OHIO E.P.A.

DEC 29 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Astro Manufacturing and Design, Inc.	:	**Director's Final Findings**
34459 Curtis Boulevard	:	**and Orders**
Eastlake, Ohio 44095	:	

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 12-29-06

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Astro Manufacturing and Design, 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 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 Respondent's facility (as identified hereinafter) 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 has determined the following findings:

1. Respondent is a full-service customer manufacturer offering comprehensive manufacturing services including engineering, fabricating, assembly and machining services for the automotive, aerospace, medical/bio-medical industries and other industrial and technology related industries. Respondent is headquartered in Eastlake, Ohio. Respondent operates a facility at 34459 Curtis Boulevard, Eastlake, Ohio, that is a Title V source, as defined in Ohio Administrative Code ("OAC") Rule 3745-77-01(LL), and is subject to the requirements of ORC Chapter 3704 and OAC Chapter 3745-77. Respondent also operates a facility located at 35802 Lakeland Boulevard, Eastlake, Ohio.

2. At the Curtis Blvd facility, Respondent operates the following emissions units ("EUs"); K001 (Paint Booth), K002 (Paint Booth), K003 (Paint Booth), K004 (Paint Booth) and a batch vapor degreaser. These emissions units each constitute an "air contaminant source," as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (W).

3. On June 6, 2003, and August 8, 2003, representatives from Ohio EPA's Northeast District Office ("NEDO") conducted inspections of the Curtis Blvd. facility. As a result of the inspections, NEDO discovered several violations of Ohio's air pollution control regulations as discussed in the following findings. The violations were summarized in a Notice of Violation ("NOV") letter sent to Respondent on September 16, 2003.

4. OAC Rule 3745-77-02(A) states, in part, that the owner or operator of a Title V source shall not operate such source after the date that a timely and complete Title V permit application is required pursuant to OAC Rule 3745-77-04(B), unless such an application has been timely submitted or the source is in compliance with a Title V permit. Respondent's facility has a potential to emit ("PTE") of 31.92 tons per year ("TPY") of trichloroethylene ("TCE"), a hazardous air pollutant ("HAP") as defined in OAC Rule 3745-77-01(V). The threshold for Title V applicability is 10 TPY of a single HAP; therefore, Respondent triggered Title V applicability, and was required to submit a Title V permit application by November 30,1995, pursuant to OAC Rule 3745-77-04(B)(1). The operation of this Title V source without a Title V permit or a timely filed Title V permit application and the failure to timely file a Title V permit application are violations of OAC Rules 3745-77-02(A) and 3745-77-04(B)(1) and ORC § 3704.05(G), (J)(2) and (K).

5. OAC Rule 3745-78-02(A) requires that Fee Emission Reports ("FERs") be submitted by June 15, 1994 for calendar year 1993, and by April 15 of each year thereafter for the previous calendar year. Respondent was in violation of OAC Rule 3745-78-02(A) and ORC § 3704.05(G) and (J)(2) for its failure to timely submit FERs for 1993 through 2005.

6. OAC Rule 3745-31-02 states in part that "no person shall cause, permit, or allow the installation of a new source of air pollutants . . . or allow the modification of any air contaminant source . . . without first obtaining a permit to install from the director." Respondent installed the batch vapor degreaser at one of its facility located at 35280 Lakeland Blvd., Eastlake, Ohio, sometime in September 1991. Prior to installation of the unit, Respondent was required to have applied for and obtained a permit to install ("PTI"). Respondent failed to obtain a PTI prior to installation of the batch vapor degreaser. This omission constitutes a violation of OAC Rule 3745-31-02 and ORC § 3704.05(G).

7. In September 1997, Respondent moved the batch vapor degreaser to its facility located at 34459 Curtis Blvd., Eastlake, Ohio. Respondent did not notify NEDO prior to relocating the degreaser. Respondent was also required to apply for and obtain a PTI prior to the installation of the unit at the new location. This omission constitutes a violation of OAC Rule 3745-31-02 and ORC § 3704.05(G).

8. Pursuant to 40 CFR, 63.468, Respondent was required to submit an Initial Notification Report ("INR") by no later than August 29, 1995. By December 2, 1997, Respondent was required to comply with 40 CFR, Part 63, Subpart T for halogenated solvent cleaning and submit an initial statement of compliance within 150 days of that date. As of this date, these reports have not been submitted by Respondent.

9. Pursuant to 40 CFR 63.467 and 63.468, as of July 31, 1998, Respondent was required to maintain records showing compliance with the batch vapor cleaning machine standards, and submit semi-annual exceedance reports by January 31, and July 31, of each year, covering the previous six-month period. To date, none of these required reports have been submitted.

10. OAC Rule 3745-15-05 provides for a "deminimis" exemption for an air contaminant source with actual emissions of less than ten pounds per day of an air contaminant, if the owner or operator of the source is able to adequately demonstrate through record-keeping, that the source does not exceed more than ten pounds per day of emissions. Respondent assumed that EUs K001, K002, K003, and K004 were all covered under OAC Rule 3745-15-05(D); however, it failed to keep adequate records to demonstrate that daily actual emissions were below ten pounds. Respondent failed to maintain the required records and was therefore not eligible for "deminimis" status per OAC Rule 3745-15-05(E). Therefore, Respondent violated OAC Rule 3745-31-02(A) and ORC § 3704.05(G) by failing to apply for and obtain a PTI prior to installation of EUs K001, K002, K003 and K004.

11. The September 16, 2003 NOV requested a written response from Respondent within 45 days of receipt of the letter. NEDO received a PTI application for EUs K001, K002, K003, and K004, from Respondent on January 5, 2006. The PTI application was reviewed by NEDO, and was determined to be incomplete. Additional information was requested from Respondent, in order to process the PTI application. As of this date, the additional information has not been received by NEDO.

12. On February 27, 2006, Respondent submitted a Title V permit application to NEDO. The application was reviewed and determined to be incomplete. By letter dated April 18, 2006, a preliminary incompleteness letter was sent to Respondent.

13. On May 2, 2006, a representative from NEDO met with representatives of Respondent, and conducted an inspection of the Curtis Blvd facility. During the inspection Respondent was informed that the Title V application that had previously been submitted, was incomplete. By letter Dated May 9, 2006, Respondent was informed that it was required to submit the additional information necessary to process the Title V application, or to request a Synthetic Minor Title V permit. The additional information was requested to be submitted to NEDO no later than thirty (30) days after receipt of the inspection letter.

14. 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. Within thirty (30) days after the effective date of these Orders, Respondent shall submit the required Initial Notification Report ("INR") to NEDO pursuant to 40 CFR, 63.468.

2. Within thirty (30) days after the effective date of these Orders, Respondent shall submit semi-annual exceedance reports required pursuant to 40 CFR, 63.468 to NEDO for the second half of 1998, through the second half of 2005, for the batch vapor degreaser.

3. Pursuant to ORC § 3704.06, Respondent is assessed a civil penalty in the amount of thirty-four thousand dollars ($34,000) in settlement of Ohio EPA's claims for civil penalties. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of twelve thousand two hundred dollars ($12,200) of the total penalty amount. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $12,200. 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

A copy of the 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, Ohio 43216-1049

5. In lieu of paying the remaining twenty-one thousand eight hundred dollars ($21,800) of the civil penalty, Respondent shall fund the supplemental environmental projects ("SEPs") identified in Orders 6 and 7. Of the $21,800, $6,800 shall be used to fund the project in Order 6, and $15,000 shall be used to fund the project in Order 7. In the event Respondent defaults or otherwise fails to complete any of the projects as

specified in Orders 6 and 7, the $6,800 for the project in Order 6 and/or the $15,000 for the project in Order 7, whichever is (are) applicable, shall immediately become due and payable to Ohio EPA. Such payment shall be made by an official check made payable to "Treasurer, State of Ohio" and sent to Brenda Case, or her successor, together with a letter identifying the Respondent, to the above-stated address. A copy of the check shall be sent to James A. Orlemann, or his successor, at the above-stated address.

6. Respondent shall fund a SEP by making a contribution in the amount of six thousand eight hundred dollars ($6,800) to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD). Respondent shall make payment within thirty (30) days after the effective date of these Orders by an official check made payable to "Treasurer, State of Ohio" for $6,800. The official check shall specify that such monies are to be deposited into Fund 5CD established by Ohio EPA for the Clean Diesel School Bus Program Fund. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to the above-stated address. A copy of this check also shall be sent to James A. Orlemann, or his successor, at the above-stated address.

7. As outlined below, and with reference to the chapters described in Ohio EPA's 1993 "Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual" (the Manual), Respondent shall conduct a pollution prevention study ("P2 Study") at the facility as a SEP in lieu of paying $15,000 of the civil penalty. The P2 Study is an assessment of selected facility processes to identify and evaluate specific source reduction and environmentally sound recycling opportunities.

a. Within ninety (90) days after the effective date of these Orders, Respondent shall submit a detailed narrative report to Ohio EPA for review and approval containing the following:

   i. a list of the members of a cross-functional team for the P2 Study, including the name of a designated team leader;

   ii. an identification of the processes selected for study and the methods used to select the processes; and

   iii. a description of the processes being studied, including types and quantities of raw materials used, waste generated (i.e., air emissions, hazardous waste, solid waste, wastewater), and the intermediate or final products.

   The above items shall be completed following the guidance provided in Chapters 8 and 9 of the Manual.

b. Within one hundred eighty (180) days after the effective date of these Orders, Respondent shall submit a detailed narrative report to Ohio EPA for

review and approval containing the following:

i. an analysis of the process-related factors contributing to waste generation;

ii. a description of the specific pollution prevention opportunities identified; and

iii. a discussion of the approach used in screening and prioritizing pollution prevention opportunities for future implementation.

The above items shall be completed following the guidance provided in Chapters 11 and 12 of the Manual.

c. Within two hundred seventy (270) days after the effective date of these Orders, Respondent shall submit a detailed narrative final report to Ohio EPA for review and approval containing the following:

i. an evaluation of the cost considerations and feasibility analysis of the identified pollution prevention opportunities;

ii. a discussion of those projects that have been eliminated as well as those that have been implemented, planned for implementation, or under consideration for possible implementation; and

iii. a description of the other items bulleted in Table 7 of Chapter 15 of the Manual.

The above items shall be completed following the guidance provided in Chapters 13, 14 and 15 of the Manual.

d. Within three hundred and thirty (330) days after the effective date of these Orders, Respondent shall submit an approvable detailed narrative final report to Ohio EPA, unless the report submitted to Ohio EPA pursuant to the above paragraph c is approved by Ohio EPA.

Ohio EPA shall provide Respondent with its comments and an indication of approval or disapproval of the reports submitted pursuant to this Order in a timely manner.

8. Within thirty (30) days of the completion and approval by Ohio EPA of the project identified in Order 7, Respondent shall submit documentation to Ohio EPA of the total cost of the P2 Study. If the total cost of the P2 Study is less than $15,000, Respondent shall submit, along with the final report identified in Order 7 and in the manner

described in Order 5, an official check to Ohio EPA for the difference in cost between $15,000 and the total cost of the P2 Study.

9. Within sixty (60) days after the effective date of these Orders, Respondent shall submit a complete and approvable Title V permit application for the facility and a complete and approvable PTI application for EUs K001 through K004.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative of Respondent as that term is defined in the above-referenced rule.

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 Respondent's 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 the 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
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087
Attn: Dennis Bush

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Thomas Kalman, Manager, Enforcement Section

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 the 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

Joseph P. Koncelik
Director

12/28/06
Date

IT IS SO AGREED:

Astro Manufacturing and Design

Signature

12/22/06
Date

John E. Powers
Printed or Typed Name

Chief Operating Officer (COO)
Title