



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

AUG 16 2012

REPLY TO THE ATTENTION OF:

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

Bob Conner, Environmental Coordinator  
Parker-Hannifin Corporation, Gear Pump Division  
2701 Intertech Drive  
Youngstown, Ohio 44509

Re: Administrative Consent Order EPA-5-12-113(a)-OH-5

Dear Mr. Conner:

Enclosed is an executed original of the Administrative Consent Order (ACO) regarding the above captioned case. This ACO has been issued following an inspection at Parker-Hannifin Corporation, Gear Pump Division, conducted by EPA on June 12, 2012. The ACO requires that Parker-Hannifin Corporation, Gear Pump Division submit initial notifications and semiannual reports, as required by the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources, 40 C.F.R. Part 63, Subpart ZZZZZ. If you have any questions about the ACO, please contact me at 312.886.6798.

Sincerely,

*Brian Dickens for WM*

William MacDowell, Chief  
Air Enforcement and Compliance Assurance  
Section (MN/OH)

Enclosure

cc: Tara Cioffi  
Mahoning-Trumbull APC Agency

Ed Fasko  
Ohio Environmental Protection Agency, Northeast District Office

Enclosures

cc: Tara Cioffi  
Mahoning-Trumbull APC Agency

Ed Fasko  
Ohio Environmental Protection Agency, Northeast District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-12-113(a)-OH-5</b>
	)	
<b>Parker-Hannifin Corporation</b>	)	<b>Proceeding Under Sections 113(a)(3) and</b>
<b>Gear Pump Division</b>	)	<b>114(a)(1) of the Clean Air Act, 42 U.S.C.</b>
<b>Youngstown, Ohio</b>	)	<b>§§ 113(a)(3) and 114(a)(1)</b>

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Parker-Hannifin Corporation ("Parker"), Gear Pump Division, under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (the "Act"), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

**Statutory and Regulatory Background**

**Title V Permit Program**

2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it shall be unlawful for any person to violate any requirement of a Title V permit after the effective date of any Title V permit program approved by EPA.

3. EPA granted full approval of the Ohio Title V program on August 15, 1995 with an effective date of October 1, 1995. *See* 60 Fed. Reg. 42045.

4. The regulation at 40 C.F.R. § 70.6(b)(1) provides that all terms and conditions in a Part 70 (Title V) permit are enforceable by EPA under the Act.

## **National Emission Standards for Hazardous Air Pollutants**

5. Under Section 112 of the Act, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (“Foundry NESHAP”) at 40 C.F.R. Part 63, Subpart ZZZZZ. The Foundry NESHAP applies to iron and steel foundries that are an area source of hazardous air pollutants (HAPs).

6. The Foundry NESHAP, at 40 C.F.R. § 63.10880, requires the owner or operator of each iron and steel foundry that is an area source of HAP emissions to determine whether the facility is an existing small or large foundry, based on the tons of metal melted during calendar year 2008.

7. The Foundry NESHAP, at 40 C.F.R. § 63.10890(a), requires the owner or operator of a new or existing small affected source to comply with the pollution prevention management practices for metallic scrap and mercury switches in § 63.10885 and binder formulations in § 63.10886.

8. The Foundry NESHAP, at 40 C.F.R. § 10890(b), requires the owner or operator of a new or existing affected source classified as a small foundry to submit an initial notification of applicability.

9. The Foundry NESHAP, at 40 C.F.R. § 10890(c), requires the owner or operator of a new or existing affected source classified as a small foundry to submit a notification of compliance status.

10. The Foundry NESHAP, at 40 C.F.R. § 63.10890(f), requires the owner or operator of a new or existing small foundry to submit semiannual compliance reports to EPA. The report must clearly identify any deviation from the pollution prevention management practices in § 63.10885 or § 63.10886 and the corrective action taken.

11. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator may issue an order requiring compliance to any person who has violated or is violating the Foundry NESHAP regulations. The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

12. The Administrator may require any person who owns or operates an emission source to make reports, sample emissions, and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

13. Parker owns and operates an iron and steel foundry as defined at 40 C.F.R. § 63.10906 at 1775 Logan Avenue, Youngstown, Ohio (the "Facility").

14. On July 20, 2010, the Ohio Environmental Protection Agency issued Title V Permit No. P0085775 for the Facility with an effective date of August 10, 2010.

15. Section B.4. of Parker's Title V Permit requires Parker to comply with the requirements of the Foundry NESHAP at 40 C.F.R. Part 63, Subpart ZZZZZ.

16. On September 28, 2009, Parker submitted an initial notification of applicability to EPA identifying the Facility as an existing small foundry subject to the Foundry NESHAP.

17. On October 5, 2009, Parker submitted a notification of compliance status to EPA stating that the Facility does not use scrap that contains motor vehicle scrap.

18. On October 5, 2009, Parker submitted a notification of compliance status to EPA stating that the Facility complies with the pollution prevention management practices for binder

formulations in § 63.10886. Parker did not provide a notification of compliance status for the pollution prevention management practices for metallic scrap in § 63.10885(a).

19. EPA conducted an inspection at the Facility on June 12, 2012.

20. As of the date of the inspection, Parker had not submitted a notification of compliance status to EPA for the pollution prevention management practices for metallic scrap specified in § 63.10885(a), as required by the Foundry NESHAP at 40 C.F.R. § 10890(c).

21. As of the date of the inspection, Parker had not submitted any semiannual reports to EPA as required by the Foundry NESHAP at 40 C.F.R. § 63.10890(f).

#### **Compliance Program**

22. No later than August 17, 2012, Parker must submit to EPA a notification of compliance status for the pollution prevention management practices for metallic scrap as required by the Foundry NESHAP.

23. No later than August 17, 2012, Parker must submit to EPA all overdue semiannual compliance reports required by the Foundry NESHAP.

24. No later than the effective date of this order, Parker must begin submitting semiannual compliance reports on a timely basis as required in the Foundry NESHAP at 40 CFR § 63.10890(f). Parker must deliver or postmark all semiannual compliance reports by the 30<sup>th</sup> day following the end of each calendar half.

25. Parker must send all reports required by this Order to:

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

### General Provisions

26. This Order does not affect Parker's responsibility to comply with other federal, state and local laws.

27. This Order does not restrict EPA's authority to enforce the the Title V permit, Section 112 of the Act or any other section of the Act.

28. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for Parker's violation of the Foundry NESHAP.

29. Failure to comply with this Order may subject Parker to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

30. The terms of this Order are binding on Parker, its assignees and successors. Parker must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

31. Parker may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Parker fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

32. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

33. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

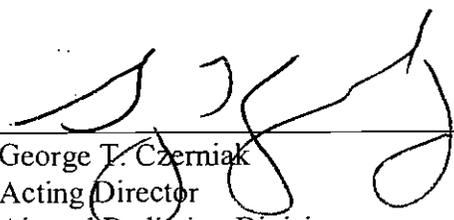
34. Parker agrees to the terms of this Order.

35. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Parker has complied with all terms of the Order throughout its duration.

8-6-12  
Date

  
\_\_\_\_\_  
Bob Conner, Environmental Coordinator  
Parker-Hannifin Corporation, Gear Pump Division

8/16/12  
Date

  
\_\_\_\_\_  
George T. Czerniak  
Acting Director  
Air and Radiation Division  
U.S. Environmental Protection Agency Region 5

**CERTIFICATE OF MAILING**

I, Loretta Shafer, certify that I sent the Administrative Consent Order, EPA-5-12-113(a)-OH-5, by certified mail, return receipt requested, to:

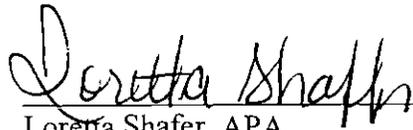
Bob Conner  
Parker-Hannifin Corporation, Gear Pump Division  
2701 Intertech Drive  
P.O. Box 520  
Youngstown, Ohio 44509

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-12-113(a)-OH-5, by first-class mail to:

Mahoning-Trumbull APC Agency  
Youngstown City Health District  
Tara Cioffi, Administrator  
345 Oak Hill Ave., Suite 200  
Youngstown, Ohio 44502

Ohio EPA, NEDO  
Ed Fasko, Manager  
Air Pollution Group  
2110 East Aurora Road  
Twinsburg, Ohio 44087

On the 17 day of August 2012.



\_\_\_\_\_  
Loretta Shafer, APA  
Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 9826