



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 13 2017

REPLY TO THE ATTENTION OF:

VIA E-MAIL

Philip Henzler, Corporate Director
Bunting Bearing, LLC.
1001 Holland Park Blvd
Holland, OH 43528

Email: Itosi@slk-law.com

Dear Mr. Henzler:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Bunting Bearing, LLC., docket no. CAA-05-2017-0039. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on *September 13, 2017*.

Pursuant to paragraph 29 of the CAFO, Bunting Bearing must pay the civil penalty within 30 days of the filing date. Your check must display the case name and case docket number.

Please direct any questions regarding this case to Nicole Wood, Attorney, 312-886-0664.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens, Chief
Air Enforcement and Compliance Assurance Section (OH/MN)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
N. Wood-Chi/C-14J
bob.hodanbosi@epa.ohio.gov
mark.budge@epa.ohio.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Bunting Bearings, LLC
Holland, Ohio

Respondent.



Docket No. CAA-05-2017-0039

Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air Act,
42 U.S.C. § 7413(d)

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 Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Bunting Bearings, LLC, a corporation doing business in Ohio and, therefore, a "person" under the CAA and the Consolidated Rules.
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.

7. EPA provided notice of commencement of this action to the State of Ohio pursuant to Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a).

Jurisdiction and Waiver of Right to Hearing

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

9. 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

10. On January 22, 2003, pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, EPA approved Rules 3745-31-02 and Rule 3745-31-05(D) of the Ohio Administrative Code (OAC) as part of the federally enforceable Ohio State Implementation Plan (SIP). 68 Fed. Reg. 2009 (March 10, 2003).

11. Rule 3745-31-02(A)(1) states that no person shall cause, permit, or allow the installation of a new source of air pollutants or cause, permit, or allow the modification of an air contaminant source without first obtaining a permit to install from the director.

12. Rule 3745-31-05(D) states that the director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality. Special terms and conditions necessary to ensure compliance with requirements mandated by the CAA or regulations promulgated by the administrator shall be federally enforceable and designated as such in the permit.

13. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for CAA violations that occurred after January 12, 2009 through December 6, 2013, may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$320,000 for CAA violations that occurred after December 6, 2013 through November 2, 2015, may assess a civil penalty of up to \$44,539 per day of violation up to a total of \$356,312 for CAA 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.

14. Section 113(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.

15. 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

16. Respondent owns or operates emission sources as that term is used in Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1) and as such are subject to requirements of that Section.

17. On April 5, 2011, Ohio EPA issued Permit to Install and Operate (PTIO) P0104897 which established conditions for the following six emissions units at Respondent's brass and bronze foundry and machine shop at 153 East Fifth Street, Mansfield, Ohio (Mansfield

Facility): Ball Mill (P007), Chip Dryer (P008), the Graphite Die Room (P010), Graphite CNC Department (P011), Continuous Cast Machine (P012), and Lift Swing (P013).

18. PTIO P0104897 requires Respondent to properly install, operate, and maintain equipment to continuously monitor the pressure drop, in inches of water, across the baghouse when the controlled emissions unit(s) is/are in operation, including periods of startup and shutdown. The permittee shall record the pressure drop across the baghouse on a daily basis. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s).

19. PTIO P0104897 also provides that whenever the monitored value for the pressure drop deviates from the limit or range specified in this permit, the permittee shall promptly investigate the cause of the deviation and maintain records for each investigation.

20. On October 29, 2012, the State of Ohio issued Respondent a Final Permit to Install and Operate (PTIO Number P0108083) related to Baghouses A, B, and C at its non-ferrous foundry located at 200-208 Van Buren St., Delta, Ohio ("Delta Facility").

21. PTIO P0108083 requires Respondent to calibrate, maintain and continuously operate a fabric filter bag leak detection system to monitor the baghouse performance and sets forth operation and maintenance requirements for Baghouses A, B, and C at its Delta Facility.

22. On December 2, 2013, EPA inspected Respondent's Delta Facility.

23. On April 17, 2015, EPA issued to Respondent a Notice of Violation (NOV) alleging that it violated the Ohio SIP by failing to install, operate, maintain and monitor a bag leak detection system (BLDS) as required by PTIO Number P0108083 at its Delta Facility.

24. On June 1, 2015, representatives of Respondent and EPA discussed the April 17, 2015 NOV.

25. Respondent failed to comply with the conditions set forth in PTIO Number P0108083 in violation of its permit and the Ohio SIP as follows:
- a. Respondent did not calibrate the CPM 5000 systems installed on the stacks of Baghouses A, B, and C.
 - b. Respondent did not have the manufacturer's certification that the CPM 5000 systems installed on the stacks of Baghouses A, B, and C were capable of detecting particulate emissions.
 - c. Respondent did not continuously monitor and record the output signal from the sensor for the CPM 5000 units installed on the stacks of Baghouses A, B, and C.
 - d. Respondent's CPM 5000 units were not equipped with an audible alarm system that will alarm when an increase in relative particulate emissions loading is detected over a preset level.
 - e. Respondent's CPM 5000 units were not programmed with present levels in order to detect an increase in relative particulate emissions loading.
 - f. Respondent did not establish a baseline output for each CPM 5000.
 - g. Respondent did not establish the alarm set points or the alarm delay times for each CPM 5000.
 - h. Respondent's CPM 5000 units did not have operation, maintenance, and monitoring plans.
 - i. Respondent's CPM 5000 unit for Baghouse A was not in operation from February 2014 through December 2014 due to lack of parts needed for routine repairs of the monitoring equipment.

- j. Respondent did not conduct monthly quality assurance checks of baghouse leak detection systems.
- 26. On October 15, 2015, EPA inspected Respondent's Mansfield Facility.
- 27. During the inspection, EPA found that Respondent was violating PTIO P0104897 because there was no pressure drop gauge on P010's baghouse, the pressure gauge on P011's baghouse was unreadable and no pressure drop readings were being recorded on the baghouses controlling P007, P008, P010, P011, P012 and P013.

Civil Penalty

28. Based on 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, Complainant has determined that an appropriate civil penalty to settle this action is \$41,000.

29. Within 30 days after the effective date of this CAFO, Respondent must pay a \$41,000.00 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

30. 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:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Nicole Wood-Chi (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

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

32. 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.

General Provisions

33. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Wood.Nicole@epa.gov (for Complainant), and ltosi@slk-law.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

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

35. 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.

36. 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 35, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

37. Respondent certifies that it is complying fully with Rules 3745-31-02 and Rule 3745-31-05(D) of the Ohio Administrative Code (OAC) and PTIO P0108083 and PTIO P0104897.

38. 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).

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

40. 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.


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

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

43. Respondent has consented to this CAFO solely for the purpose of resolving the allegations stated herein. Respondent's consent to this CAFO does not constitute an admission of fact or law to the allegations stated herein.


Bunting Bearings, LLC, Respondent

8/23/17
Date


Philip Henzler, Corporate Director
Bunting Bearings, LLC

United States Environmental Protection Agency, Complainant

9/18/07
Date



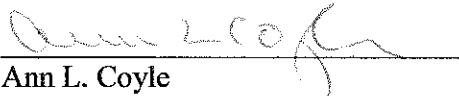
Edward Nam
Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Bunting Bearings LLC
Docket No. CAA-05-2017-0039

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.

September 12, 2017
Date


Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: Bunting Bearing LLC.
Docket Number: CAA-05-2017-0039

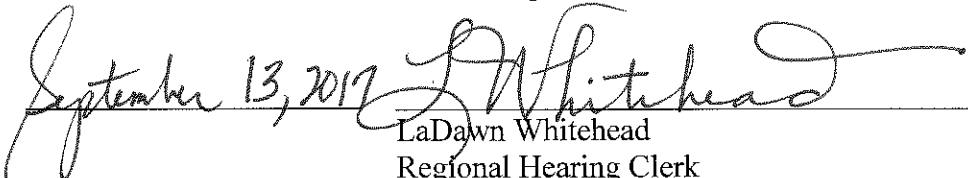
CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number **CAA-05-2017-0039**, which was filed on *September 13, 2017* in the following manner to the following addressees:

Copy by E-mail to
Attorney for Complainant: Nicole Wood
wood.nicole@epa.gov

Copy by E-mail to
Attorney for Respondent: Louis E. Tosi
ltosi@slk-law.com

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: *September 13, 2017* 
LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5