

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

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| In the Matter of: |) | Docket No. CAA-05-2023-0029 |
| |) | |
| Mantaline Corporation |) | Proceeding to Assess a Civil Penalty |
| Mantua, OH, |) | Under Section 113(d) of the Clean Air Act, |
| |) | 42 U.S.C. § 7413(d) |
| Respondent. |) | |
| <hr/> |) | |

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Mantaline Corporation (Mantaline), a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

9. On May 10, 2010, EPA approved Ohio Administrative Code (Ohio Admin. Code) §§ 3745-15-01 and 3745-15-05 as part of the federally enforceable Ohio State Implementation Plan (SIP). 75 Fed. Reg. 25770.

10. Ohio Admin. Code § 3745-15-05(B) and the Ohio Revised Code (the Revised Code) § 3704, Division (B), state that, except as provided in Ohio Admin. Code § 3745-15-05, Paragraphs (C), (D), and (H), any air contaminant source is exempt from the Revised Code, Chapter 3704, and the rules adopted thereunder, unless the potential emissions of any one of the following exceeds ten pounds per day: particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead, or any other air contaminant.

11. Ohio Admin. Code § 3745-15-05(D) states that Revised Code § 3704.011 Division (A) Exemption does not apply to an air contaminant source having the potential to emit (PTE) greater than ten pounds per day (or one ton per year of one or more hazardous air pollutants (HAPs)) of any air contaminant, unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions from the source did not exceed ten pounds per day (or one ton per year of one or more hazardous air pollutants), and, unless that source is not subject to the limitations specified in paragraph (C) of this rule.

12. On October 26, 2010, EPA approved Ohio Admin. Code §§ 3745-17-07 to 3745-17-10 as part of the federally enforceable Ohio SIP. 75 Fed. Reg. 65567.

13. On May 29, 2014, and May 1, 2016, EPA approved Ohio Admin. Code §§ 3745-31-04, and 3745-31-05, as part of the federally enforceable Ohio SIP. *See* 80 Fed. Reg. 36477 and 84 Fed. Reg. 14874.

14. Ohio Admin. Code § 3745-15-05(B) states that any air contaminant source is exempt from Chapter 3704 of the Revised Code and rules adopted thereunder, unless the PTE any one of the following exceeds ten pounds per day: particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, carbon monoxide, lead or any other air contaminant. Ohio Admin. Code § 3745-15-05(D) states that the exemption provided in Division (A) of Section 3704.011 of the Revised Code does not apply to an air contaminant source having potential emissions greater than ten pounds per day (or one ton per year of one or more HAPs) of any air contaminant unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions from the source did not exceed ten pounds per day (or one ton per year of one or more HAPs).

15. Ohio Admin. Code § 3745-31-02(A)(1)(b) states that no person shall cause, permit, or allow installation or modification, and subsequent operation of any new source that is not part of a facility, as defined in Chapter 3745-77 of the Ohio Admin. Code, and that is not required to obtain a Title V permit under Chapter 3745-77 of the Ohio Admin. Code, without first obtaining a Permit-To-Install (PTI) or Permit to Install and Operate (PTIO) from the Director.

16. Ohio Admin. Code § 3745-31-04(A) states that applications to the Director of the Ohio Environmental Protection Agency (OEPA) for PTIs and/or PTIOs required by Ohio

Admin. Code § 3745-31-02 shall contain such information as the Director deems necessary to determine whether the criteria of Ohio Admin. Code § 3745-31-05 are met and shall be made on forms prepared by the OEPA.

17. Ohio Admin. Code § 3745-31-05(A) states that the Director of OEPA shall issue a PTO or PTIO on the basis of information appearing in the application or information gathered by or furnished to the OEPA.

18. Ohio Admin. Code § 3745-17-07(A)(1) states that, with the exceptions specified in paragraphs (A)(1) through (A)(3), visible particulate emissions from any stack shall not exceed twenty percent opacity as a six-minute average.

19. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$51,796 per day of violation up to a total of \$414,364 for violations that occurred after November 2, 2015, under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

20. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

21. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

22. Mantaline owns and operates a rubber products manufacturing facility at 4754 East High Street, Mantua, Ohio.

23. Mantaline operated and continues to operate Extrusion and Microwaving Curing Line Nos. 1-6 (Microwave Curing Lines) and Extrusion and Salt Curing Line Nos. 7 and 21 (Salt Curing Lines). Mantaline is subject to the SIP for De Minimis Air Contaminant Source Exemption at Ohio Admin. Code § 3745-15-05.

24. On December 3, 2021, EPA issued to Mantaline a Notice of Violation (NOV) which alleged that it violated the SIP provision for De Minimis Air Contaminant Source Exemption because it had the PTE greater than one ton per year of HAP from each Microwave and Salt Curing Line.

25. The Ohio SIP for De Minimis Air Contaminant Source Exemption, and subsequent exemption from Chapter 3704 of the Revised Code and rules adopted thereunder, does not apply to an air contaminant source if, among other things, the air contaminant source has the PTE greater than ten pounds per day (or one ton per year of one or more hazardous air pollutants) of any air contaminant unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions from the source did not exceed ten pounds per day (or one ton per year of one or more hazardous air pollutants). See Ohio Admin. Code § 3745-15-05(D).

26. On January 11, 2022, representatives of Mantaline and EPA discussed the NOV.

27. Mantaline's air contaminant sources, specifically its Microwave and Salt Curing Lines, each had the PTE more than one ton per year of HAPs.

28. Mantaline violated Ohio Admin. Code § 3745-15-05(D) because it had the PTE more than one ton per year of HAPs, but failed to maintain records that were adequate to demonstrate that actual emissions from the source did not exceed ten pounds per day or one ton per year of one or more HAPs.

29. On March 8th, 2022, representatives of Mantaline confirmed that actual emissions from each Microwave and Salt Curing Line exceeded the emission limits set forth in the Ohio SIP for De Minimis Air Contaminant Source Exemption in 2019. See Ohio Admin. Code § 3745-15-05(C)(5)

30. Mantaline also violated the Ohio Admin. Code at § 3745-31-04(A) because it failed to provide OEPA in its CAA permit applications accurate information about its Microwave and Salt Curing Lines. For at least the past 5 years Mantaline failed to operate with the correct CAA Minor Synthetic Use permit.

31. Mantaline also violated Ohio Admin. Code § 3745-17-01(A) on June 30, 2021, when it exceeded the applicable visible particulate emissions limitations with a maximum six-minute average EPA Method 009 reading of 45.8% opacity.

32. On December 9, 2022 Mantaline entered an Administrative Compliance Order (ACO), No. EPA-5-23-113(a)-OH-01, certifying, among other things, that Mantaline will be in compliance before December of 2023.

33. On January 6, 2023 Mantaline submitted an application for a Federally Enforceable Permit-to-Install and Operate (FEPTIO) with Ohio EPA, which included operating limitations to restrict the potential to emit (PTE) to less than 10 tons single HAP and 25 tons total HAP.

Civil Penalty

34. Based on an analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case and cooperation and prompt return to compliance, Complainant has determined that an appropriate civil penalty to settle this action is \$181,171.

35. Within 30 days after the effective date of this CAFO, Respondent must pay a \$181,171 civil penalty by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045

The Field Tag 4200 of the Fedwire message should read:
“D68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.

36. Respondent must send a notice of payment that states Respondent’s name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Jeffery Trevino
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
trevino.jeffery@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

37. This civil penalty is not deductible for federal tax purposes.

38. If Respondent does not pay timely the civil penalty EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with

interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

39. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 32 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

40. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: trevino.jeffery@epa.gov (for Complainant), and joseph.koncelik@tuckerellis.com; and dkruis@mantaline.com (for Respondent).

41. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

42. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

43. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 41, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

44. The Respondent certifies that it is complying fully with all requirements of the ACO.

45. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

46. The terms of this CAFO bind Respondent, its successors and assigns.

47. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

48. Each party agrees to bear its own costs and attorney’s fees in this action.

49. This CAFO constitutes the entire agreement between the parties.

Mantaline Corporation, Respondent

6/22/23
Date

Mark A. Trushel
Mark A. Trushel, President & CEO
Mantaline Corporation

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.06.27
09:38:43 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5


**Consent Agreement and Final Order
In the Matter of: Mantaline Corporation
Docket No. CAA-05-2023-0029**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

**ANN
COYLE**

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COYLE
Date: 2023.06.30
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Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5