

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUN 17 2009

In the Matter of:

ENTERED DIRECTOR'S JOURNAL

TS Trim Industries, Inc. : Director's Final Findings  
59 Gender Road : and Orders  
Canal Winchester, OH 43110 :

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to TS Trim Industries, Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protective Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3704.03 and 3745.01.

**II. PARTIES**

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 facilities 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 meanings as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

**IV. FINDINGS**

Respondent does not admit any liability to Ohio EPA arising out of the occurrences alleged in these Orders. Nothing in these Orders shall be construed as an admission of liability by the Respondent for any claims or allegations made in these Orders.

The Director of the Ohio EPA has determined the following findings:

1. The TS Trim Industries, Inc. ("Respondent") facility consists of two separate plants: Plant 1 and Plant 2. Plant 1 is located at 6380 West Canal Street, Canal Winchester, Ohio. Plant 2 is located at 59 Gender Road, Canal Winchester, Ohio, Fairfield County. For purposes of Ohio EPA air permitting, Plant 1 and Plant 2 are

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: Donna Kessler Date: 6-17-09

considered one "facility," as defined by Ohio Administrative Code (OAC) Rule 3745-31-01(OO). The facility Identification number is 01-25-03-1840.

### Plant 2 Findings

2. On February 21, 2008, Permit to Install ("PTI") No. 01-12182 was issued by Ohio EPA to Respondent's Plant 2. This PTI covered emissions units R019 (vacuum form adhesive coating line with 4 booths and infrared oven), R020 (SEP front assemble coating line with 2 booths and 1 infrared oven), R021 (SEP rear assemble coating line with 2 booths and 1 infrared oven), and R029 (touch-up spray booths). This PTI also established the facility as a synthetic minor facility.

3. Among other requirements, the PTI requires that volatile organic compounds ("VOC") emissions be vented to a control system consisting of a concentrator and a thermal oxidizer that must maintain an overall reduction in VOC of 90%, by weight. In order to achieve that reduction, Respondent is required to maintain a permanent total enclosure ("PTE") for capturing all the VOC emissions from the units listed in paragraph 2 above. The PTE is required to be maintained in a manner that meets the criteria of Method 204 (40 CFR Part 51, Appendix M) whenever the emissions units are in operation. The PTE is required to be maintained under negative pressure at a minimum differential pressure of not less than 0.004 inch of water during any rolling, 15-minute period, based on the average of the 1 minute readings.

4. The PTI requires that the average combustion temperature within the thermal oxidizer, for any 3-hour block of time, whenever the emissions unit is in operation shall not be more than 50 degrees below the average temperature during the most recent emissions test that demonstrated the unit was in compliance.

5. The PTI requires that the non-methane organic compound ("NMOC") concentration in the exhaust gases from the concentrator not exceed 20 ppm, when the emissions unit is in operation. Respondent is required to operated and maintain a continuous monitoring device and recorder to measure and record the NMOC emissions in parts per million ("ppm") from the concentrator, as measured once per minute. The recording device is required to be maintained in accordance with the most recent Quality Assurance/Quality Control ("QA/QC") plan.

6. Prior to the issuance of PTI 01-12182 establishing Respondent as a synthetic minor source of emissions for hazardous air pollutants and criteria pollutants, Respondent was subject to a Title V operating permit issued on January 9, 2002. A timely Title V permit renewal application was submitted on July 6, 2006. The Title V permit contained operational restrictions and reporting requirements identical to the PTI, in regards to maintaining the PTE, incinerator temperature, pressure drop, and NMOC emissions.

7. Section A.V.1.a of the Title V permit required Respondent to conduct emissions testing six months prior to the expiration of the Title V permit for

emissions units R019, R020, R021 and R029. This testing was required to be conducted by August 9, 2006.

8. On March 20, 2007, Industrial Air Science, a Respondent contractor, conducted a USEPA Method 25A analysis for organic compounds ("OC") vented to the main truck duct (a) prior to the two rotating carbon beds and (b) on the combined exhaust from the thermal oxidizer and carbon beds pursuant to the Title V permit requirements.

9. The March 20, 2007 test demonstrated compliance with the hourly allowable emission limitation and with the criteria for a permanent total enclosure, as required by sections A.I.1 and A.I.2.c of the Title V permit; however, Respondent violated section A.I.1.b of the Title V permit for failing to demonstrate compliance with the requirement to maintain an overall destruction efficiency by 90%, by weight. The testing demonstrated an average destruction efficiency of 66.9%.

10. The failure to conduct the compliance demonstration by August 7, 2006 and the failure to demonstrate an overall destruction efficiency of 90%, by weight, constitute violations of Title V permit terms and conditions A.V.1.a and A.I.1.b, respectively. The violations of the terms and conditions of the Title V permit also constitute violations of ORC Section 3704.05 which requires compliance with terms and conditions of a permit issued under ORC Section 3704.03.

11. Part II.B.4 of the PTI and Part III.A.2.4 of the Title V permit required that the average combustion temperature within the thermal oxidizer, for any three-hour block of time, whenever the emissions unit is in operation, shall not be more than 50 degrees below the average temperature during the most recent emissions test that demonstrated compliance.

12. In 2006, Respondent reported 15 deviations of the temperature requirement cited in paragraph 11 above. In 2007, 57 deviations were reported, and in 2008, 27 deviations were reported. The failure to maintain the required incinerator temperature is a violation of the terms and conditions of the Title V permit and the PTI, and a violation of ORC Chapter 3704.

13. Part II.B.2 of the PTI and III.A.II.2 of the Title V Permit required Respondent to maintain the PTE under negative pressure at a minimum differential pressure of not less than 0.004 inches of water during any rolling, 15-minute period, based on the average of the 1-minute values.

14. In 2006, Respondent reported 97 deviations of the requirement cited in paragraph 13 above. In 2007, Respondent reported 282 deviations, and in 2008, 62 deviations. The failure to maintain a minimum differential pressure is a violation of the terms and conditions of the PTI, the Title V permit, and ORC Section 3704.

15. Part II.B.3 of the PTI and III.A.2.II.3 of the Title V permit required that NMOC concentration in the exhaust gases from the concentrator not exceed 20 ppm, when the emissions unit is in operation.

16. In 2008, Respondent reported 51 deviations of the requirement cited in paragraph 15 above. Failure to maintain the NMOC concentration within required levels is a violation of the terms and conditions of the PTI, the Title V permit, and ORC Section 3704.

17. Section I.A.1.c.ii of the Title V permit requires Respondent to submit quarterly written reports identifying any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, excluding deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.

18. Part II.D of the PTI contains requirements to submit quarterly deviation reports identifying deviations (excursions) of the requirements for differential pressure, NMOC concentration, and incinerator exhaust temperature.

19. Section I.A.1.c.iii of the Title V permit required Respondent to submit semi-annual written reports identifying any deviations from federally enforceable monitoring, record keeping and reporting requirements.

20. Respondent failed to maintain records of the differential pressure across the PTE on 292 days in 2006, 64 days in 2007, and 3 days in 2008, in violation of the terms and conditions of the PTI, the Title V permit and ORC Section 3704.

21. Respondent failed to maintain records of the NMOC concentration in the exhaust gases from the carbon bed concentrator on 25 days in 2006 and 3 days in 2008, in violation of the PTI, the Title V permit and ORC Section 3704.

22. Respondent failed to maintain records of the average combustion temperature within the thermal oxidizer on 30 days in 2006, 10 days in 2007, and 3 days in 2008, in violation of the PTI and Title V permit.

23. Section I.A.12.d of the Title V permit requires an annual compliance certification be submitted that includes the provisions of d.ii.(a) through (e). On April 24, 2007, Ohio EPA received the 2006 compliance certification. The compliance certification did not report the probable cause and corrective actions taken to eliminate the deviations resulting from a malfunction of the parametric monitoring system. It was the Director's position that the number of malfunctions was excessive and that the problem had not been corrected. As a result, in a letter dated June 1, 2007, the Director requested that Respondent submit a corrective plan in accordance with OAC Rule 3745-15-06(D).

24. The April 24, 2007 compliance certification also failed to report that an emissions test was not conducted within six months of the expiration of the Title V permit, as required by section A.V.1.a of the Title V permit. The failure to report this

deviation is a violation of section I.A.12.d.ii.c of the Title V permit and ORC section 3704.05(C).

25. On January 7, 2009, Respondent issued a purchase order for a new non-incineration switch bed adsorber ("SBA") to control emissions from the existing adhesive spray operation, emissions unit R029, and the existing spray can touch-up, emissions unit R019, unless the later is deemed "de minimis" by Ohio EPA Central District Office ("CDO") upon review of the PTI application submitted pursuant to Order 2, below. Emission units R020 and R021 were permanently shut down on December 18, 2008.

26. On May 19, 2009 Respondent commenced installation of the new SBA. Installation was completed by May 14, 2009 with the exception of the tie-in to fire protection and obtaining approvals from the Fire Marshall.

27. On May 21, 2009 Respondent submitted electronically a PTIO modification application addressing the changes in Plant 2, including the use of the SBA for purposes of demonstrating compliance with OAC Rule 3745-21-07(M) and a de minimis demonstration for R019. The application also recognized that emissions units R020 and R021 had been permanently shutdown in December of 2008 and, thus, are no longer part of the Plant 2 operations.

28. Concurrent with the submittal of the PTIO application, Respondent communicated their concern regarding OAC Rule 3745-21-07(M) and the future of operations at Plant 2. Respondent has a continuing program of emissions reduction through reformulating adhesives and implementing new machine technologies that eliminate the need for adhesives. The potential situation exists that Respondent could be reducing emissions through adhesive reformulation and new machine technologies that in return could make it difficult to meet the 85% control efficiency. The Director recognizes the value of reducing the VOC and HAP content of raw materials if doing so would result in lower emissions than those associated with a higher VOC content material controlled by an air pollution control device. Respondent and the DAPC have agreed to continue lines of communication in regards to VOC reductions achieved through adhesive reformulation and new machine technologies.

#### **Plant I Findings**

29. On September 25, 2008, Respondent met with Ohio EPA regarding issues associated with the planned installation of a new adhesive coating operation at the facility. Respondent explained that emissions units R020 and R021 produce the large center section of door panels. The size of the panel and the issues associated with transporting them between the two plants for fabrication have caused problems with the ability to supply customers in a "just-in-time" format. These delays have caused Respondent to incur penalties from customers. As a result, Respondent planned to install a new operation in the Plant 1 portion of the facility to spray adhesive on these parts and eliminate several stages of transport for the parties. The new spray coating booths, temporarily designated Z001 and Z002 (two (2) SEP booths), eliminated

the need for emissions unit R020 and R021, which were permanently shut down on December 18, 2008.

30. OAC rule 3745-31-02(A)(1) provides that no person shall cause, permit or allow the installation or operation of a new source of air pollutants without first obtaining a permit to install/operate from the Director

31. On December 19, 2008, Respondent submitted a Permit to Install/Permit to Operate (PTIO) application for emissions units Z001 and Z002 located at Plant 1.

32. On December 28, 2008, Respondent initiated construction of emissions unit Z001 without first obtaining a PTIO, in violation of OAC Rule 3745-31-02(A)(1).

33. On January 6, 2009, Respondent began operation of emissions units Z001 and Z002 without first obtaining a PTIO, in violation of OAC 3745-31-02(A)(1).

34. On May 18, 2009, final PTIO Number P0104619 was issued by Ohio EPA, for emissions unit R030 – Two (2) SEP booths.

35. 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 benefits to the people of the State to be derived from such compliance.

#### **V. ORDERS**

The Director hereby issues the following Orders:

1. Until a final PTIO is issued for the new adhesive coating booths at Plant 1 (R030), Respondent shall submit monthly reports to Ohio EPA CDO containing the following information for each coating line:

- (a) the company identification of each coating and cleanup material employed;
- (b) the single HAP, combined with HAPs and VOC content, in pounds per gallon, of each coating and cleanup material, as employed;
- (c) the number of gallons of each coating and cleanup material employed;
- (d) the total number of gallons of all coatings and cleanup materials employed; and

(e) the total single HAP, combined HAPs, and VOC emissions rate for all coatings and cleanup materials, in pounds per month.

2. No later than August 7, 2009, Respondent shall conduct emissions testing to demonstrate compliance with the requirement for an overall control efficiency of 85%, by weight and/or the requirements of the final PTIO. An Intent to Test ("ITT") form shall be sent to Ohio EPA, CDO, at least thirty (30) days prior to such testing.

3. No later than thirty (30) days from the date of the emissions test of the SBA, Respondent shall submit a test report demonstrating compliance with the applicable requirements of the final modified PTI.

4. Respondent shall pay the amount of eighty-five thousand two hundred dollars (\$85,200) 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 the sixty-eight thousand one hundred sixty dollars (\$68,160) 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, OH 43216-1049

5. In lieu of paying the remaining seventeen thousand and forty dollars (\$17,040) 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 to the Ohio Clean Diesel School Bus Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$17,040. 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, OH 43216-1049

A copy of each 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, OH 43216-1049

6. Should Respondent fail to fund the SEP within the required time frame set forth in Order 5, Respondent shall immediately pay to Ohio EPA \$17,040 of the civil penalty in accordance with the procedures in Order 4.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent or its successor in interest certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under the Orders and the Chief of the 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 or its successor in interest 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, based on information and belief formed after reasonable inquiry, that the statements contained in or accompanying this certification are true, accurate and complete to the best of my knowledge."

This certification shall be submitted by Respondent or its successor in interest to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative 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 Respondent's activities at the Facility.

#### **VII. 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:

Ohio EPA Attn: John Kirwin  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, OH 43216-1049

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 in 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

Chris Korleski  
Chris Korleski  
Director

6/15/09  
Date

**IT IS AGREED:**

TS Trim Industries, Inc.

Ray Davis  
Signature

June 1, 2009  
Date

Ray Davis  
Printed or Typed Name

Plant Mgr.  
Title