



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 28 2018

REPLY TO THE ATTENTION OF:

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

The Honorable David T. Handwerk  
Mayor of Orrville, Ohio  
Orrville Municipal Building  
207 North Main Street  
Orrville, Ohio 44667

Re: *In the Matter of the City of Orrville*; Docket No. CAA-05-2015-0057; Amendment to Consent Agreement and Final Order

Dear Mayor Handwerk:

Enclosed is a file-stamped copy of the fully-executed Amendment to Consent Agreement and Final Order (CAFO) which modifies a definition in the original CAFO and includes a supplemental environmental mitigation project. As indicated by the filing stamp on its first page, we filed the Amendment to the CAFO with the Regional Hearing Clerk on September 28, 2018.

Please direct any questions regarding this case to Cynthia Kawakami, Associate Regional Counsel at (312) 886-0564.

Sincerely,



Nathan Frank  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Douglas McWilliams, Esq., Squire Patton Boggs  
Ann Coyle, Regional Judicial Officer/C-14J  
Regional Hearing Clerk/E-19J  
Cynthia Kawakami/C-14J  
Jim Kavalec/OEPA  
Bob Hodanbosi/OEPA  
Ed Fasko/OEPA/NEDO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of:

City of Orrville  
Orrville, Ohio

Respondent.



Docket No. CAA-05-2015-0057

Proceeding to Assess a Civil Penalty  
Under Sections 113(d) and 114(a) of the  
Clean Air Act, 42 U.S.C. §§ 7413(d) and  
7414(a).

Amendment to Consent Agreement and Final Order

1. The United States Environmental Protection Agency, Region 5 (EPA), through the Director of the Air and Radiation Division (Complainant) and the City of Orrville (Respondent) entered into a Consent Agreement and Final Order in the above-referenced matter, that was filed with the Regional Hearing Clerk on September 16, 2015.

2. The September 16, 2015 Consent Agreement Final Order in this matter (the CAFO) commenced and concluded an administrative action under Sections 113(d) and 114(a) of the Clean Air Act (the Act), 42 U.S.C. §§7413(d) and 7414(a), 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.

3. Paragraph 43 of the CAFO required Respondent to, among other things, limit the Annual Capacity Factors of Boilers 10, 11, and 12 to no more than 10.0 percent after January 31, 2017.

4. The requirements of the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler NESHAP), 40 C.F.R. Part 63, Subpart DDDDD, came into effect after the

CAFO was filed, and applies to Respondent's Boilers 10, 11, and 12 that are "limited use" boilers under the Boiler NESHAP.

5. Respondent recently informed EPA that, the definition of "Annual Capacity Factor" under the Boiler NESHAP differs from the definition of "Annual Capacity Factor" under the September 16, 2015 CAFO.

6. Respondent seeks to modify the CAFO's original definition of "Annual Capacity Factor" to more closely align with the definition under the Boiler NESHAP.

7. As the modification above might result in increased emissions, Respondent has agreed to further reduce its annual energy use by another 300,000 kWh or more by replacing existing incandescent municipal street lights and fixtures or security lights and fixtures with new energy-efficient LED light fixtures; (this is in addition to the original Environmental Mitigation Project that was required under the September 16, 2015 CAFO).

8. Based on the foregoing, the Parties agree that amending the CAFO is in their interest and in the public interest.

9. The Parties hereby amend Paragraphs 36 and 53 of the CAFO and add Supplemental Appendix A, as contained herein. Except as specifically set forth herein, all provisions of the CAFO shall remain in full force and effect.

10. Paragraph 36 of the CAFO is replaced as follows:

Annual Capacity Factor shall mean the ratio between the actual heat input to a boiler from the fuels burned during a **calendar year** and the potential heat input to the boiler had it operated for 8,760 hours during the year at the maximum steady state design heat input capacity on the same fuels that were burned during the previous 12-month period, expressed as a percent. See 40 C.F.R. § 63.7575. (Emphasis added).

11. Paragraph 53 (Section VII Environmental Mitigation) is replaced as follows:

In satisfaction of its CAFO obligation, Orrville completed the Environmental Mitigation Project described in CAFO Appendix A and submitted to EPA the required project completion report on August 15, 2017. Orrville shall conduct the Supplemental Environmental Mitigation Project described in Supplemental Appendix A that is attached and made an enforceable part of the CAFO, and shall comply with the provisions contained therein.


12. Supplemental Appendix A (attached hereto) is added and made an enforceable part of the CAFO.

Amendment to Consent Agreement and Final Order  
*In the Matter of the City of Orrville,*  
Docket No: CAA-05-2015-0057

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**City of Orrville, Respondent**

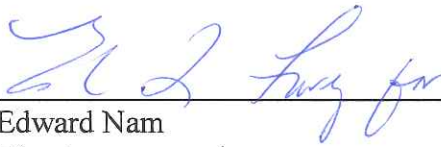
9/26/18  
Date

  
\_\_\_\_\_  
Mayor David T. Handwerk  
City of Orrville

Amendment to Consent Agreement and Final Order  
*In the Matter of the City of Orrville,*  
Docket No: CAA-05-2015-0057

**United States Environmental Protection Agency, Complainant**

9/17/18  
Date

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

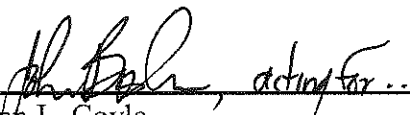
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This Amendment to the Consent Agreement and Final Order, as agreed to by the Parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.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

\_\_\_\_\_  
Date

9/23/15

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

**SUPPLEMENTAL APPENDIX A**

SUPPLEMENTAL ENVIRONMENTAL MITIGATION PROJECT  
ADDITIONAL MUNICIPAL STREET LIGHT REPLACEMENT

In addition to the original Environmental Mitigation Project for Municipal Street Light Replacement required under the September 16, 2015 CAFO in this case, Orrville agrees to perform a Supplemental Environmental Mitigation Project (Supplemental Project) whereby it will reduce its annual energy use by an additional 300,000 kWh or more (with corresponding emission reductions) by replacing additional existing incandescent municipal street lights or security lights (and associated fixtures) with new energy-efficient light emitting diode (LED) street lights and spend at least \$70,000 on this supplemental project. Labor costs for the installation of the replacement LED street lights will not be included in the project dollars credited to this Supplemental Project under this settlement.

Orrville shall comply with the requirements of this Supplemental Appendix A and Section VII of the CAFO, as amended, to ensure that the environmental benefits from the Supplemental Project described below are achieved.

- A. Supplemental Project: Orrville will replace additional incandescent municipal street lights and fixtures (not addressed by the original Appendix A mitigation project) with new energy-efficient LED street light fixtures to reduce annual energy use by at least 300,000 kWh more than the original Appendix A mitigation project.
- B. Supplemental Project Completion Date: the Supplemental Project above shall be completed within twenty-four (24) months from the filing date of the Amended CAFO. This project shall be deemed complete upon Orrville's submittal of a Project Completion Report as discussed in Section C, immediately following this section. EPA reserves the right to reject a Project Completion Report if it does not meet the requirement of this Amended CAFO.
- C. Supplemental Project Completion Report: Within thirty (30) days after the Supplemental Project Completion Date, Orrville shall submit for EPA's review a Supplemental Project Completion Report. The Supplemental Project Completion Report shall include, but not be limited to, the information as follows:
  1. A description of the existing incandescent street lights and the LED replacements addressed by the Supplemental Project;



2. A list of all lights replaced as a result of the Supplemental Project, including the total quantity and capacity of all replaced lights;
3. Proof that the original light fixtures replaced as a result of the Supplemental Project were properly recycled or disposed, if recycling is not possible;
4. An estimate of the potential environmental benefits of the Supplemental Project including an estimate of emission reductions (e.g. SO<sub>2</sub>, NO<sub>x</sub>, PM, mercury, CO<sub>2</sub>) expected to be realized through the Supplemental Project's replacement of existing incandescent municipal street lights with energy-efficient LED street lights;
5. The certification as follows:

This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete Information to the United States;

6. The signature (with date) of an Orrville Responsible Official as defined in Title V of the Clean Air Act, or his or her equivalent or designee, following the certification outlined above.

Amendment to Consent Agreement and Final Order  
In the Matter of the City of Orrville  
Docket Number: CAA-05-2015-0057

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Amendment to the Consent Agreement and Final Order**, docket number CAA-05-2015-0057, which was filed on-  
*September 28, 2018*, in the following manner to the following addressees:

Copy by Certified Mail to  
Respondent:

Mayor David T. Handwerk  
Orrville Municipal Building  
207 North Main Street  
Orrville, Ohio 44667

Copy by E-mail to  
Attorney for Complainant:

Cynthia Kawakami  
[kawakami.cynthia@epa.gov](mailto:kawakami.cynthia@epa.gov)

Copy by E-mail to  
Attorney for Respondent:

Douglas McWilliams, Esq., Squire Patton Boggs  
[douglas.mcwilliams@squirepb.com](mailto:douglas.mcwilliams@squirepb.com)

Copy by E-mail to  
Regional Judicial Officer:

Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated: *September 28, 2018*

*L. Whitehead*  
\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2643 7411