OHIO E.P.A.
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ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Trans-Acc., Inc.	:	**Director's Final Findings**
11167 Deerfield Road	:	**and Orders**
Cincinnati, Ohio 45242	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Trans-Acc., 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 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 owns and operates a facility located at 1005 South Ninth Street, Hamilton, Butler County, Ohio ("Facility"). At the Facility, Respondent performs miscellaneous metal parts coating services.

2. Hamilton County Department of Environmental Services ("HCDOES") is a contractual agent for Ohio EPA in Butler County for the administration of Ohio's air pollution rules and laws.

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: 11-6-08

3. On November 19, 2002, Ohio EPA issued permit-to-install ("PTI") 14-05358 for two metal parts coating booths, which are identified by Ohio EPA as emissions units K001 and K002. The terms and conditions of PTI 14-05358 contain applicable emission limitations and operational control and reporting requirements for emissions units K001 and K002. The emissions units listed in PTI 14-05358 are "air contaminant sources" as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (W).

4. On February 2, 2005, HCDOES received, from Respondent, an exceedance report for emissions unit K001. Specifically, Respondent notified HCDOES that on eighteen days between October 14th and December 14th, 2004, Respondent exceeded the daily volatile organic compound ("VOC") emission limit of 112 pounds per day and on nineteen days, during this same timeframe, Respondent exceeded the maximum daily liquid coating usage limitation of 32 gallons per day. PTI 14-05358 required Respondent to submit an exceedance report to Ohio EPA or the local air agency within 30 days following the end of the calendar month in which the exceedances occurred. For the calendar months of October and November 2004, Respondent failed to notify Ohio EPA or HCDOES of the aforementioned exceedances associated with emissions unit K001within 30 days following the end of the calendar month in which the exceedances occurred, in violation of Part II.D.2. of the terms and conditions of PTI 14-05358 and ORC § 3704.05(C).

5. By letter dated February 16, 2005, HCDOES notified Respondent of the violations referenced in Finding No. 4 of these Orders.

6. On March 14, 2005, HCDOES conducted a compliance inspection at the Facility. As a result of this inspection, on March 15, 2005, HCDOES issued a notice of compliance letter to Respondent, for this Facility.

7. On April 6, 2006, Ohio EPA issued synthetic minor PTI 14-05779 for new emissions units K003 (metal parts coating booth) and P001 (solvent wipe cleaning). PTI 14-05779 also included a modification to emissions unit K001 which superseded the terms and conditions of PTI 14-05358 for this emissions unit. The terms and conditions of PTI 14-05779 contain applicable emission limitations and operational control requirements for emissions units K001, K003 and P001. The emissions units listed in PTI 14-05779 are "air contaminant sources" as defined in OAC Rule 3745-15-01(C) and (W).

8. On May 19, 2006, Respondent self-reported to HCDOES that beginning May 15, 2006, Respondent modified emissions unit K002 without first obtaining a PTI, in violation of OAC Rule 3745-31-02(A) and ORC § 3704.05(G). Specifically, Respondent notified HCDOES that another paint spray applicator was added to emissions unit K002 and that the three gallon maximum daily coating usage limitation established in PTI 14-05358 was going to be exceeded. Respondent operated modified emissions unit K002 without a permit to operate from May 15, 2006 until September 18, 2007, in violation of

OAC Rule 3745-35-02(A) and ORC § 3704.05(G).

9. On June 2, 2006, HCDOES conducted a compliance inspection at the Facility and confirmed that Respondent had modified emissions unit K002 by adding another paint spray applicator without first obtaining a PTI, in violation of OAC Rule 3745-31-02(A) and ORC § 3704.05(G).

10. By letter dated June 6, 2006, HCDOES notified Respondent of the violations referenced in Finding Nos. 8 and 9 of these Orders.

11. On September 6, 2006, Respondent submitted, to Ohio EPA, a PTI application to modify several emissions units (K001, K002, K003 and P001) at Respondent's facility into one emissions unit ("K004"). On December 13, 2006, Respondent submitted, to Ohio EPA, an amendment to this PTI application.

12. On September 18, 2007, synthetic minor PTI 14-05946 was issued to Respondent for emissions unit K004. The emissions unit listed in PTI 14-05946 is an "air contaminant source" as defined in OAC Rule 3745-15-01(C) and (W). The issuance of PTI 14-05946 abated the violations referenced in Finding Nos. 8 and 9 of these Orders.

13. 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 be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of eighteen thousand four hundred and sixteen dollars ($18,416) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within fourteen (14) 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 seven hundred and thirty-three dollars ($14,733) 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

2. In lieu of paying the remaining three thousand six hundred and eighty-three dollars ($3,683) of the civil penalty, Respondent shall, within fourteen (14) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of $3,683 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 $3,683. The official check shall be submitted to Brenda Case, 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 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

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 $3,683 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 in 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:

Hamilton County Department of Environmental Services
250 William Howard Taft Road
Cincinnati, Ohio 45219
Attn: Kerri Castlen

and to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Thomas Kalman

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

C. Korleski — 10/31/08

Chris Korleski
Director

Date

IT IS SO AGREED:

Trans-Acc., Inc.

John W. Weinkam — 9-25-08

Signature

Date

John W. Weinkam
Printed or Typed Name

President
Title