

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.  
JUL 12 95  
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In the Matter of:

Ford Motor Company )  
Cleveland Casting Plant ) Director's Final Findings  
5600 Henry Ford Boulevard ) and Orders  
Brook Park, Ohio 44142 )

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 Ford Motor Company, Cleveland Casting Plant ("Ford CCP"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under sections 3704.03 and 3745.01 of the Ohio Revised Code ("ORC").

II. PARTIES

These Orders shall apply to and be binding upon Ford CCP 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

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By:       Mike Glenn       Date 7-12-95

reasonable further progress or fails to attain the primary NAAQS by the attainment date. Such contingency measures 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 must 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. Ford CCP is located at 5600 Henry Ford Boulevard, Brook Park, Ohio in Cuyahoga County and manufactures automobile engine castings. This facility is identified by Ohio EPA premise number 1318120180. 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 5.7 pounds per hour at the 15 percent reduction level and 9.5 pounds per hour at the 25 percent reduction level.

7. On April 1, 1992, Ford CCP submitted control strategies and compliance schedules to the Ohio EPA pursuant to the requirements of paragraph (A) of OAC rule 3745-17-14. On November 22, 1993, Ford amended its submission by submitting a table of expanded emission reduction strategies. The emission reduction options and compliance schedules are as follows:

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A. Emission Reduction Options:

The contingency control plan involves one or more of the following sources: source F005 (electric induction holding furnace for cupola number 7), source P384 (#10 mold line cooling conveyor), source P094 (twelve core machines associated with the number 1A core line), source P028 (cleaning line number 2), source F024 (sand refuse system), source P143 (mold line number 2 spray booth), source P912 (sand mullers) and source P903 (cupola number 3). The plan consists of the implementation of any of the following emission reduction actions to meet the 15 percent [5.7 pounds per hour ("lbs./hr.")] or 25 percent (9.5 lbs./hr.) reduction: (a) shutdown of one or more of the twelve core machines of source P094 for a reduction of 0.78 lb./hr. per machine - the final emission rate will range from 0.0 to 8.6 lbs./hr. in increments of 0.78 lb./hr.; (b) route the particulate emissions from source F005 to an existing or new control device for a reduction of 5.1 lbs./hr. and a final emission rate of 0.3 lb./hr.; (c) route the particulate emissions from source P384 to an existing or new control device for a reduction of 3.0 lbs./hr. and a final emission rate of 0.2 lb./hr.; (d) modify the tooling and manufacturing equipment to reduce sand retention on castings and reduce emissions from source P028 by 3.3 lbs./hr. for a final emission rate of 8.7 lbs./hr.; (e) modify and eliminate portions of the sand refuse handling equipment of source F024 and reduce the emission by 2.6 lbs./hr. for a final emission rate of 17.0 lbs./hr.; (f) shutdown source P143 to reduce emissions by 2.8 lbs./hr. for a final emission rate of 0.0 lb./hr.; (g) modify the sand delivery portion of source P912 and reduce emissions by 4.5 lbs./hr. for a final emission rate of 5.5 lbs./hr.; and (h) add additional controls to source P903 and reduce emissions by 5.7 lbs./hr. for a final emission rate of 23.2 lbs./hr.

B. Compliance Schedules:

Emission reductions as specified under paragraph A, above, shall be implemented as expeditiously as practicable, but not later than the deadlines in the following schedules (milestone dates are from the date of notification to enact plan):

<u>Milestone</u>	<u>Control-Duct to Existing Device</u>	<u>Control-Duct to New Device</u>	<u>Shutdown</u>	<u>Process Change</u>
(a) select preliminary options and notify* Ohio EPA and U.S. EPA by	2 months	2 months	2 months	2 months

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(b) submit final control plans\*\* by 6 months 6 months 6 months 6 months

(c) for each selected option, award contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification by 9 months 12 months -- 12 months

(d) for each selected option, initiate on-site construction or installation of emission control equipment or process change by 12 months 18 months -- 18 months

(e) for each selected option, complete on-site construction or installation of emission control equipment or process change by 18 months 24 months -- 24 months

(f) for each selected option, achieve and demonstrate final compliance by 18 months 24 months 18 months 24 months

\* The notification shall include information on whether any control device to be employed in the selected options is new or existing.

\*\* The control plans shall specify, for each affected source, the emission limitations to which Ford CCP shall become subject upon the deadline for final compliance.

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By: Walter Glenn Date 7-12-95

8. If Ford CCP selects any source shutdown as its control strategy, either in whole or in part, it shall submit quarterly reports to the Ohio EPA, U.S. EPA and the Cleveland Agency describing the progress made in achieving final compliance through the shutdown strategy. The progress reports shall be submitted by the fifteenth day of the month following the end of each calendar quarter. The first report shall be due for the first full calendar quarter following the submission of the final control plan as specified in Finding 7B.

9. The Ohio EPA finds that the control strategies and compliance schedules identified in Finding 7 satisfy the requirements of OAC rule 3745-17-14.

10. 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 Orders:

1. Upon the formal determination by Ohio EPA or U.S. EPA and upon written notification from the Ohio EPA to Ford CCP in accordance with OAC rule 3745-17-04 that contingency measures must be implemented in Cuyahoga County (or a portion of Cuyahoga County including Ford CCP), Ford CCP shall implement its contingency plan. This contingency plan shall include a sufficient set of the control measures identified in Finding 7 such that the sum of the corresponding identified reductions equals or exceeds the emission reduction requirements identified in Finding 7. This plan shall be implemented in accordance with the schedule identified in Finding 7, starting with the date of receipt of the above notification, if such notification is based on an Ohio EPA determination, or starting with the date thirty (30) days after receipt of such notification, if such notification is based on a U.S. EPA determination. In the absence of such determination from U.S. EPA, Ford shall be given not less than thirty (30) days notice and an opportunity to discuss such determination with the Ohio EPA prior to such determination and notification by Ohio EPA.

2. If the written notification described in Order 1 specifies that the fifteen percent reduction level in OAC rule 3745-17-14 is to be achieved, Ford CCP shall implement any of the control strategies and the appropriate compliance schedules specified in Finding 7 for such level and shall achieve and maintain compliance with a particulate emission reduction of 5.0 pounds per hour at the maximum operating rate. If the written

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By Julia Spurr Date 7-12-95

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notification described in Order 1 specifies that the twenty-five percent reduction level in OAC rule 3745-17-14 is to be achieved, Ford CCP shall implement any of the control strategies and the appropriate compliance schedules specified in Finding 7 for such level and shall achieve and maintain compliance with a particulate emission reduction of 9.5 pounds per hour at the maximum operating rate. The control strategy selected by Ford CCP may include any emission reduction identified in Finding 7 and implemented prior to the compliance schedule dates specified in Finding 7.

3. Within ten (10) days following each of the applicable milestone deadlines specified in Order 2, Ford CCP shall submit a written progress report to the Division of the Environment, Department of Public Health & Welfare ("Cleveland Agency"). The person submitting these reports shall certify whether or not each applicable deadline has been met and the date it was met. If an applicable milestone has not been met, the person shall explain why the milestone has not been met.

4. If options (b), (c), and/or (h) of Finding 7 are selected in Ford CCP's final control plan, Ford CCP shall conduct particulate emission tests on the outlet of any control equipment employed under such option(s) in order to demonstrate compliance with the applicable particulate emission rates. Such testing shall be conducted within the time period specified in Finding 7 for demonstrating final compliance. The particulate emission tests shall be conducted in accordance with the test methods and procedures approved by the Ohio EPA. Not later than thirty days prior to the proposed test date(s), Ford CCP shall submit an "Intent to Test Notification" to the Cleveland Agency. The "Intent to Test Notification" shall describe in detail the proposed test methods and procedures, the operating parameters, the time(s) and date(s) of the tests, and the person(s) who will be conducting the tests. Failure to submit such notification for review and approval prior to the tests may result in the Cleveland Agency's refusal to accept the results of the emission tests.

Personnel from the Cleveland Agency shall be permitted to witness the tests, examine the testing equipment, and acquire data and information regarding the source's operating parameters.

A comprehensive written report on the results of the emission tests shall be submitted to the Cleveland Agency within thirty days following completion of the tests.

5. If after the effective date of these Orders and prior to the notification in Order 1 Ford CCP shuts down any sources or overcontrols any sources in a manner not specified in any of its contingency measures in Finding 7, Ford CCP may petition Ohio EPA to credit the particulate emission reductions from such sources

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By: Walter Glenn Date 7-12-95

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toward the required particulate emission reductions specified in Finding 6 and to modify these Orders accordingly. Ford CCP shall submit such proposed contingency measures to Ohio EPA, U.S. EPA and the Cleveland Agency for approval in any request to modify these Orders. Ohio EPA shall expeditiously review and act upon such contingency measures and either approve a modification of these Orders or deny approval with an explanation of steps necessary to obtain approval.

6. Any particulate emission reductions to be obtained from the control measures selected by Ford CCP to satisfy the requirements of Orders 1 and 2 shall not be creditable as emission reductions for emission offsets or netting in any new source review action.

#### 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 Ford CCP's facility.

#### VII. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders, shall be addressed as follows:

If submitted to Ohio EPA, U.S. EPA and/or Cleveland Agency:

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

Air Enforcement Branch  
U.S. EPA  
Region 5  
Attn: William MacDowell  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

and

City of Cleveland  
Division of the Environment  
Department of Public Health & Welfare  
Attn: Greg Travassos  
1925 St. Clair  
Cleveland, Ohio 44114

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By: Wickie Glenn Date 7-12-95

If submitted to Ford CCP:

Ford Motor Company  
Cleveland Casting Plant  
5600 Henry Ford Boulevard  
Cleveland, Ohio 44142  
Attention: Batuk Modi

and

Ford Motor Company  
Environmental Quality Office  
Suite 602  
15201 Century Drive  
Dearborn, Michigan 48120  
Attention: Duane K. Johnson

or to such persons and addresses as may hereafter be otherwise specified in writing by the party which is to receive the documents.

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 Ford CCP for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Ford CCP 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 Ford CCP 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 Ford CCP.

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 legally bind such signatory to this document.

IT IS SO ORDERED:

By: *Donald R. Schregardus*  
Donald R. Schregardus  
Director  
Ohio Environmental Protection Agency

7/10/95  
Date

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By: *Judith Glenn* Date 7-12-95

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X. WAIVER

Ford CCP agrees that these Orders are lawful and reasonable and that Ford CCP agrees to comply with these Orders.

Ford CCP 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 Ford CCP agree that in the event that these Orders are appealed by any other party to the Environmental Board of Review, or any court, Ford retains the right to intervene and participate in such appeal. In such event, Ford CCP shall continue to comply with these Orders unless said Orders are stayed, vacated, or modified.

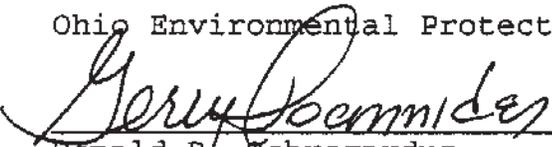
IT IS SO AGREED:

Ford Motor Company  
Cleveland Casting Plant

  
By \_\_\_\_\_  
Thomas DeZure  
Assistant Secretary

Title \_\_\_\_\_

Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Donald R. Schregardus  
Director

JUN 23 1995  
Date \_\_\_\_\_

7-10-95  
Date \_\_\_\_\_

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By: Wickie Glenn Date 7-12-95

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