

JUL 27 2009

OHIO E.P.A.

AUG 12 2009

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

**In the Matter of:**

Airstream, Inc.  
419 West Pike Street  
Jackson Center, OH 45334

: Director's Final Findings  
: and Orders  
:

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

**PREAMBLE**

It is agreed by the parties hereto as follows:

By: [Signature] Date: 8-12-09

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Airstream, Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protective Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3704.03 and 3745.01.

**II. PARTIES**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or facilities shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

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

**IV. FINDINGS**

1. Airstream, Inc ("Respondent") manufactures recreational vehicles. The facility consists of several paint spray operations, including emissions units K002, K003, K006, and K004. The facility is located at 419 West Pike Street in Jackson Center, Ohio. The facility identification number is 0575000095.

2. ORC Section 3704.05 (J)(2) states, in part, that no person who is the holder of a Title V permit shall violate any applicable requirement of the Title V permit.

3. The Title V permit issued on April 22, 2003 requires that Respondent maintain the following records to demonstrate compliance with the emissions limits in the Title V permit:

- Records of the coating operation's rolling 12-month coating and cleanup usage as well as the calculated volatile organic compound emissions ("VOC") for the last 12 months;
- Documentation of the type of coating and VOC content of each coating and liquid organic cleanup material employed in emissions units K002, K003, K004, and K006; and,
- Records of any and all deviations from the rolling 12-month VOC emission limitations and/or VOC content limitations, by emissions unit.

4. On November 25, 2008, Ohio EPA Southwest District Office ("SWDO") conducted an inspection of the facility and discovered that Respondent was not keeping records of the rolling 12-month coating and cleanup usage as required by the Title V permit, in violation of ORC 3704.05(C) and the terms and conditions of the Title V permit. SWDO was not able to determine if Respondent was in compliance with the emissions limits in the Title V permit due to inadequate records being kept by Respondent.

5. On December 15, 2008, SWDO sent a notice of violation ("NOV") to Respondent for the above violation.

6. On January 6, 2009, Respondent submitted modified records that contained the rolling 12-month coatings and cleanup usages. The new records were able to demonstrate that Respondent was in compliance with the emissions limits in the Title V permit and that resolved the violations of the reporting requirements cited in the December 15, 2008 NOV.

7. SWDO has previously sent NOVs to Respondent for similar record keeping violations on June 10, 2004, April 3, 2006, and December 12, 2007.

8. 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 benefits to the people of the State to be derived from such compliance.

## V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of fourteen thousand dollars (\$14,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant

to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for eleven thousand two hundred dollars (\$11,200) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, OH 43216-1049

2. In lieu of paying the remaining two thousand eight hundred dollars (\$2,800) of the civil penalty, Respondent shall, within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio Clean Diesel School Bus Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$2,800. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, OH 43216-1049

A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, OH 43216-1049

3. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$2,800 of the civil penalty in accordance with the procedures in Order 1.

## V. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

## VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Respondent's activities at the Facility.

## **VII. 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. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

## **VIII. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

## **IX. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

## **X. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be in full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

## **XI. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

## XII. SIGNATORY AUTHORITY

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

### IT IS SO ORDERED AND AGREED

Ohio Environmental Protection Agency

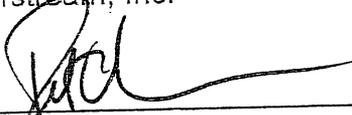


Chris Korleski  
Director

8/10/09  
Date

### IT IS AGREED:

Airstream, Inc.



Signature

7/24/09  
Date

Robert Wheeler  
Printed or Typed Name

President  
Title