

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUL 12 95

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

T&B Foundry Company : Director's Final Findings  
2469 East 71st Street : and Orders  
Cleveland, Ohio 44104 :

**PREAMBLE**

It is hereby agreed by and among the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to T&B Foundry Company ("T&B Foundry"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under section 3704.03 and 3745.01 of the Ohio Revised Code ("ORC").

**II. PARTIES**

These Orders shall apply to and be binding upon T&B Foundry and its officers, directors, agents, servants, employees, assigns and successors in interest.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in Chapter 3704 of the ORC and the regulations promulgated thereunder.

**IV. FINDINGS OF FACT**

The Director of the Ohio EPA has determined the following findings of fact:

1. The Clean Air Act Amendments ("CAAA") of 1990 required that each State, which contained any nonattainment area for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (commonly denoted as "PM-10"), submit by November 15, 1991 a State Implementation Plan ("SIP") to the U.S. Environmental Protection Agency ("U.S. EPA"). The SIP must provide for the achievement and maintenance of the National Ambient Air Quality Standards ("NAAQS") for PM-10 by the applicable deadline (1994). Furthermore, Section 172(c)(9) of the CAAA requires that the SIP provide for contingency measures which would be undertaken if the specific nonattainment area fails to make reasonable further progress or fails to attain the primary NAAQS by the attainment date. Such contingency measures

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By: Wendie Glenn Date 7-12-95

were to take effect without further action by the State or the U.S. EPA.

2. The U.S. EPA identified Cuyahoga County and portions of Jefferson County as nonattainment areas for PM-10. On November 14, 1991, the Ohio EPA submitted a PM-10 SIP to the U.S. EPA which included revisions to the Ohio Administrative Code ("OAC") Chapter 3745-17 (concerning particulate matter).

3. The revisions to OAC Chapter 3745-17 include new OAC rule 3745-17-14 which contains the PM-10 contingency measure requirements for certain facilities that impact the PM-10 nonattainment areas. Paragraph (A) of this rule requires that by April 1, 1992 the facilities submit control strategies and compliance schedules to the Ohio EPA which would reduce particulate emissions from the baseline levels identified in paragraph (A) (3) of OAC rule 3745-17-14 by 15 or 25 percent.

4. Pursuant to paragraph (B) of OAC rule 3745-17-14, the control strategies and compliance schedules submitted in accordance with paragraph (A) of OAC rule 3745-17-14 must be approved by the Director of the Ohio EPA through the issuance of Findings and Orders, as authorized by Division (R) of section 3704.03 of the ORC. Also, the Findings and Orders must be submitted to and approved by the U.S. EPA as a revision to the Ohio SIP for PM-10.

5. Pursuant to paragraph (C) of OAC rule 3745-17-14, the requirements of the Findings and Orders are to be implemented by each facility upon receipt of a formal determination and notification by the Ohio EPA or the U.S. EPA that the area is not in compliance with the NAAQS.

6. T&B Foundry, which is located at 2469 East 71st Street in Cleveland (Cuyahoga County), Ohio, owns and operates a grey iron foundry. The T&B Foundry facility is identified by Ohio EPA premise number 1318000504. This facility is subject to the requirements of OAC rule 3745-17-14, which specify that the total required particulate emission reductions for this facility, at the maximum operating rates, are 1.7 pounds per hour at the fifteen (15) percent ("%") reduction level and 2.8 pounds per hour at the twenty-five (25%) reduction level.

7. On January 23, 1995, the T&B Foundry submitted certification of an eight pounds per hour ("8 lb/hr") reduction in facility particulate emissions through the March 25, 1994 replacement of its grey iron cupola (source P901) with its new electric induction furnace with preheater (source P902). This certification was submitted to Ohio EPA pursuant to the requirements of paragraph (A) of OAC rule 3745-17-14. This emission reduction is based on the difference between the allowable particulate emission rate (14.0 pounds per hour) for

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By: Wanda Allen Date 7-12-95

the cupola from OAC rule 3745-17-12(Y)(4) and the maximum particulate emission rate (6.0 pounds per hour) for the new electric induction furnace. The maximum particulate emission rate for the new electric induction furnace is based on the maximum loading capacity (6.67 tons of metal charged per hour) and the appropriate AP-42 emission factor (0.9 pound particulate per ton of metal charged).

8. The Ohio EPA finds that reduction identified in Finding 7 satisfies the requirements of OAC rule 3745-17-14.

9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

#### V. ORDERS

The Director hereby makes the following Order:

T&B Foundry shall permanently prohibit the operation of the cupola (source P901) and shall maintain the new electric induction furnace (source P902) at a particulate emission rate not to exceed 6.0 pounds per hour.

#### VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to T&B Foundry's facility.

#### VII. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders to be submitted to the Ohio EPA, shall be addressed to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
Attn: Thomas Kalman  
P. O. Box 1049  
Columbus, Ohio 43216-1049

and

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By: Walter Allen Date 7-12-95

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City of Cleveland  
 Bureau of Air Pollution Control  
 Attn: Ed Fasko  
 1925 St. Clair Avenue  
 Cleveland, Ohio 44114

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as specified in these Orders or to such persons and addresses as may hereafter be otherwise specified in writing by the Ohio EPA.

#### VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including penalties against T&B Foundry for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require T&B Foundry to perform additional activities pursuant to Chapter 3704 of the ORC or any other applicable law in the future. Nothing herein shall restrict the right of T&B Foundry to raise any administrative, legal or equitable claim or defense with respect to such further actions which the Ohio EPA may seek to require of T&B Foundry.

#### IX. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED:

By:

  
 Donald R. Schregardus

Director

Ohio Environmental Protection Agency

7/10/95  
 Date

#### X. WAIVER

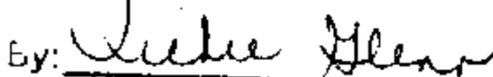
T&B Foundry agrees that these Orders are lawful and reasonable that T&B Foundry agrees to comply with these Orders.

T&B Foundry hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek judicial review of these Orders either in law or equity.

Notwithstanding the preceding, the Ohio EPA and T&B Foundry agree that in the event that these Orders are appealed by any other-party to the Environmental Board of Review, or any court,

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By:



Date

7-12-95

T&B Foundry retains the right to intervene and participate in such appeal. In such event, T&B Foundry shall continue to comply with these Orders unless said Orders are stayed, vacated, or modified.

IT IS SO AGREED:

T&B Foundry Company

By

Title

Ohio Environmental Protection Agency

Donald R. Schregardus  
Director

Date

Date

6/19/95

7/10/95

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By: Walter Glenn Date 7-12-95