A large circular graphic containing a black and white photograph of a landscape with a field in the foreground and a cloudy sky. The text is centered over the image.

# **Summary of the 2009 Enforcement Activities**



**Environmental  
Protection Agency**

Division of Air Pollution Control

# **Table of Contents**

**Highlights from 2009**

**Objectives for 2009, and the Status of  
Compliance with Each**

**Summary of the Environmental Improvements**

**Overall Program Statistics**

**Field Office Statistics**

**Penalty Statistics**

# Highlights from the Ohio EPA's 2009 Air Enforcement Activities

- 91.9% compliance rate at the end of the year for 1,562 High Priority Facilities
- 95 cases resolved
- 54 cases resolved with Findings and Orders (only 52 F&Os were issued)
- 22 referrals to the Attorney General's Office
- 57 cases resolved by the Attorney General's Office (3 Court Orders resolved 47 cases, 45 of which were involved in the Shelly Materials, Inc. trial, and 8 Consent Orders resolved 9 cases)
- 100 new cases
- 85 cases pending at the end of the year within the DAPC Enforcement Committee
- 62 cases pending at the end of the year at the Attorney General's Office
- \$ 4,762,285 in civil penalties:
  - \$ 1,279,080 Ohio EPA
  - \$ 2,295,387 Ohio EPA/AGO
  - \$ 60,300 local air agencies
  - \$ 1,127,518 USEPA
- The total air civil penalties assessed in Ohio since 1984 equal \$115,823,849.

- The following total emission reductions resulted (or will result) from the enforcement cases resolved through F&Os and Consent Orders:  
CO - 2 TPY; particulates - 104 TPY; VOC/OC - 35 TPY; NOx - 157 TPY; and SO2 - 1,873 TPY.
- The following major enforcement cases were resolved by the Ohio EPA or the Ohio EPA/AGO with large civil penalties, i.e., equal to or greater than \$100,000:

Plasti-Kote Company, Inc.	\$ 240,000
The Belden Brick Company, L.L.C.	\$1,000,000
The Shelly Holding Company, et al. (Court decision is under appeal by OEPA)	\$ 350,123
CertainTeed Corporation	\$ 230,000
Circle K Midwest	\$ 100,000
Aleris International, Inc., Commonwealth Aluminum Concast, Inc. (Ohio), IMCO	\$ 334,545* (*Ohio portion)
Recycling of Ohio, Inc., et al. (joint case with USEPA)	
Emery Oleochemicals, LLC	\$ 143,500

# **DAPC Enforcement Objectives for CY 2009, and the Status of Compliance with Each**

1. **Achieve an overall compliance percentage for High Priority Facilities (HPFs) of 93.0% or greater. (This would include any HPF with emission and/or significant administrative violations.)**

At the end of CY 2008, the compliance percentage for HPFs was only 86.7%. By the end of CY 2009, the compliance percentage had increased to 91.9%

2. **Resolve 80 or more EC cases during CY 2009, and of the 80, use F&O's to resolve 40 or more of the cases.**

95 cases were resolved during the CY, and 54 of those cases were resolved with F&O's.

3. **By 12/31, resolve all 37 of the "old cases" on the EC docket. (Where an "old case" is defined as any case on the docket at the end of the CY that would have an EAR date prior to July 1, 2008.)**

At the end of 2009, there were 10 unresolved "old cases" on the EC docket.

4. **Develop each new case received during the calendar year in a timely manner. ("Develop" = prepare a DWL, draft F&O's, or a referral to the AGO.)**

This was an ongoing effort of the DAPC.

5. **Give priority to resolving all of the cases involving High Priority Violators.**

Top priority was given to all the High Priority Violator cases in order to resolve them as quickly as possible.

6. **Continue to calculate the environmental improvement for each resolved case.**

This was calculated for each of the cases resolved during the CY where there was an environmental improvement.

## SUMMARY OF ENVIRONMENTAL IMPROVEMENTS RESULTING FROM OHIO EPA AIR ENFORCEMENT SETTLEMENTS DURING 2009

<u>FACILITY</u>	<u>SETTLEMENT DATE</u>	<u>TYPE OF SETTLEMENT</u>	<u>POLLUTANT</u>	<u>POLLUTANT REDUCTIONS</u>	<u>REMEDY</u>
T.S. Trim industries, Inc.	06/17/09	F&Os	NOx CO VOC PM	1 TPY 2 TPY <1 TPY <1 TPY	Emissions reductions were achieved through the replacement of a natural gas-fired thermal oxidizer with a new non-incineration, switch bed adsorber.
Chemtrade Logistics (US), Inc./Chemtrade Refinery Services, Inc./Marsulex, Inc. (Cairo and Oregon facilities)	04/02/09	Consent Decree	SO <sub>2</sub>	1,171 TPY	Reduction of 883 TPY of SO <sub>2</sub> emissions resulted from installing a new scrubber at the Cairo facility.  Improvement of chemical processes will result in the reduction of 288 TPY of SO <sub>2</sub> emissions at the Oregon facility.
The Belden Brick Company, LLC	07/06/09	Consent Order	SO <sub>2</sub>	702 TPY	SO <sub>2</sub> emissions reductions resulted from installing a slurry scrubber to control emissions from the Plant 8 kilns (~202 TPY) and a dry scrubber to control emissions from the Plant 3 kiln (~500 TPY).
CertainTeed Corporation	10/19/09	Consent Order	PE	29 TPY	Operational problems with the baghouse serving emissions unit P011 (Line #2 filler heater) were corrected.
Emery Oleochemicals, LLC	12/17/09	F&Os	PE OC	18 TPY 8 TPY	PE reductions occurred as a result of a fuel switch from coal to #4 fuel oil for emissions unit B028, adjustment of boiler oil burners, and repairs to the baghouse control.  OC emission reductions resulted from the replacement of the catalytic oxidizers serving emissions units P010 and P017 (ozonolysis processes) with regenerative thermal oxidizers.

## SUMMARY OF ENVIRONMENTAL IMPROVEMENTS RESULTING FROM OHIO EPA AIR ENFORCEMENT SETTLEMENTS DURING 2009

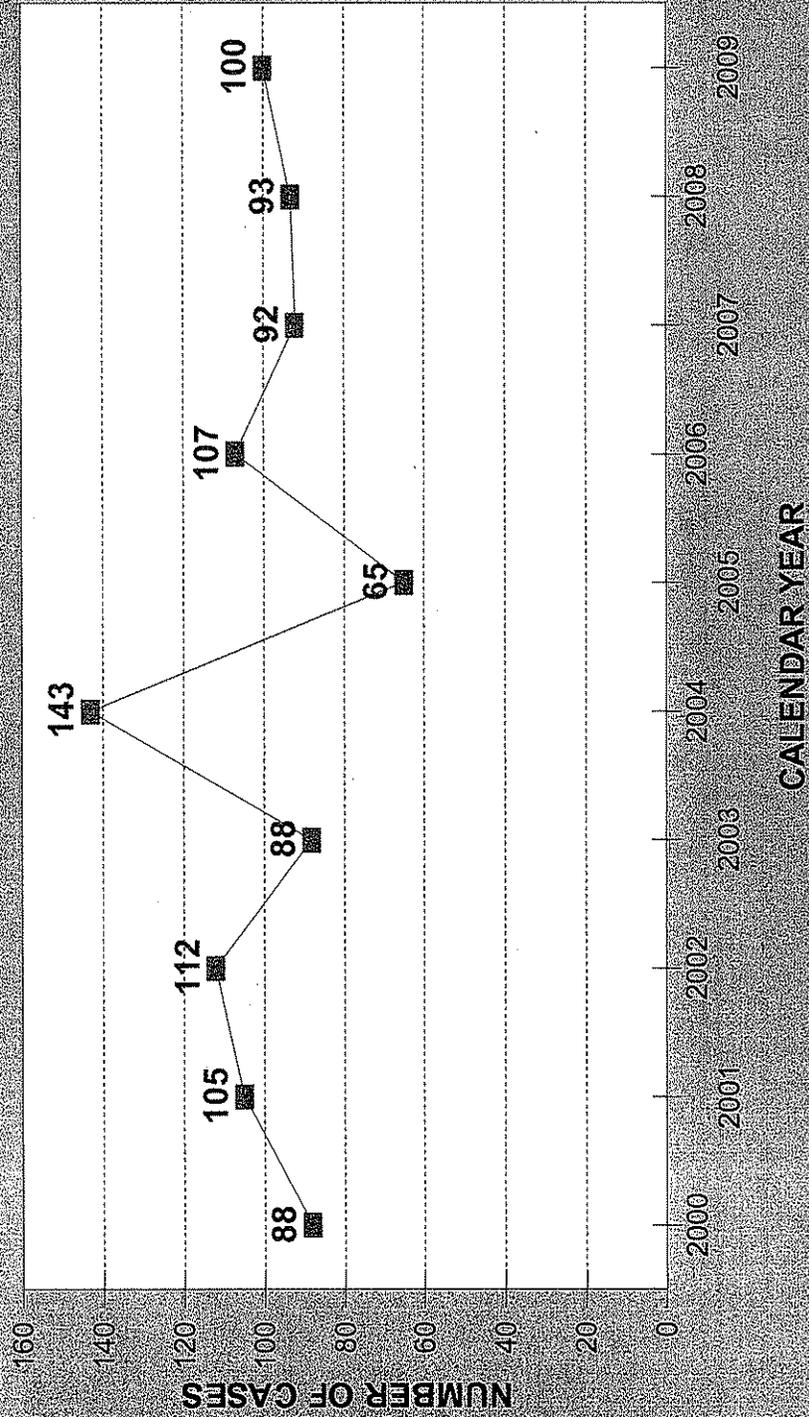
<u>FACILITY</u>	<u>SETTLEMENT DATE</u>	<u>TYPE OF SETTLEMENT</u>	<u>POLLUTANT</u>	<u>POLLUTANT REDUCTIONS</u>	<u>REMEDY</u>
D&R Supply, Inc.	12/02/09	F&Os	PM	56 TPY	An existing wet scrubber controlling emissions from emissions unit P901 (asphaltic concrete plant with rotary drum dryer) was replaced with a baghouse.
Evonik Degussa Engineered Carbons Corporation	12/17/09	F&Os	NOx VOC	67 TPY 3 TPY	Improvements were made to operation of the common flare serving emissions units P001 and P002 (carbon black production units).
E.I. Ceramics, LLC	12/21/09	F&Os	OC	23 TPY	An interlocking system was installed for emissions units P002 (blending, processing, glazing, and curing process with fabric filter and thermal oxidizer), P005 (curing oven #2 with thermal oxidizer), and all other units controlled with thermal oxidizers. The interlocking system shuts down the emissions units if the temperature of the associated thermal oxidizer falls below a set level.
Republic Engineered Products, Inc.	12/30/09	F&Os	NOx	89 TPY	Repairs were made to emissions unit P081, a 421.6 million Btu/hour bloom reheat furnace with a low NOx burner.

### SUMMARY TABLE

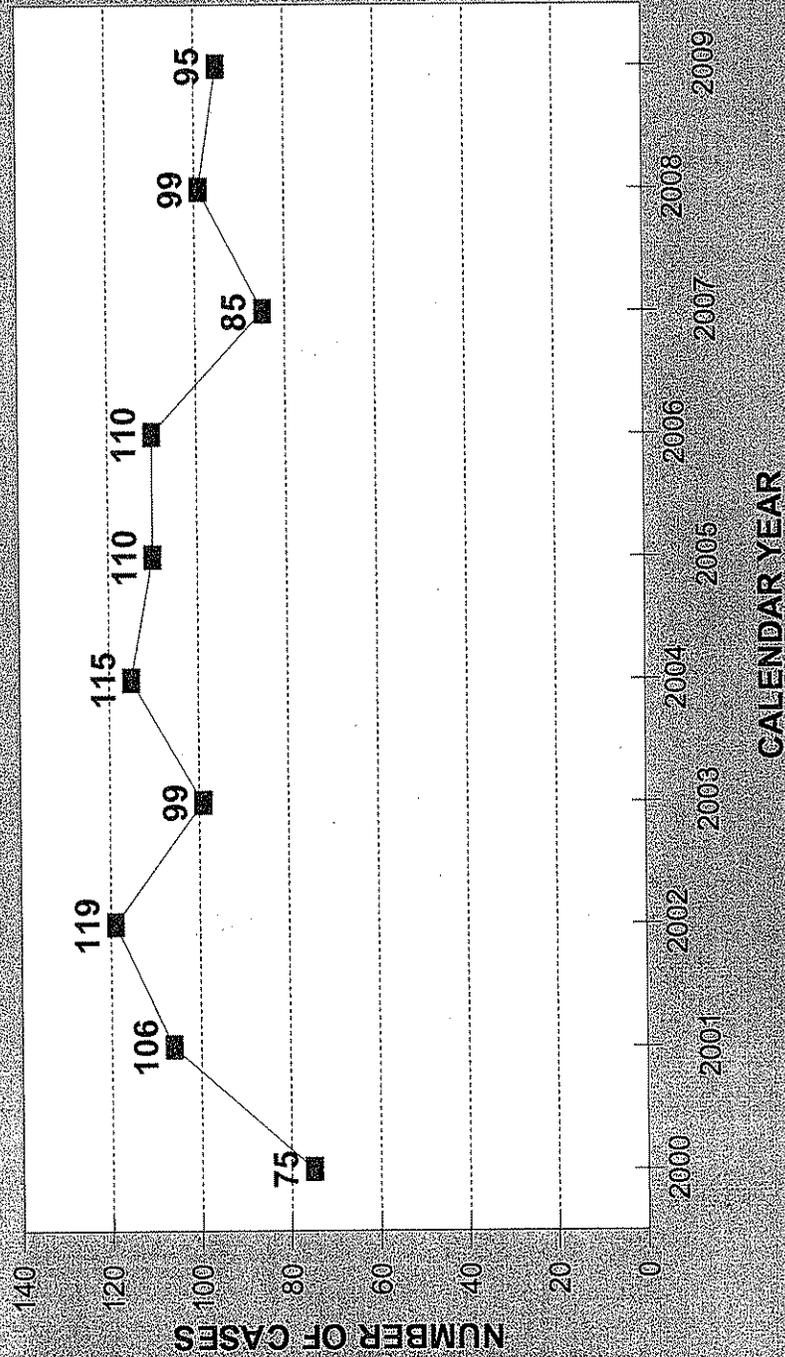
<u>POLLUTANT</u>	<u>TOTAL REDUCTIONS</u>
Particulates	104 TPY
VOC/OC	35 TPY
CO	2 TPY
NOx	157 TPY
<u>SO<sub>2</sub></u>	<u>1,873 TPY</u>
<b>TOTAL</b>	<b>2,171 TPY</b>

# **Overall Program Statistics**

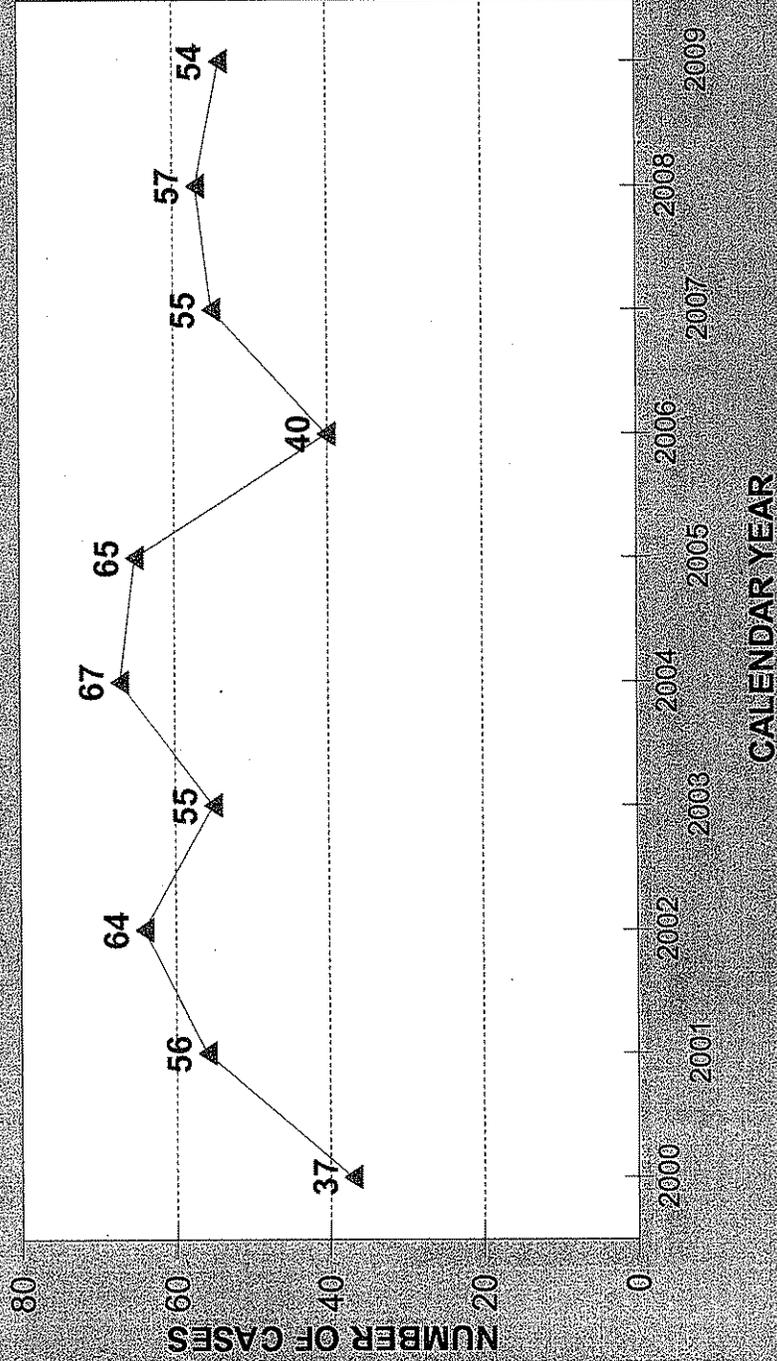
# NUMBER OF NEW CASES RECEIVED DURING 2000 THRU 2009



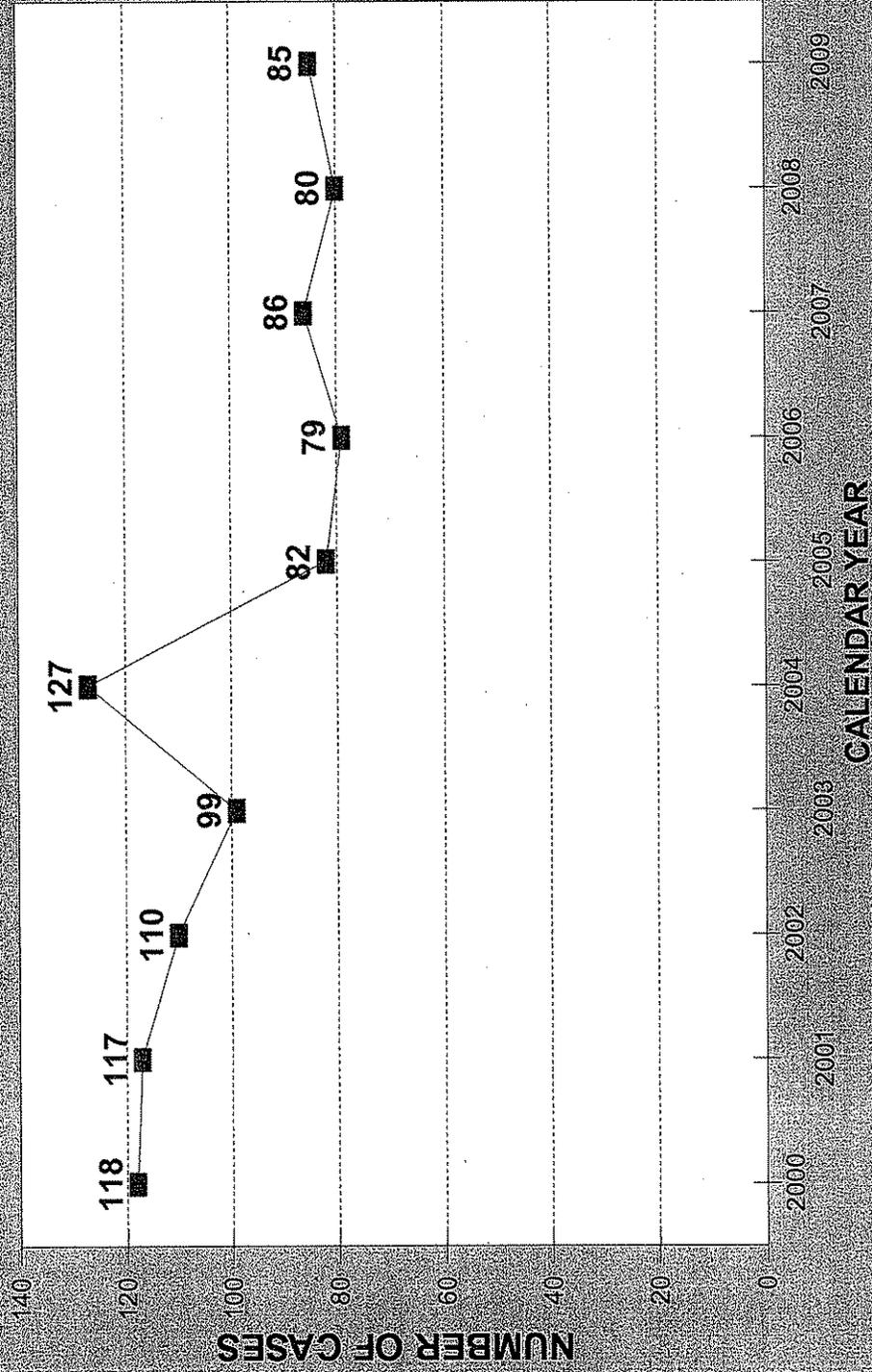
# NUMBER OF CASES RESOLVED DURING 2000 THRU 2009



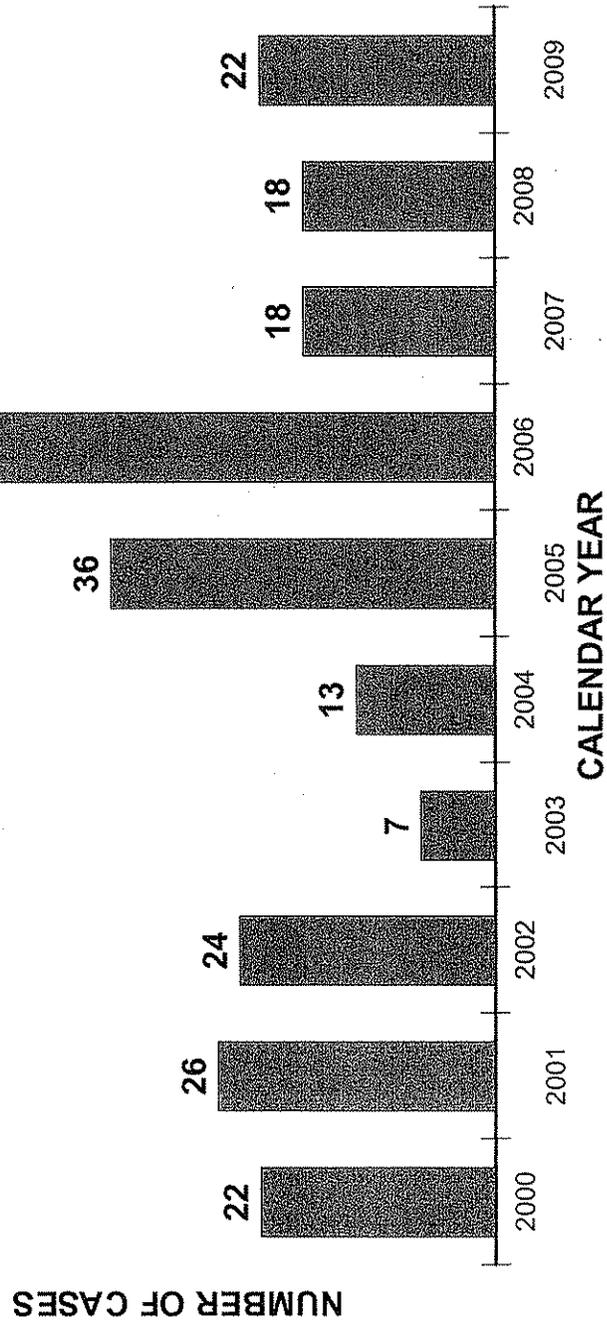
# NUMBER OF CASES RESOLVED WITH F&O'S DURING 2000 THRU 2009



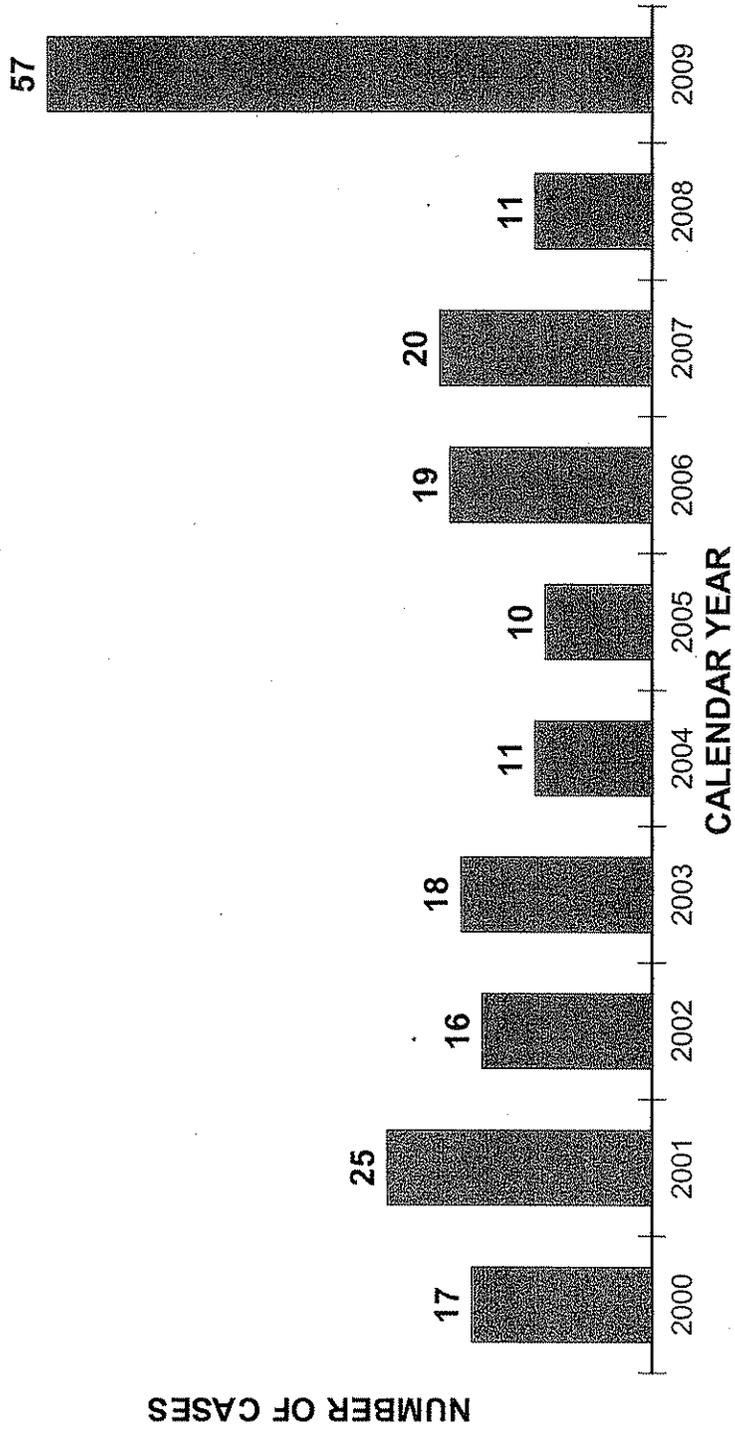
# NUMBER OF CASES PENDING AT THE END OF 2000 THRU 2009



**NUMBER OF CASES REFERRED TO THE AGO  
DURING 2000 THRU 2009**



# AIR ENFORCEMENT CASES RESOLVED BY THE OEPA/AGO DURING 2000 THRU 2009



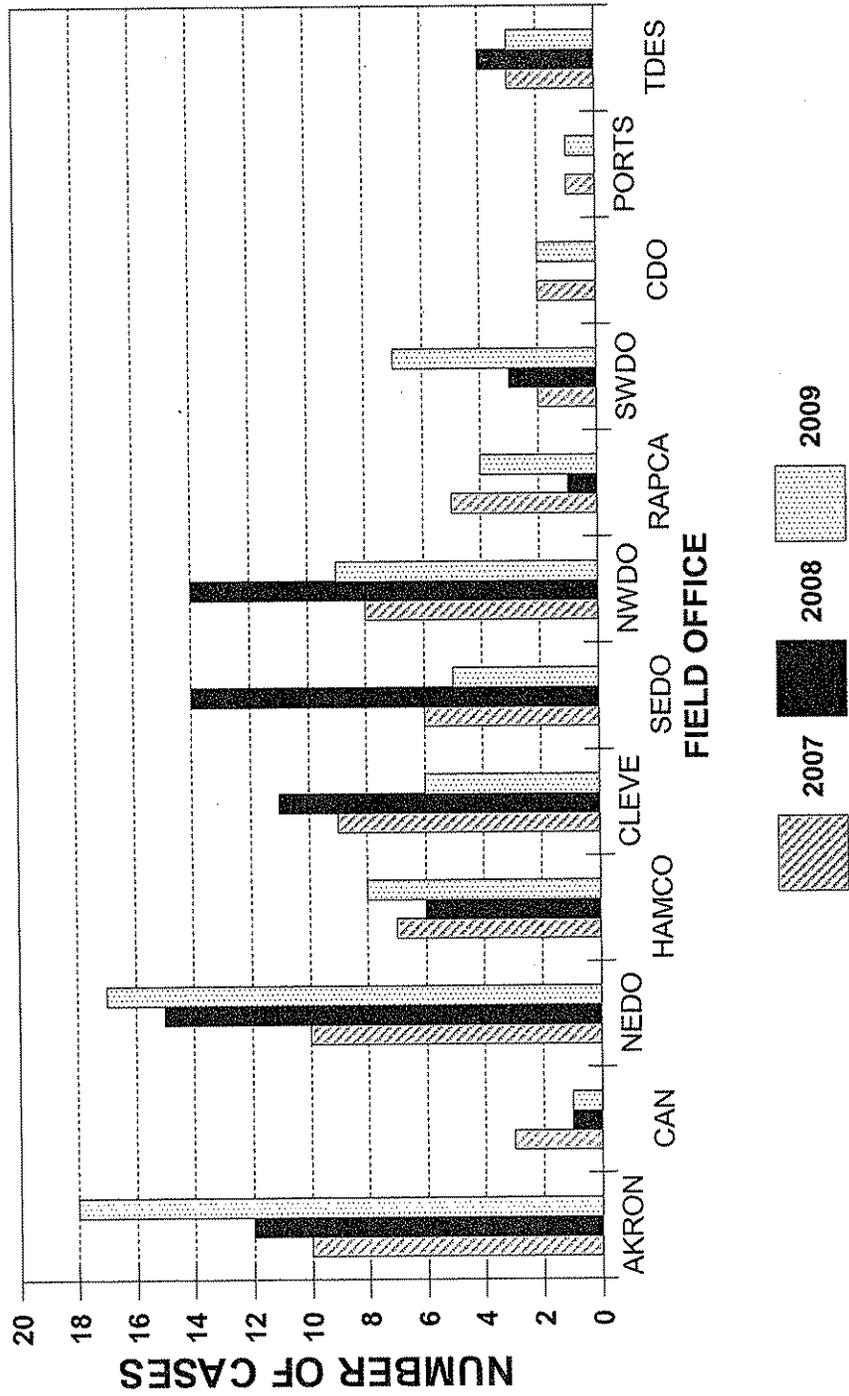
## **Field Office Statistics**

(The following graph does not include the partial-role local air agencies, i.e., the Lake County General Health District and Mahoning-Trumbull Air Pollution Control Agency.

During 2007, 2008, and 2009, the Lake County General Health District was involved in the resolution of 3, 2, and 0 enforcement cases, respectively.

During 2007, 2008, and 2009, the Mahoning-Trumbull Air Pollution Control Agency was involved in the resolution of 4, 6, and 1 enforcement cases, respectively.)

# SUMMARY OF TOTAL CASES RESOLVED BY FIELD OFFICE FOR 2007, 2008, AND 2009



# Compliance & Enforcement Tracking Application

[Back to Query Report](#)

## Compliance Status of Ohio's Title V and Synthetic Minor Facilities

	DO/LAA	Total Number of Title V Facilities	Total Number of Title V Facilities with Unresolved Formal Violations (HPV and Non-HPV Cases)	Total Number of Title V Facilities with Unresolved Formal Violations (HPV Cases Only)	Overall Compliance Percentage for Title V Facilities (HPV and Non-HPV Cases)	Overall Compliance Percentage for Title V Facilities (HPV Cases Only)	Total Number of Synthetic Minor Facilities	Total Number of Synthetic Minor Facilities with Unresolved Formal Violations (HPV and Non-HPV Cases)	Total Number of Synthetic Minor Facilities with Unresolved Formal Violations (HPV Cases Only)	Overall Compliance Percentage for Synthetic Minor Facilities (HPV and Non-HPV Cases)	Overall Compliance Percentage for Synthetic Minor Facilities (HPV Cases Only)
01	CDO	55	8	6	85.5	89.1	107	6	2	94.4	98.1
02	NEDO	110	18	16	83.6	85.5	106	6	5	94.3	95.3
03	NWOO	133	28	20	78.9	85.0	144	9	5	93.8	96.5
04	TDES	27	3	2	88.9	92.6	21	4	1	81.0	95.2
05	SWDO	15	0	0	100.0	100.0	30	0	0	100.0	100.0
06	SEDO	85	7	7	91.8	91.8	126	4	3	96.8	97.6
07	Ports, CHD	15	0	0	100.0	100.0	10	0	0	100.0	100.0
08	RAPCA	38	2	1	94.7	97.4	81	3	1	96.3	98.8
13	Cleve, DAQ	51	8	4	84.3	92.2	69	2	0	97.1	100.0
14	HAMCO DES	61	4	4	93.4	93.4	126	9	1	92.9	99.2
15	Cantem APC	24	1	1	95.8	95.8	27	0	0	100.0	100.0
16	Akron RAQMD	29	4	3	86.2	89.7	72	1	1	98.6	98.6
<b>Totals</b>		<b>643</b>	<b>83</b>	<b>64</b>	<b>87.1%</b>	<b>90.0%</b>	<b>919</b>	<b>44</b>	<b>19</b>	<b>95.2%</b>	<b>97.9%</b>

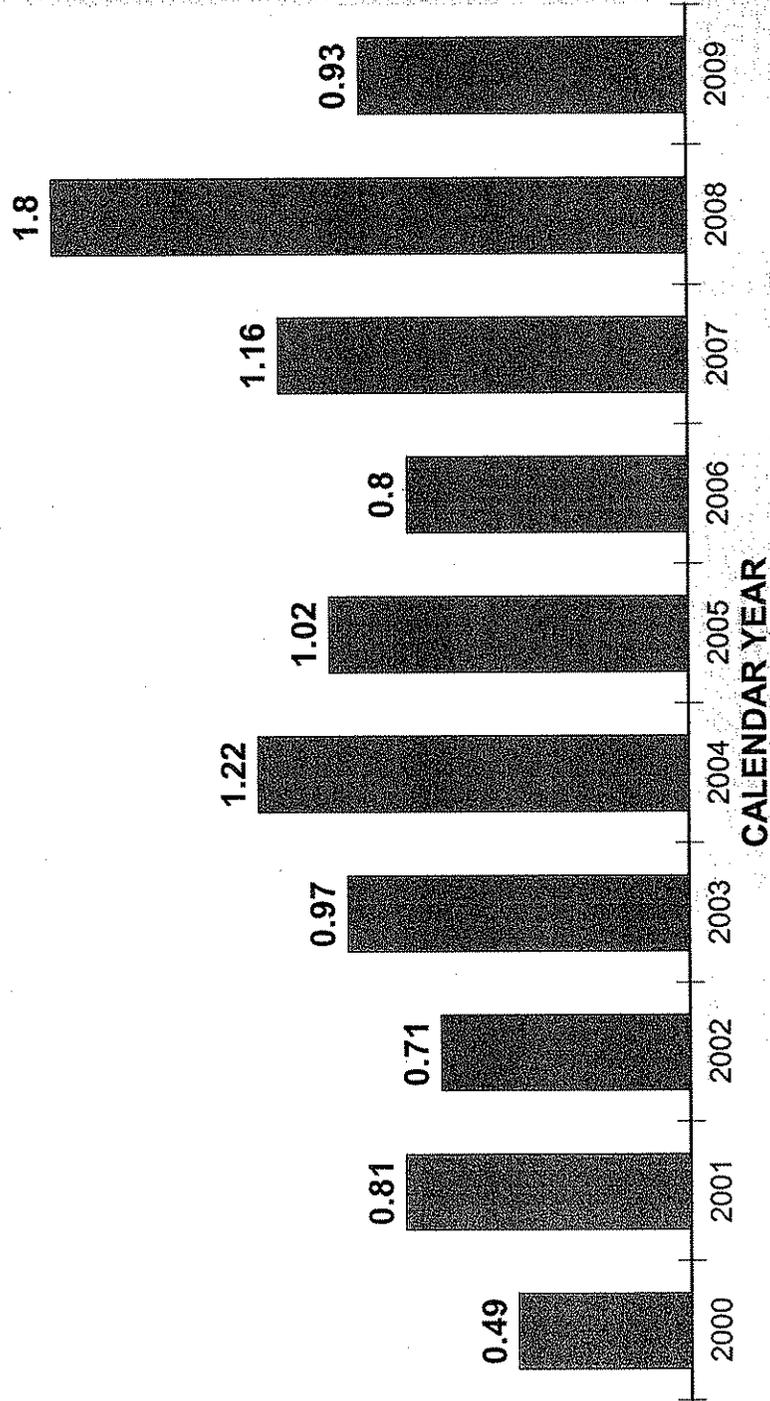
Note: Overall Compliance Percentage = (Total Number of Facilities - Total Number of Facilities with Unresolved Formal Violations / Total Number of Facilities) \* 100%

Do not include the shutdown facilities.

# **Penalty Statistics**

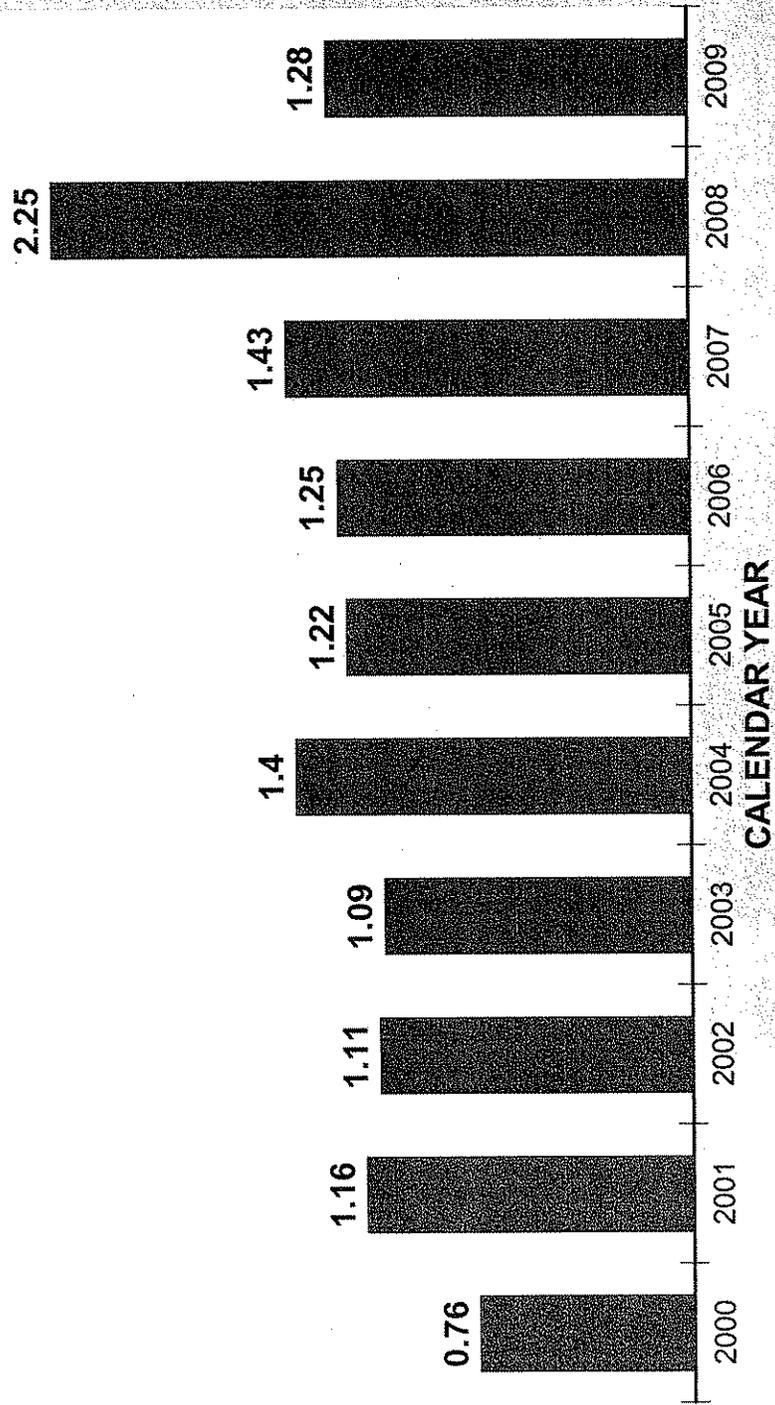
**CASH CIVIL PENALTIES ASSESSED BY THE  
OHIO EPA DURING 2000 THRU 2009**

CIVIL PENALTIES (IN MILLIONS)

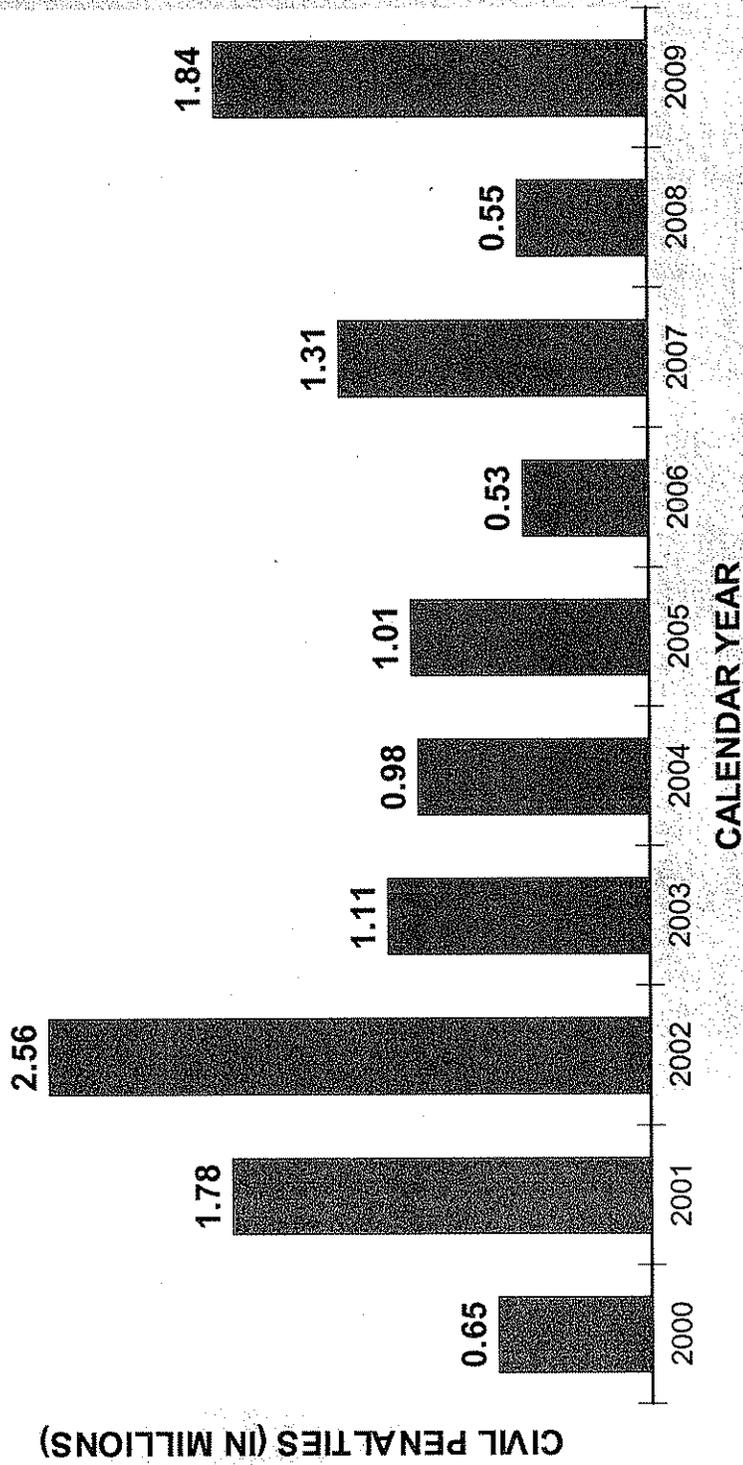


**TOTAL CIVIL PENALTIES ASSESSED BY THE  
OHIO EPA DURING 2000 THRU 2009**

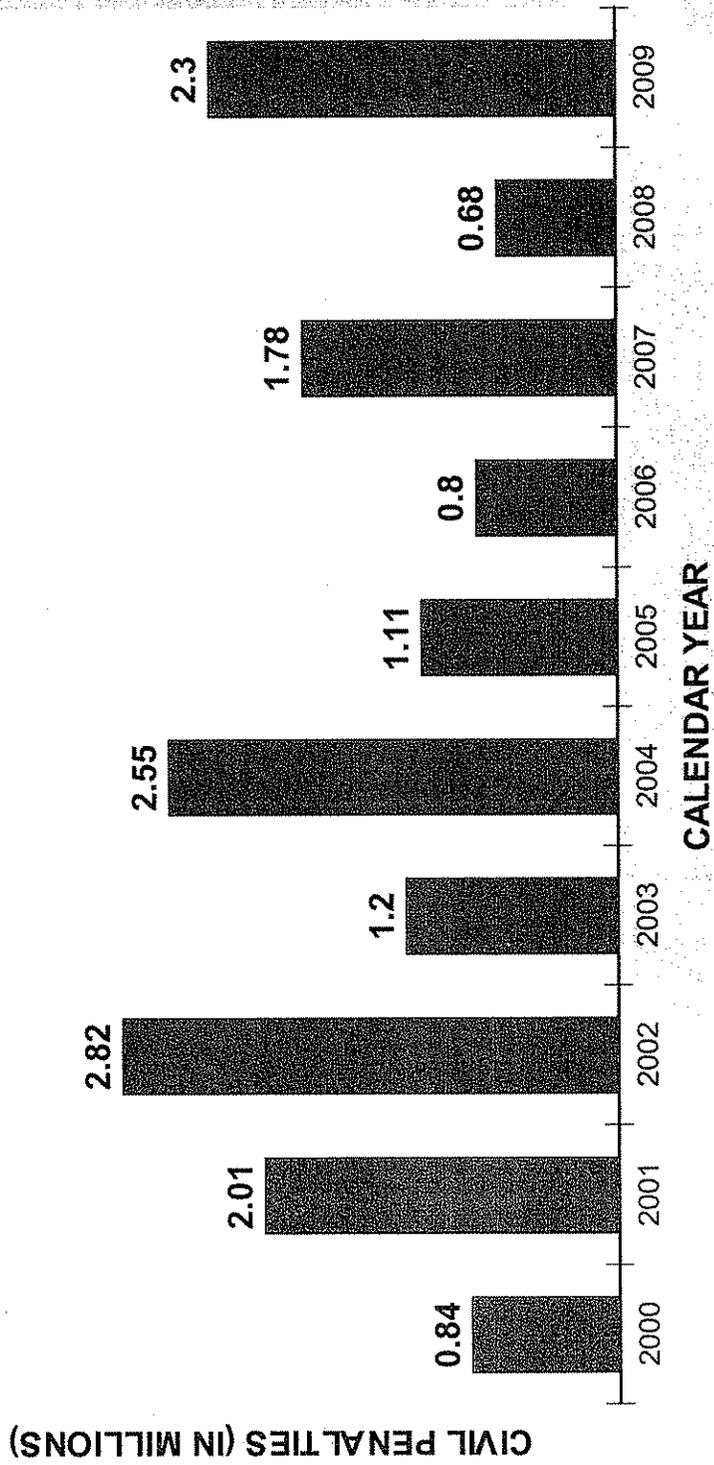
**CIVIL PENALTIES (IN MILLIONS)**



**CASH CIVIL PENALTIES ASSESSED BY THE  
OHIO EPA/AGO DURING 2000 THRU 2009**

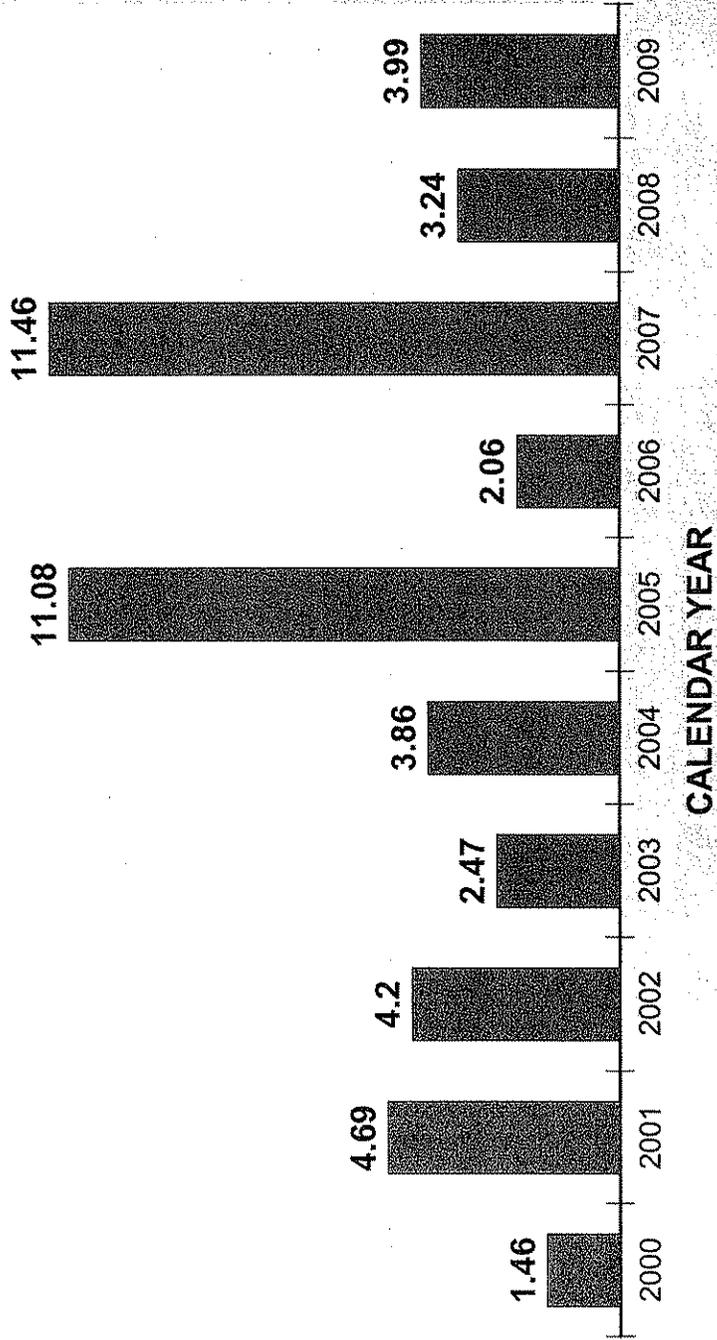


**TOTAL CIVIL PENALTIES ASSESSED BY THE  
OHIO EPA/AGO DURING 2000 THRU 2009**

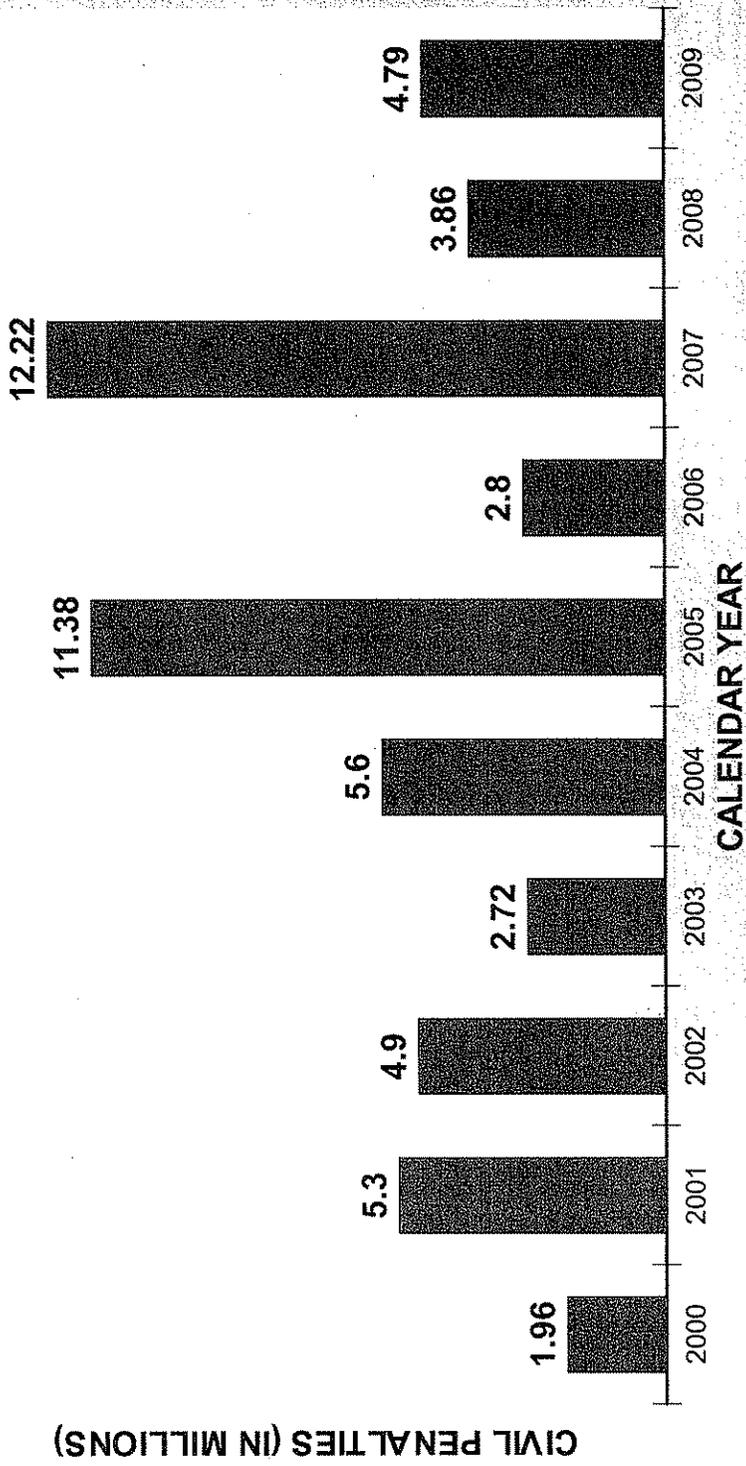


**CASH CIVIL PENALTIES ASSESSED IN OHIO  
DURING 2000 THRU 2009**

**CIVIL PENALTIES (IN MILLIONS)**



**TOTAL CIVIL PENALTIES ASSESSED IN OHIO  
DURING 2000 THRU 2009**



# RUNNING TOTALS OF CIVIL PENALTIES ASSESSED IN OHIO DURING 2000 THRU 2009

