



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

MAR 10 2010

REPLY TO THE ATTENTION OF:

AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Anthony Giuliani, Esq.  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, Ohio 43215--3161

Re: Plaskolite, Inc.- Consent Agreement and Final Order

Dear Mr. Giuliani:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves Plaskolite, Inc., CAA Docket No. CAA-05-2010-0013. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on MAR 10 2010.

Pursuant to paragraph 26 of the CAFO, Plaskolite, Inc., must pay the \$ 3,000 civil penalty within 30 days of the date the CAFO was filed, April 9, 2010. The check must display the case docket number, CAA-05-2010-0013, and the billing document number, 2751003A014.

Please direct any questions regarding this case to Janet Carlson, Associate Regional Counsel, (312) 886-6059

Sincerely,

Brent Marable  
Chief

Air Enforcement and Compliance Assurance (IL/IN)

Enclosure

cc: Adam Ward  
APC Manager  
Central District Office  
Columbus, Ohio

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Plaskolite, Inc.  
Columbus, Ohio,

**Respondent.**

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) Docket No. **CAA-05-2010-0013**  
)  
) Proceeding to Assess a Civil Penalty under  
) Section 113(d) of the Clean Air Act, 42  
) U.S.C. § 7413(d)

**RECEIVED**  
MAR 10 2010

**Consent Agreement and Final Order**

**Preliminary Statement**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the Act), 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, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is Plaskolite, Inc., 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, an 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 entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with 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. Pursuant to Section 112(d) of the Act, 42 U.S.C. § 7412(d), on November 10, 2003, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing at 40 C.F.R. Part 63, Subpart FFFF, 40 C.F.R. §§ 63.2430 through 63.2550 (MACT Subpart FFFF or the MON).
10. MACT Subpart FFFF applies to all owners and operators of miscellaneous organic chemical manufacturing process units (MCPUs) that are located at, or are part of, a major source of hazardous air pollutants emissions.
11. The owner or operator of existing MCPUs may comply with certain equipment leak requirements set forth in 40 C.F.R. § 63.2480 of the MACT Subpart FFFF by complying with 40 C.F.R. Part 63, Subpart H, which is also known as the NESHAP for Equipment Leaks.
12. The NESHAP for Equipment Leaks (Subpart H of 40 C.F.R. Part 63) requires that any open-ended valve or line be equipped with a cap, blind flange, plug, or second valve. Further, the cap, blind flange, plug, or second valve must seal the end at all times except during operations requiring process fluid flow through the open-ended valve or line. 40 C.F.R. §§ 63.167(a)(1) and (2).
13. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a), authorizes the Administrator of EPA (the Administrator) to initiate an enforcement action whenever the Administrator finds, among other things, that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.
14. The Administrator may assess a civil penalty of up to \$27,500 per day of violation, up to a total of \$220,000, for violations that occurred from January 31, 1997 through March 15, 2004, up to \$32,500 per day of violation, up to a total of \$270,000, for violations that occurred after March 15, 2004 through January 12, 2009, and up to \$37,500 per day of violation, up to a total of \$295,000, for violations that have occurred after January 12, 2009, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

### **Factual Allegations**

15. Respondent owns and operates an organic chemical manufacturing facility, located at 1770 Joyce Avenue, Columbus, Ohio (Facility).
16. The Facility is subject to 40 C.F.R. Part 63, Subpart FFFF (MACT Subpart FFFF or the MON).
17. Respondent has opted to comply with leak detection and repair provisions of the MACT Subpart FFFF for existing MCPUs at the Facility by complying with the NESHAP for Equipment Leaks at 40 C.F.R. Part 63, Subpart H.

18. The Facility contains three polymerization reactors (Reactor, A, Reactor B and Reactor C) that contain open-ended valves or lines that are subject to 40 C.F.R. § 63.167 of the NESHAP for Equipment Leaks.
19. Respondent is also subject to its Title V Permit, issued by the Ohio Environmental Protection Agency on December 12, 2001 for the Facility.
20. On June, 16, 2009, EPA inspected the Facility in order to determine compliance with certain provisions of the Act as well as its Title V Permit.
21. During the June 16, 2009 inspection, EPA discovered that two of the Facility's open-ended lines (Reactor B and Reactor C) emitted volatile organic compounds and were not sealed.
22. On December 1, 2009, EPA issued a Finding of Violation (FOV) to Respondent for violating 40 C.F.R. § 63.2480(a), 40 C.F.R. § 63.167(a)(2) and the Facility's Title V Permit.
23. On December 16, 2009, EPA had a teleconference with Respondent to discuss the violations alleged in the FOV and any actions the company has taken to come into compliance.
24. During the December 16, 2009 teleconference, Respondent stated that the additive funnels on Reactor B and Reactor C were supplemented with hinged lids and brackets on July 29, 2009.

#### **Violations**

25. Respondent failed to seal two of its open-ended lines (Reactor B and Reactor C) in violation of 40 C.F.R. § 63.2480(a), 40 C.F.R. § 63.167(a)(2) and the Facility's Title V permit (condition III.A.II.4 for Emissions Unit P014 (Reactor B) and condition III.A.II.4 for Emissions Unit P052 (Reactor C)).

#### **Civil Penalty**

26. Based on analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case, Respondent's cooperation during and after the inspection, and information that Respondent has submitted, EPA has determined that an appropriate civil penalty to settle this action is \$ 3,000.
27. Within 30 days after the effective date of this CAFO, Respondent must pay the \$ 3,000 civil penalty by sending a cashier's or certified check payable to the "Treasurer, United States of America" to the following address:

US checks sent by regular US Postal Service mail:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

US checks in US dollar sent by fedex and other non-US-Postal-Service express mail:

U.S. Bank  
Government Lockbox 979077 US EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
314-418-1028

28. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

Attn: Compliance Tracker, (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

Janet Carlson, (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

29. This civil penalty is not deductible for federal tax purposes.
30. If Respondent does not pay timely the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the


Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

31. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Respondent will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Respondent will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). 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.

### **General Provisions**

32. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Violations section of this CAFO.
33. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.
34. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 32 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.
35. Respondent certifies that it is complying fully with the NESHAP for Equipment Leaks at 40 C.F.R. Part 63, Subpart H.
36. This CAFO constitutes an "enforcement response" as that term is used in "EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).
37. The terms of this CAFO bind Respondent, and its successors, and assigns.
38. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.
39. Each party agrees to bear its own costs and attorneys' fees in this action.
40. This CAFO constitutes the entire agreement between the parties.

**Plaskolite Inc., Respondent**




3/1/2010  
Date

MARK R. GRINDLEY, VICE-PRESIDENT OPERATIONS  
Responsible person's name, title  
Plaskolite, Inc.

**U.S. Environmental Protection Agency, Complainant**

3/5/10  
Date



Cheryl L. Newton,  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency  
Region 5 (A-18J)

**CONSENT AGREEMENT AND FINAL ORDER**

**Plaskolite Inc.**


**Docket No.**

**CAA-05-2010-0013**

**Final Order**

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This final order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

3-9-2010  
Date

  
\_\_\_\_\_  
Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3511

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MAR 10 2010  
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U.S. ENVIRONMENTAL  
PROTECTION AGENCY



In the Matter of Plaskolite, Inc., Columbus, Ohio

Docket No:

**CAA-05-2010-0013**

CERTIFICATE OF FILING AND MAILING

I, Betty Williams, do hereby certify that the original of the foregoing Consent Agreement and Final Order (CAFO), was sent to Plaskolite, Inc. was filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and that a second original of the CAFO was sent Certified Mail, Return Receipt Requested, to:

Anthony Giuliani, Esq.  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, OH 43215-3161

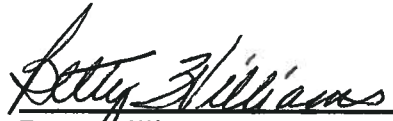
**RECEIVED**  
MAR 10 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

I also certify that a copy of the CAFO was sent by First Class Mail to:

Adam Ward  
APC Manager  
Central District Office  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

on the 10<sup>th</sup> Day of March 2010

  
Betty Williams, Secretary  
AECAS IL/IN

CERTIFIED MAIL RECEIPT NUMBER: 7009168000076664998