

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JAN 26 2011

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Titan Tire Corporation of Bryan  
927 South Union St.  
Bryan, Ohio 43506

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:  
:

Director's Final Findings  
and Orders

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.

PREAMBLE

It is agreed by the parties hereto as follows:

By: Don Lassiter Date: 1-26-11

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Titan Tire Corporation ("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 defined) 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 makes the following findings:

1. Respondent owns and operates a facility located at 927 South Union Street, Bryan, Williams County, Ohio. This facility is identified by Ohio EPA facility ID number 0386010003. At the facility Respondent manufactures tires and wheel assemblies with various sizes for off-road equipment used in mining, agricultural, construction, earth-moving, and forestry industries. Respondent acquired this facility from Continental Tire North America, Inc. in August 2006.

2. In September 2007, Respondent commenced the construction of a 250,000 square-foot project as an expansion to its existing 500,000 square-foot facility. The purpose of the expansion project was to manufacture off-road, radial, 63-inch-wide tires

used in the mining industry. The expansion project included the following emissions units, which were not installed at the facility until after all of the relevant permits were issued:

Emissions Unit ID	Description
B005	50.4 million BTU/hour natural gas-fired boiler (Holman Boiler)
P010	Carcass and tire building area #1 (TB 401 and TX 401)
P011	Carcass and tire building area #2 (TB 402 and TX 402)
P012	Carcass and tire building area #3 (TB 403 and TX 403)
P013	Carcass and tire building area #4 (TB 404 and TX 404)
P014	Carcass and tire building area #5 (TB 405)
P015	Carcass and tire building area #6 (TB 406)
P016	Curing repair and finish area

3. The emissions units identified in Finding #2 are "air contaminant sources" as defined in Ohio Administrative Code ("OAC") Rule 3745-15-01(C) and (X), and ORC § 3704.01(C).

4. ORC § 3704.05(G) prohibits any person from violating any OAC rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704. OAC Chapter 3745-31 was adopted by the Director pursuant to ORC Chapter 3704.

5. OAC Rule 3745-31-02 requires that a person not allow the installation or modification of an air contaminant source without first applying for and obtaining a permit to install ("PTI"), except as otherwise provided by rule or law.

6. ORC Rule 3745-31-13(A) states, in part, that no major modification located in an attainment area shall begin actual construction unless the stationary source has obtained a valid PTI.

7. Before the expansion project, the facility's potential to emit ("PTE") was 433 tons per year ("TPY") of volatile organic compounds ("VOCs") and 566 TPY of sulfur dioxide ("SO<sub>2</sub>") emissions; therefore, the facility was considered a "major facility" in an attainment area.

8. The Prevention of Significant Deterioration ("PSD") significance threshold for VOC emissions is 40 TPY. The PTE for VOC emissions for the expansion project was estimated at about 90 TPY, which exceeds the PSD significance level for VOC emissions, and constituted a "major modification" that was subject to PSD analysis.

9. During the third quarter of 2007, representatives from Ohio EPA's Northwest District Office ("NWDO") met with Respondent's consultants to discuss specific details for permitting the proposed expansion project. NWDO informed Respondent that the PTE for the facility made it subject to PSD that requires the submittal of a complete PSD application. Respondent did not follow NWDO's instructions and started the expansion

project without submitting a complete PSD application.

10. Respondent violated OAC Rules 3745-31-02 and 3745-31-13(A), and ORC § 3704.05(G), in September 2007, by commencing the construction of the building foundation that would house the expansion project's emissions units, before applying for and obtaining a PTI with applicable PSD provisions.

11. On October 11, 2007, NWDO sent a notice of violation ("NOV") letter to Respondent. The letter cited Respondent with the above violations and requested Respondent to submit a PSD PTI application and obtain the necessary permit for the expansion project. The complete PSD PTI application was received by NWDO on December 3, 2007. Ohio EPA issued the PSD PTI for the expansion project on June 5, 2008.

12. A Title V permit was issued for the facility on April 18, 2001 and has an expiration date of April 18, 2006. On October 6, 2005, a renewal Title V permit application was submitted by the former owner of the facility, Continental Tire North America, Inc. On June 12, 2009, Respondent submitted an updated renewal Title V permit application that contained the emissions units of the expansion project of 2007. A new Title V permit has not been issued as of the effective date of these Orders. All provisions and authorizations of the expired Title V permit remains in effect until the Director's final action on the timely filed pending renewal application, pursuant to OAC Rule 3745-77-08(E)(1).

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 fifteen thousand dollars (\$15,000) 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 fifteen thousand dollars (\$15,000). 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. A copy of the above 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

#### **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, 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:

Ohio EPA  
Northwest District Office  
347 North Dunbridge Road  
Bowling Green, Ohio 43402  
Attn: Jay Liebrecht

and to:

Ohio EPA  
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 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.

**ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
**SCOTT J. NALLY**  
**DIRECTOR**

4/24/11  
\_\_\_\_\_  
Date

**AGREED:**

**Titan Tire Corporation of Bryan**

  
\_\_\_\_\_  
Signature

1/7/11  
\_\_\_\_\_  
Date

William E. Campbell  
\_\_\_\_\_  
Printed or Typed Name

President  
\_\_\_\_\_  
Title