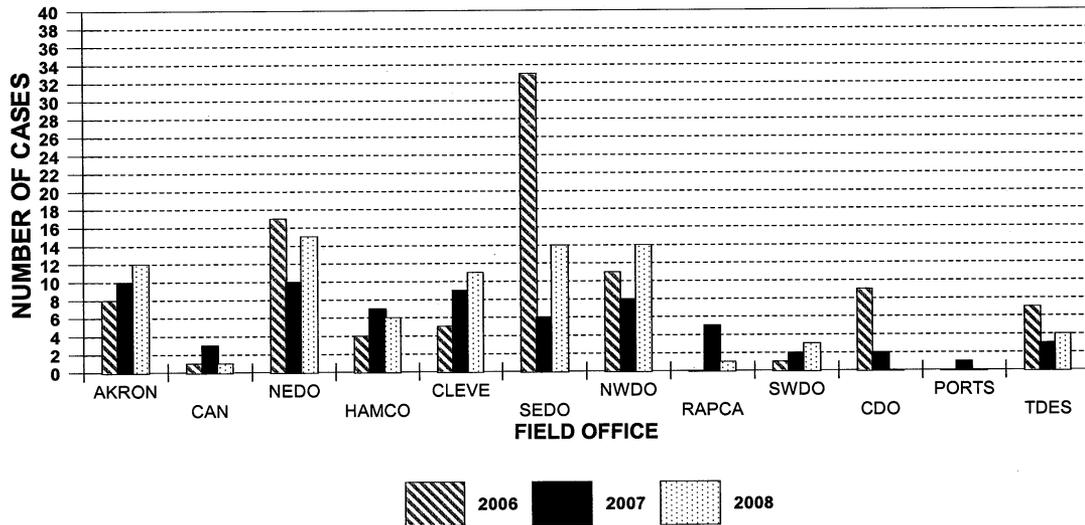
During 2006, 2007, and 2008, the Lake County General Health District was involved in the resolution of 0, 3, and 2 enforcement cases, respectively.

During 2006, 2007, and 2008, the Mahoning-Trumbull Air Pollution Control Agency was involved in the resolution of 9, 4, and 6 enforcement cases, respectively.)

SUMMARY OF TOTAL CASES RESOLVED BY FIELD OFFICE FOR 2008



SUMMARY OF TOTAL CASES RESOLVED BY FIELD OFFICE FOR 2006, 2007, AND 2008



Summary of the 2008 Inspections

<u>DO/LAA</u>	<u>FCE</u> ¹	<u>GDF</u> ²	<u>Stack Tests</u> ³
01-CDO	55	0	27
02-NEDO	101 ⁴	220	36
03-NWDO	130	0	79
04-TOLEDO	28	0	23
05-SWDO	24	0	5
06-SEDO	81	0	36
07-PORTSMOUTH	29	0	0
08-RAPCA	146	338	19
13-CLEVELAND	81	1,167	14
14-HCDES	111	863	73
15-CANTON	32	0	3
16-AKRON	41	507	17
TOTALS	859	3,095	332
GRAND TOTAL	4,286		

1. Full compliance evaluations of both high priority and non-high priority facilities, as entered into CETA database by DO/LAAs.
2. "GDF" = Gasoline Dispensing Facility
3. Stack tests that were observed by DO/LAA inspectors, as reported in CETA. An observed test can include multiple emissions units and/or test methods observed on the same day. RATA testing is not included in the total.
4. Does not include 193 GDF inspection results entered into CETA.

Summary of the 2008 Complaints

<u>DO/LAA</u>	<u>Facility¹</u>	<u>Open Burning</u>	<u>Anti-tampering</u>	<u>Other²</u>
01-CDO	310	231	2	98
02-NEDO ³	[No data]	[No data]	[No data]	[No data]
03-NWDO	97	176	1	29
04-TOLEDO	131	54	4	15
05-SWDO	0	22	1	4
06-SEDO	43	62	0	89
07-PORTSMOUTH	20	74	3	22
08-RAPCA	56	136	4	43
13-CLEVELAND	53	41	7	193
14-HCDES	281	55	3	180
15-CANTON	3	178	0	66
16-AKRON	45	196	4	133
20-LAKE COUNTY	7	26	0	34
21-M-TAPCA ⁴	34	39	3	29
TOTALS	1,082	1,396	18	931
GRAND TOTAL	3,427			

1. Includes both high priority and non-high priority facilities.
2. Includes complaints concerning non-permitted facilities, asbestos issues, fugitive dust from construction sites, etc.
3. No data entered since August, 2007.
4. Through September, 2008.

Summary of the 2008 Notices of Violation¹

<u>DO/LAA</u>	<u>Formal</u>		<u>Informal³</u>	<u>Total</u>
	<u>HPV²</u>	<u>Non-HPV</u>		
01-CDO	2	18	5	25
02-NEDO	15	21	17	53
03-NWDO	9	50	6	65
04-TOLEDO	5	173	0	18
05-SWDO	1	1	1	3
06-SEDO	5	8	34	47
07-PORTSMOUTH	0	0	0	0
08-RAPCA	0	13	0	13
13-CLEVELAND	14	52	0	66
14-HCDES	6	57	0	63
15-CANTON	0	4	1	5
16-AKRON	4	16	1	21
	61	253		
TOTALS	314		65	379

1. As entered into CETA by DO/LAA staff for facilities.
2. "HPV" = High Priority Violation, as defined by USEPA.
3. As defined in CETA (can include some NOVs, verbal warnings, and warning letters).

Compliance & Enforcement Tracking Application

[Unresolved HPV Cases](#)

[Unresolved Non-HPV Cases](#)

[Back to Query Report](#)

Compliance Status of Ohio's Title V and Synthetic Minor Facilities

	DO/LAA	Total Number of Title V Facilities	Total Number of Title V Facilities with Unresolved Violations (HPV and Non-HPV Cases)	Total Number of Title V Facilities with Unresolved Formal Violations (HPV Cases Only)	Overall Compliance Percentage for Title V Facilities (HPV and Non-HPV Cases)	Overall Compliance Percentage for Title V Facilities (HPV Cases Only)	Total Number of Synthetic Minor Facilities	Total Number of Synthetic Minor Facilities with Unresolved Formal Violations (HPV and Non-HPV Cases)	Total Number of Synthetic Minor Facilities with Unresolved Formal Violations (HPV Cases Only)	Overall Compliance Percentage for Synthetic Minor Facilities (HPV and Non-HPV Cases)	Overall Compliance Percentage for Synthetic Minor Facilities (HPV Cases Only)
01	CDO	55	12	7	78.2	78.2	114	17	9	85.1	85.1
02	NEDO	127	20	19	84.3	84.3	121	8	4	93.4	93.4
03	NWDO	145	30	22	79.3	79.3	158	9	4	94.3	94.3
04	TDES	34	3	1	91.2	91.2	19	3	1	84.2	84.2
05	SWDO	15	1	1	93.3	93.3	31	0	0	100.0	100.0
06	SEDO	87	9	7	89.7	89.7	132	43	40	67.4	67.4
07	Ports. CHD	15	0	0	100.0	100.0	9	1	1	88.9	88.9
08	RAPCA	42	4	3	90.5	90.5	80	5	0	93.8	93.8
13	Cleve. DAQ	57	7	5	87.7	87.7	70	11	2	84.3	84.3
14	HAMCO DES	64	10	7	84.4	84.4	140	18	3	87.1	87.1
15	Canton APC	29	2	2	93.1	93.1	34	2	0	94.1	94.1
16	Akron RAQMD	29	2	2	93.1	93.1	70	6	3	91.4	91.4
Totals		699	100	76	85.7%	89.1%	978	123	67	87.4%	93.1%

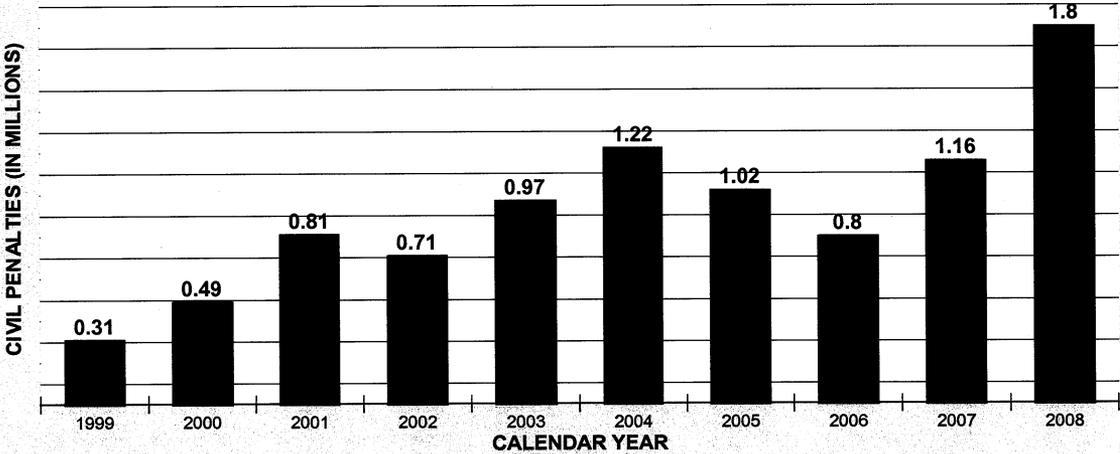
Note:

Overall Compliance Percentage = (Total Number of Facilities - Total Number of Facilities with Unresolved Formal Violations / Total Number of Facilities) * 100%

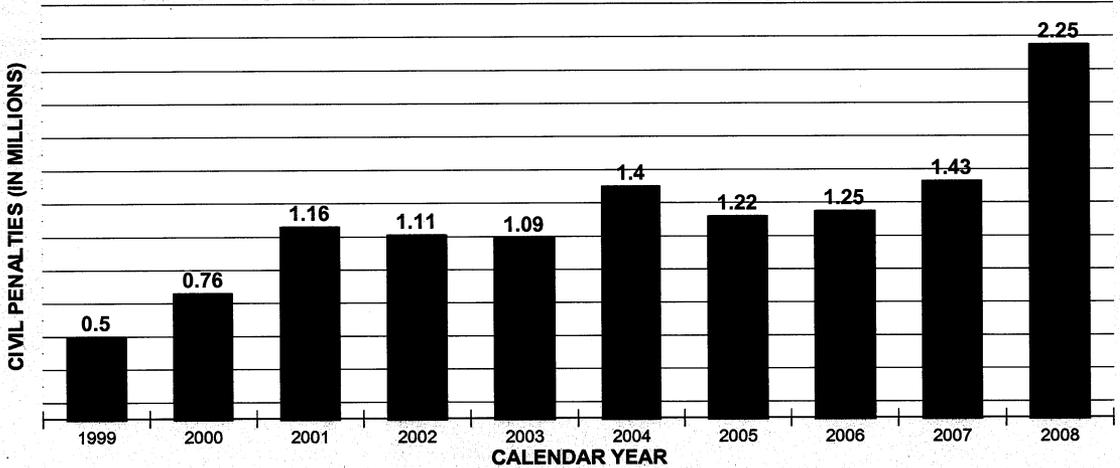
Do not include the shutdown facilities.

Penalty Statistics

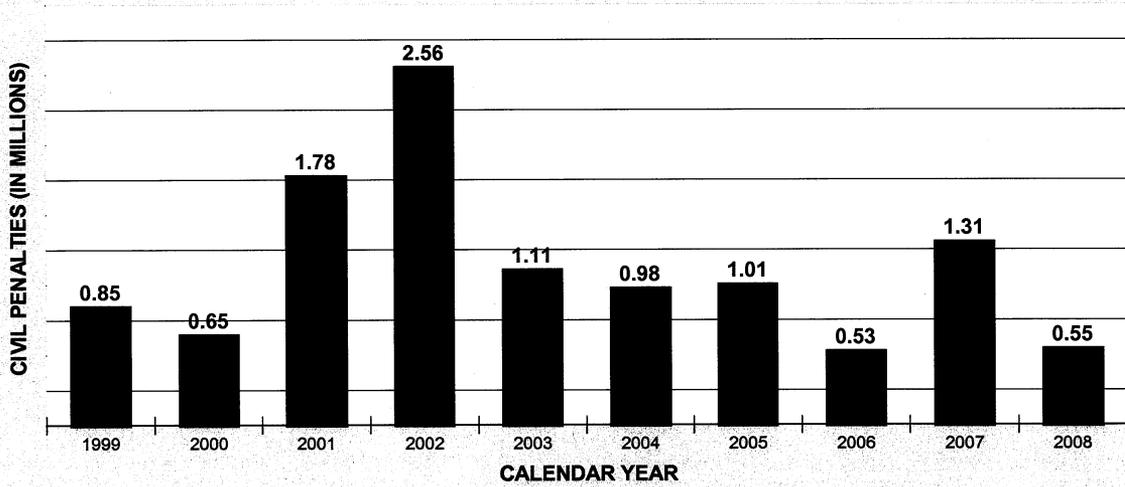
**CASH CIVIL PENALTIES ASSESSED BY THE
OHIO EPA DURING 1999 THRU 2008**



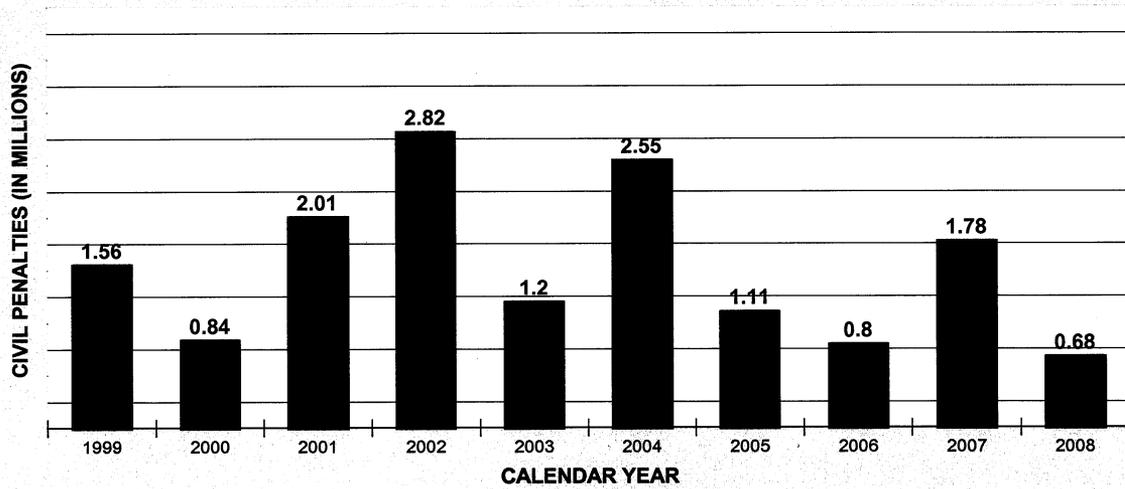
**TOTAL CIVIL PENALTIES ASSESSED BY THE
OHIO EPA DURING 1999 THRU 2008**



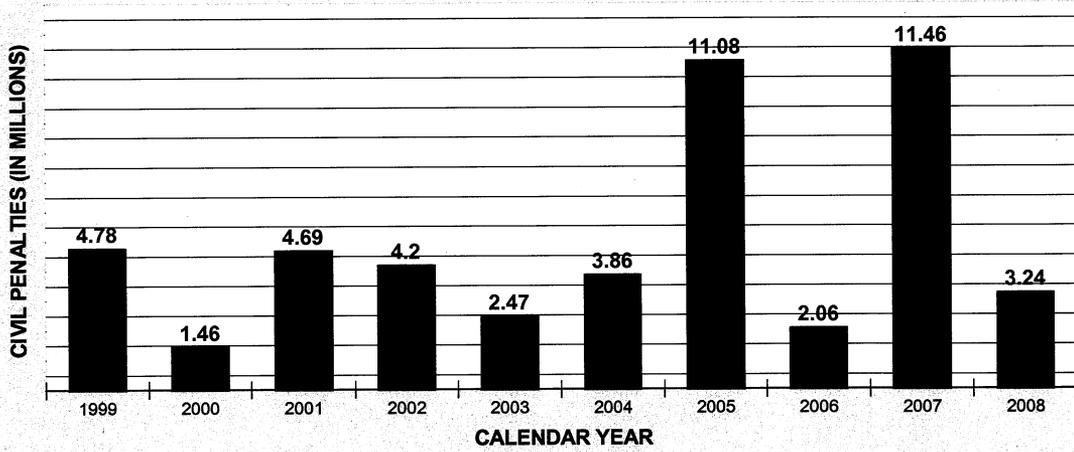
**CASH CIVIL PENALTIES ASSESSED BY THE
OHIO EPA/AGO DURING 1999 THRU 2008**



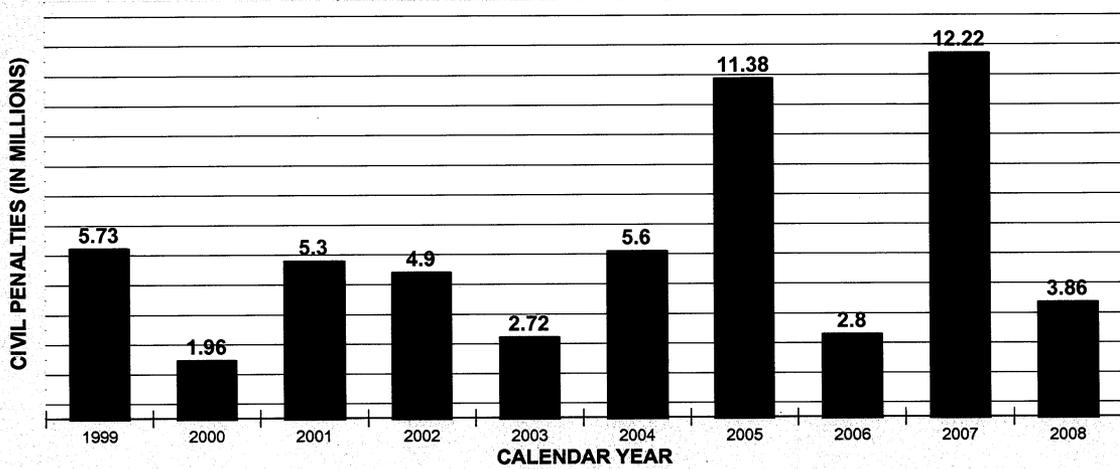
**TOTAL CIVIL PENALTIES ASSESSED BY THE
OHIO EPA/AGO DURING 1999 THRU 2008**



**CASH CIVIL PENALTIES ASSESSED IN OHIO
DURING 1999 THRU 2008**



**TOTAL CIVIL PENALTIES ASSESSED IN OHIO
DURING 1999 THRU 2008**



**RUNNING TOTALS OF CIVIL PENALTIES
ASSESSED IN OHIO DURING 1999 THRU 2008**

