

BEFORE THE

OHIO E.P.A.
DEC 23 2009

OHIO ENVIRONMENTAL PROTECTION AGENCY'S JOURNAL

In the Matter of:

Cast-Fab Technologies, Inc.
3040 Forrer Street
Cincinnati, Ohio 45209

: Director's Final Findings
:
: I certify this to be a true and accurate copy of the
: and Orders
: official documents as filed in the records of the Ohio
: Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows: By:  Date: 12.23.09

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Cast-Fab Technologies, 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 of the facility (as hereinafter identified) 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 regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent's facility is a ductile iron foundry at 3040 Forrer Street in Cincinnati, Ohio. At this facility, Respondent owns and operates various equipment, including furnaces, paint spray booths, and mixers, and performs certain operations, including cleaning operations, and sand handling and pouring operations. Respondent purchased the current facility from the Foundry Division of Cincinnati Milacron on April 13, 1988.

2. At the above-referenced facility, Respondent operates the following emissions units ("EUs"):

<u>EU Number</u>	<u>EU Description</u>	<u>Date of Installation</u>	<u>Date of Initial Operation</u>
F014	Inoculation Process	1963	1963
F015	3600 KW Coreless Electric Induction Furnace	1987	1987
F016	3600 KW Coreless Electric Induction Furnace	1987	1987
F018	3750 KW Coreless Induction Furnace	1989	1989
F019	Large Mold Pouring and Cooling Line	June 1940	June 1940
F020	Medium Mold Pouring and Cooling Line	June 1940	June 1940
F021	Small Mold Pouring and Cooling Line	June 1940	June 1940
F022	Charge Handling	June 1940	June 1940
F023	Medium Mold Mixer and Mold-Making	July 1982	July 1982
F024	Large Mold Mixer and Mold-Making	September 1983	September 1983
K001	Light Fab Paint Booth with Paint Applicator	1973	1973
K003	Paint Applicator for Small Castings	1941	1941
K006	Paint Applicator for Small Castings	June 1972	June 1972
K010	Paint Applicator for Medium/Large Castings	June 1972	June 1972

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K011	Paint Applicator for Medium/Large Castings	June 1972	June 1972
K012	Paint Applicator for Medium/Large Castings	June 1972	June 1972
K013	Paint Applicator for Medium/Large Castings	June 1972	June 1972
K014	Paint Applicator for Medium/Large Castings	Unknown	Unknown
K015	Paint Applicator for Medium/Large Castings	June 1972	June 1972
K016	Paint Applicator for Heavy Fabrications	April 1953	April 1953
K017	Paint Applicator for Heavy Fabrications	April 1953	April 1953
P014	Medium Mold Line Abrasive Cleaning	June 1960	June 1960
P015	Large Mold Line Abrasive Cleaning	June 1963	June 1963
P016	Small Mold Line Abrasive Cleaning	June 1969	June 1969
P026	Pneumatic Sand Handling System	June 1970	July 1970
P029	Small/Medium Line Grinding Booths	December 1981	January 1982
P030	Small Mold Line Casting Shakeout	June 1979	June 1979
P031	Medium Mold Line Casting Shakeout	June 1947	June 1947
P032	Large Mold Line Casting Shakeout	June 1947	June 1947

P034	Swing Grinding	June 1972	June 1972
P036	Small Mold Line Mold Making and Sand Preparation	June 1941	June 1941
P038	Sand Reclamation	June 1982	June 1982

Each of the above-listed EUs is an "air contaminant source" as defined in OAC Rules 3745-31-01(I) and 3745-15-01(C) and (W).

3. In addition to applicable laws and rules, a Title V Permit, initially issued by the Director of Ohio EPA on May 16, 2001, governs Respondent's operations at the foundry facility. The Title V Permit establishes emission limitations, and monitoring, record-keeping and reporting requirements for all EUs at the above-referenced facility. Since Respondent filed a timely Title V renewal application prior to the expiration date of May 16, 2006 of the Title V permit, the requirements of the expired permit continue in effect until final action is taken by the Director on the renewal application. ORC § 3704.05(J)(2) provides that no person shall violate any applicable requirement of a Title V permit or any permit condition [except for an emergency defined in 40 C.F.R. 70.6(g), which exception does not apply here]. Also, ORC § 3704.05(A) prohibits any person from allowing any emission from any source in excess of that permitted in any rule adopted by the Director of Ohio EPA. ORC § 3704.05(C) states, in part, that no person who is a holder of a permit issued under ORC § 3704.03(F) or (G) shall violate any of its terms and conditions. ORC § 3704.05(G) prohibits any person from violating any rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704.

4. Respondent has violated rule requirements and numerous requirements of its Title V permit at the foundry facility.

Failure to Perform Weekly Visible Emissions Checks and Record Information

5. Part III, Section A.III.1 of the special terms and conditions of Respondent's Title V Permit for EUs F019 through F024; and Part III, Section A.III.2 of the special terms and conditions of Respondent's Title V permit for EUs F014 through F016, F018, K001, K003, K006, and K010 through K017 require Respondent to perform weekly visible emissions checks, when the emissions unit is in operation and weather conditions allow, and to record the required information in the operations log for EUs F014 through F016 and F018 through F024, K001, K003, K006, and K010 through K017.

6. Part III, Section A.III.1 of the special terms and conditions of Respondent's Title V Permit requires Respondent to perform weekly inspections of each baghouse serving EUs P029 through P032, P034 and P036, when the respective emissions unit is in operation and weather conditions allow, and to record the required information in the operations log for such EUs.

7. For about 137 days from on or about April 25, 2005 until on or about December 31, 2006 (except for days of non-operation for two weeks between April 25 and December 31, 2005 and three weeks in 2006) for EUs F014 through F016 and F018 through F024, K001, K003, K006, and K010 through K017, P029 through P032, and P036, and from April 25, 2005 to May 30, 2008 for EU P034, and for the weeks of June 11 and 18, 2007 for EUs P030 and P036, Respondent failed to make and/or record weekly checks of visible emissions when the emissions units were in operation and weather conditions allowed. This is in violation of the Title V Permit and ORC § 3704.05(J)(2).

Failure to Record Pressure Drop Readings

8. Part III, Section A.III.1 of the special terms and conditions of Respondent's Title V Permit requires Respondent to daily monitor, and maintain records of, the pressure drop across the air pollution control equipment serving EUs P014 through P016, P026, and P038.

9. Respondent failed to record the pressure drop for the air pollution control equipment serving the following EUs:

<u>Emissions Unit</u>	<u>Starting date</u> (from)	<u>Ending date</u> (to)	<u>Total number of days</u>
P014/P015	1/01/07	3/04/07	63
	4/25/05	12/31/06	616
P016	3/01/06	3/31/06	31
	6/01/06	6/30/06	30
P026	1/01/06	12/31/06	365
	1/01/07	3/04/07	63
	6/11/07	6/15/07	5
	6/18/07	6/23/07	6
P038	2/01/06	2/28/06	29
	4/30/06	12/31/06	245
	1/01/07	1/31/07	31
	9/12/07	9/12/07	1

This is in violation of the Title V Permit and ORC § 3704.05(J)(2).

Failure to Check Baghouses Weekly and Record Observations

10. Part III, Section A.III.1 of the special terms and conditions of Respondent's Title V Permit requires Respondent to perform weekly checks on baghouse, ductwork, and filter bag condition for EUs P029 through P032, and P036, and to record the results of each inspection in a log book.

11. Respondent failed to make, and record the results of, weekly checks of the baghouses, duct work, and filter bags controlling EUs P029 through P032, and P036 from on or about April 25, 2005 through December 31, 2006; and EUs P030 and P036 from on or about June 11, 2007 through June 25, 2007. This is in violation of the Title V Permit and ORC § 3704.05(J)(2).

Failure to Collect and Record Coating Information

12. Part III, Section A.III.1 of the special terms and conditions of Respondent's Title V Permit requires Respondent to daily collect and record the name and identification number of each coating employed, among other information, for EUs K010 through K017.

13. On January 11, 2007, Respondent failed to collect and record the name and identification number of each coating employed in EUs K010 through K017. Respondent recorded coatings on that day as being for emissions units it labeled, K018, K019 and K020. But no emissions units exist with those labels. Consequently, Ohio EPA could not determine which coatings were used at EUs K010 through K017. This is in violation of the Title V Permit and ORC § 3704.05(J)(2).

Failure to Maintain Pressure Drop Within Required Ranges

14. Part III, Section A.III.1.a. of the special terms and conditions of Respondent's Title V Permit requires Respondent to maintain the pressure drops across the baghouses for EU P026 within the following ranges while the emissions unit is in operation, except during startup and initial loading of filters following filter changes:

<u>Baghouse ID</u>	<u>Acceptable Pressure Drop Range</u>
BH-05	1.5 - 8.5 psia
BH-06	1.5 - 8.5 psia

15. On March 5 through March 31, 2007, at times other than during startup and initial loading of filters following filter changes, Respondent failed to maintain pressure drop at BH-05 and BH-06 of EU P026 within the range required by the Title V Permit for EU P026. This is in violation of the Title V Permit and ORC § 3704.05(J)(2).

16. Part III, Section A.III.1.a. of the special terms and conditions of Respondent's Title V Permit requires Respondent to maintain the pressure drops across the cartridge filter and baghouse for EU P038 within the following ranges while the emissions unit is in operation, except during startup and initial loading of filters following filter changes:

<u>Unit</u>	<u>Acceptable Pressure Drop Range</u>
CF-01	1.5 - 6.0 inches of water
BH-03	1.5 - 6.0 inches of water

17. On February 15 through 19, 2007, February 21 through 27, 2007, March 10, 19 and 21, 2007, and from July 18 through September 20, 2007, Respondent failed to maintain pressure drops at CF-01 and/or BH-03 of EU P038 within the range required by the Title V Permit for EU P038. This is in violation of the Title V permit and ORC § 3704.05(J)(2).

Failure to Timely Submit Semi-Annual Deviation Reports

18. Part III, Section A.IV.1 of the special terms and conditions of Respondent's Title V Permit requires Respondent to submit to Ohio EPA semi-annual deviation reports by January 31 and July 31 of each year to cover the previous 6-month period for all EUs at its facility. This requirement includes reports for any period where no deviations occurred.

19. Respondent failed to submit accurate semi-annual reports by July 31 of the given year for the first half of 2005 and 2006 and by January 31 of the following year for the second half of 2005 and 2006. This is in violation of the Title V Permit and ORC § 3704.05(J)(2). Accurate and complete reports were not submitted until March of 2007.

Using Coatings In Excess of VOC Emission Limitation

20. OAC Rule 3745-21-09(U)(1)(c) provides that no owner or operator of a miscellaneous metal part or product coating line may cause, allow or permit the discharge into the ambient air of any volatile organic compound ("VOC") from such coating line in excess of 3.5 pounds (daily volume-weighted average) of VOC per gallon of extreme performance coating used, excluding water and exempt solvents. (This rule was adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704.) Part III, Section A.I.1 of the special terms and conditions of Respondent's Title V Permit requires for EU K001 that Respondent only use coatings that do not exceed 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents.

21. On January 25 and 30, February 4, March 2, 6, and 28, April 11 and 20, May 24, June 21, 28 and 29, July 15, August 24, September 1 and December 18 and 19, 2006, Respondent applied an extreme performance coating and permitted the discharge into the ambient air of VOC from the coating line in excess of 3.5 pounds (daily volume-weighted average) of VOC per gallon coating, excluding water and exempt solvents, and failed to maintain emissions of VOC at or below 3.5 pounds per gallon, excluding water and exempt solvents, as a daily volume-weighted average, for EU K001. This is in violation of the Title V Permit, OAC Rule 3745-21-09(U)(1)(c) and ORC § 3704.05(A), (G) and (J)(2).

Failure to Limit Coating Usage to 3 Gallons or Less

22. Part III, Section A.I.1 of the special terms and conditions of Respondent's Title V Permit requires Respondent to limit the coating usage to 3 gallons or less per day for, among other EUs, EUs K003 through K013.

23. In violation of the Title V permit and ORC § 3704.05(J)(2), Respondent failed to limit coating usage to 3 gallons or less per day per EU on the following days:

EU K010, on February 10 and 28, and March 9, 17, 20, 23, 30 and 31, 2006;

EU K011, on February 28, March 3, 8 and 24, and October 9 and 16, 2006, and February 26, 2007;

EU K012, on March 17 and September 29, 2006; and

EU K013, on March 15 and September 29, 2006.

24. Respondent reported most of these violations in deviation reports and other documents filed with the Hamilton County Environmental Services ("HAMCO"), a contractual representative of Ohio EPA in Hamilton County. Respondent was issued with notices of violation by HAMCO addressing the violations described in the above Findings. The notices were dated April 23, 2007, August 23, 2007, and June 25, 2008.

25. 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 eighty thousand dollars (\$80,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC § 3704.06. 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 sixty-four thousand dollars (\$64,000) 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
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining sixteen thousand dollars (\$16,000) of civil penalty to Ohio EPA, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$16,000 to the Ohio EPA's Clean Diesel

School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$16,000. 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
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 timeframe in Order 2, Respondent shall immediately pay to Ohio EPA \$16,000 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, 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 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
Attention: Kerri Castlen

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: 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 the 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 said 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



Chris Korleski
Director

12/22/09
Date

AGREED:

Cast-Fab Technologies, Inc.



Signature

12/11/09
Date

Farley Houston

Printed or Typed Name

Vice President, Human Resources

Title