

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

and

STATE OF OHIO, EX REL.
MICHAEL DEWINE,
ATTORNEY GENERAL OF OHIO,

Plaintiffs,

v.

UNITED ROLLS INC.,

Defendant.

Civil Action No.

COMPLAINT

Plaintiffs, the United States of America, by the authority of the Attorney General and at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), and the State of Ohio, by and through Michael DeWine, Attorney General of Ohio, at the request of the Director of the Ohio Environmental Protection Agency (“Ohio EPA”), file this Complaint and allege as follows:

NATURE OF ACTION

1. This is a civil action for injunctive relief and civil penalties for violations of the Clean Air Act (“CAA”), 42 U.S.C. §§ 7401-7671q, as well as corresponding provisions of Ohio’s air pollution laws under Ohio Rev. Code Chapter 3704, at an iron foundry operated by United Rolls Inc. (“United Rolls”) in Canton, Ohio.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 113(b) of the CAA, 42 U.S.C. § 7413(b). The Court has supplemental jurisdiction over the State of Ohio's claims under Ohio law pursuant to 28 U.S.C. § 1337.

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1395 and Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

NOTICE

4. The United States has provided notice of the commencement of this action to the State of Ohio as required by Section 113(b) of the CAA, 42 U.S.C. § 7413(b). Pursuant to Section 113(a) of the CAA, 42 U.S.C. § 7413(a), EPA notified United Rolls and the State of Ohio of the violations of the Ohio State Implementation Plan (“SIP”) alleged in this Complaint more than thirty (30) days prior to its filing.

DEFENDANT

5. United Rolls is incorporated in the State of Delaware and does business in the State of Ohio.

6. United Rolls operates an iron foundry located at 1400 Grace Avenue NE, Canton, Ohio (“Facility”).

7. United Rolls is a “person” within the meaning of Sections 113(b) and 302(e) of the CAA, 42 U.S.C. §§ 7413(b) and 7602(e).

STATUTORY/REGULATORY BACKGROUND AND GENERAL ALLEGATIONS

8. Congress enacted the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

9. Of relevance to this action are three parts of the CAA’s regulatory scheme established by the CAA and Ohio’s air pollution control laws: (i) Ohio’s SIP (including provisions relating to permits to install and operate); (ii) the National Emission Standards for Hazardous Air Pollutants (“NESHAPs”); and (iii) the enforcement mechanisms of the CAA and Ohio Rev. Code Chapter 3704. These three parts of this regulatory scheme are discussed in turn, followed by a summary of EPA’s CAA investigation of the Facility.

Ohio State Implementation Plan and Permits to Install and Operate

10. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt, and submit to EPA for approval, a SIP that provides for the implementation, maintenance, and enforcement of national ambient air quality standards.

11. On May 27, 1994, EPA approved Ohio Administrative Code (“Ohio Admin. Code”) 3745-17-01 and Ohio Admin. Code 3745-17-08 as part of the SIP for Ohio. 59 Fed. Reg. 27464 (May 27, 1994). On October 26, 2010, EPA approved revisions to Ohio Admin. Code 3745-17-01 and Ohio Admin. Code 3745-17-08 as part of the Ohio SIP. 75 Fed. Reg. 65567 (Oct. 26, 2010). Ohio Admin. Code 3745-17-08(B) prohibits any person from causing or permitting any fugitive dust source to be operated without taking or installing Reasonably Available Control Measures (“RACM”) to prevent fugitive dust from becoming airborne. “RACM” is defined as “the control technology which enables a particular fugitive dust source to achieve the lowest

particulate matter emission level possible and which is reasonably available considering technological feasibility and cost-effectiveness.” Ohio Admin. Code 3745-17-01(B)(18).

12. On January 22, 2003, EPA approved Ohio Admin. Code 3745-31-05 as part of the SIP for Ohio. 68 Fed. Reg. 2909, 2911 (Jan. 22, 2003). Ohio Admin. Code 3745-31-05 allows the Ohio EPA to issue permits to install containing terms and conditions to ensure achievement and maintenance of applicable air quality standards (each such permit being a “PTI”).

13. On June 10, 1982, EPA approved Ohio Admin. Code 3745-35-02 as part of the SIP for Ohio. 47 Fed. Reg. 25145 (June 10, 1982). Ohio Admin. Code 3745-35-02 prohibits any person from causing, permitting, or allowing the operation of any air contaminant source without applying for and obtaining a permit to operate (“PTO”) from the Ohio EPA.

14. Pursuant to Ohio Admin. Code Chapters 3745-31 and 3745-35, Ohio EPA issued a PTI and multiple PTOs to United Rolls for the Facility, as shown in the table below:

Type of Permit (PTI or PTO)	Date of Permit's Issuance	Emissions Unit(s) Subject to Permit	Identifying Code for Emissions Unit(s)	Shorthand Reference Hereinafter Used for Permit
PTI	4/24/03	electric induction furnaces	P041 and P042	PTI
PTO	12/20/04	centrifugal casting machine	P028	PTO P028
PTO	12/20/04	centrifugal casting machine	P901	PTO P901
PTO	12/20/04	electric induction furnace	P003	PTO P003
PTO	12/20/04	electric induction furnace	P034	PTO P034
PTO	12/20/04	electric induction furnace	P035	PTO P035
PTO	12/20/04	electric induction furnace	P041	PTO P041
PTO	12/20/04	electric induction furnace	P042	PTO P042
PTO	12/20/04	magnesium inoculation	P036	PTO P036
PTO	12/20/04	pouring/casting unit	F004	PTO F004
PTO	12/20/04	shakeout machine	P027	PTO P027

15. United Rolls' PTI remains in effect in accordance with its terms. Each of the PTOs referenced in the preceding Paragraph expired in accordance with its terms on December 20, 2009. However, Ohio Rev. Code § 119.06 allows a permittee to continue to operate under the terms of an expired permit, provided the permittee has submitted an application to renew the permit within the time and in the manner required by law. On September 14, 2009, United Rolls submitted an application to Ohio EPA to renew the aforementioned PTOs; however, the final processing of these permits has not been completed at this time. Thus, United Rolls remains subject to the terms of the PTOs pursuant to Ohio Rev. Code § 119.06.

National Emission Standards for Hazardous Air Pollutants

16. Section 112 of the CAA, 42 U.S.C. § 7412, authorizes EPA to promulgate regulations establishing emission standards for various sources of hazardous air pollutants.

17. The standards promulgated by EPA under Section 112 are known as the NESHAPs for Source Categories.

18. Among the “Source Categories” subject to the NESHAPs is one identified by EPA as “Iron and Steel Foundries Area Sources.” The NESHAP for these sources (“Foundry NESHAP”) appears at 40 C.F.R. Part 63, Subpart ZZZZZ.

19. The Foundry NESHAP applies to persons who “own or operate an iron and steel foundry that is an area source of hazardous air pollutant . . . emissions.” 40 C.F.R. § 63.10880(a).

20. In addition to provisions that are tailored for specific source categories such as iron and steel foundries, the NESHAPs contain provisions that apply generally to owners and operators of certain hazardous air pollution sources. These “NESHAP General Provisions” appear at 40 C.F.R. Part 63, Subpart A.

21. At all times relevant to this Complaint, United Rolls was subject to the NESHAP requirements referenced in Paragraphs 43 and 68 below.

Enforcement of the CAA and Ohio Rev. Code Chapter 3704

22. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes EPA to bring a civil action if the Administrator of EPA finds that any person is in violation of any SIP requirements, including limitations and conditions contained in permits issued pursuant to a SIP, such as the limitations and conditions contained in the PTI and PTOs referenced above in Paragraph 14.

23. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes EPA to bring a civil action if the Administrator of EPA finds that any person is in violation of any regulation promulgated under Section 112 of the CAA, 42 U.S.C. § 7412, including the regulations contained in the Foundry NESHAP and NESHAP General Provisions.

24. The United States Department of Justice has authority to bring this action on behalf of the Administrator of EPA under 28 U.S.C. §§ 516 and 519 and Section 305(a) of the CAA, 42 U.S.C. § 7605(a).

25. Ohio EPA has authority, pursuant to Ohio's SIP, to enforce the limitations and conditions contained in United Rolls' PTI and PTOs, and the Attorney General of Ohio is authorized to bring this action to enforce the PTI and PTOs on behalf of Ohio EPA pursuant to Ohio Rev. Code § 3704.06. Among other things, Ohio Rev. Code § 3704.06 authorizes actions for injunctive relief and civil penalties of up to \$25,000 for each day of each violation.

26. Section 113(b) of the CAA, 42 U.S.C. § 7413(b), authorizes the Court to enjoin a violation of the CAA, to require compliance, to assess a civil penalty, and to award any other appropriate relief for each violation.

27. Section 113(b) of the CAA, 42 U.S.C. § 7413(b), authorizes civil penalties of up to \$25,000 per day for each violation of the CAA.

28. The Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101–410, Oct. 5, 1990, 104 Stat. 890, as amended, 28 U.S.C. § 2461 note, requires EPA to periodically adjust civil penalties for inflation. On February 13, 2004, December 11, 2008, and January 12, 2017, EPA adopted and revised regulations entitled “Adjustment of Civil Monetary Penalties for Inflation,” 40 C.F.R. Part 19, to upwardly adjust the maximum civil penalty under CAA Section 113(b). For each violation that occurs between March 16, 2004, and January 12, 2009, inclusive, penalties of up to \$32,500 per day may be assessed; for each violation that occurs between January 13, 2009, and November 2, 2015, inclusive, penalties of up to \$37,500 per day may be assessed; and for each violation that occurs after November 2, 2015, penalties of up to \$95,284 per day may be assessed if the assessment is made on or after January 15, 2017. 69 Fed. Reg. 7121 (Feb. 13, 2004); 73 Fed. Reg. 75340 (Dec. 11, 2008); 82 Fed. Reg. 3633 (Jan. 12, 2017).

Investigations of the Facility

29. On May 27, 2011, EPA inspected the Facility. The EPA employees conducting the inspection observed instances of the violations described below in Paragraphs 38 and 41.

30. According to correspondence and documents from United Rolls, United Rolls made certain repairs to filters, shields, and dampers associated with the Facility’s Melt Department baghouse. (A “baghouse” is an air pollution control device that uses one or more fabric filters to remove particulates – *i.e.*, small particles, such as soot and certain forms of toxic metals – from emissions.) All of the repairs identified in the correspondence and documents from United Rolls were completed by July 18, 2011.

31. On November 30, 2011, EPA conducted a conference with United Rolls pursuant to Section 113 of the CAA, 42 U.S.C. § 7413 (“Section 113 Conference”). During the Section 113 Conference, representatives of EPA, Ohio EPA, and United Rolls discussed the violations alleged herein.

32. On February 15, 2012, EPA issued an information request to United Rolls pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, requiring United Rolls to conduct certain capture efficiency testing at the Facility.

33. On October 26, 2012, EPA and Ohio EPA performed a second inspection of the facility. The EPA employees and Ohio EPA representatives conducting the inspection observed additional repairs and changes to filters, shields, dampers, and capture devices since July 18, 2011.

34. United Rolls conducted the capture efficiency testing required by EPA on February 20-21, 2013, and provided the test results to EPA on May 6, 2013. The test results indicate that certain of the violations observed by EPA during the May 27, 2011 inspection were ongoing. The test results also indicate that certain causes of the violations were corrected by the repairs that were completed between July 18, 2011 and February 20-21, 2013.

35. On June 24, 2016, representatives of the Canton City Health Department, Air Pollution Control Division (“Canton APC”), conducted an addition inspection of the United Rolls Facility as Ohio EPA’s contractual representative serving Stark County, Ohio. As a result of observations made at that inspection, Canton APC issued United Rolls a September 30, 2016, Notice of Violation documenting the violations of particular requirements contained in a number of the PTOs referenced above in Paragraph 14. More specifically, as documented in the Canton APC Notice of Violation, United Rolls violated the PTOs by: (i) failing to monitor the baghouse

air flow rate with the programmable logic control monitoring system for the Facility’s Melt Department baghouse; (ii) exceeding the 20% opacity visible emission limit for fugitive dust emissions from non-stack egress points from the Facility’s main building during an inspector’s U.S. EPA Method 9 observations on June 24, 2016; and (iii) failing to perform and document periodic observations for visible particulate emissions from the stacks of the baghouses serving the Facility’s centrifugal mold sandblaster (emission unit P037) and journal grinder (emission unit P043).

CLAIMS

Claim 1

Failure to Satisfy Capture Efficiency Requirements

Asserted by the United States and the State of Ohio

36. Paragraphs 1 through 35 are incorporated herein by reference.

37. Certain of United Rolls’ PTOs impose “requirements related to capture and venting of emissions to a baghouse.” These requirements specify levels of efficiency for the capture and venting of certain emissions to air pollution control devices at the Facility. The required levels of efficiency are expressed in different ways in different PTOs. Some of United Rolls’ PTOs require a certain percentage of emissions from operations be captured and vented to a baghouse. Other PTOs require compliance with RACM. Still other PTOs rely on both of the aforementioned methods to capture and control emissions.

38. United Rolls has violated requirements to capture and vent a percentage of emissions to a baghouse as imposed by its PTOs for various emissions units at the Facility as follows:

a. Centrifugal Casting Machines (P028 and P901)

At various times between at least May 27, 2011 and July 17, 2011, United Rolls failed to use RACM at emission units P028 and P901 with a collection efficiency sufficient to minimize or eliminate visible particulate fugitive emissions at the points of capture from centrifugal casting machines to the extent possible with good engineering design, as required by PTO P028 Condition II.A.2.c, PTO P901 Condition II.A.2.c, and Ohio Adm.Code 3745-17-08(B).

b. Electric Induction Furnace (P034)

At various times since at least May 27, 2011, United Rolls has failed to use RACM at emission unit P034 with a capture efficiency sufficient to minimize or eliminate visible emissions of fugitive dust at the point of capture to the extent possible with good engineering design. In addition, United Rolls has failed to capture and vent to the Facility's Melt Department baghouse at least 95% of the emissions from charging, melting, and tapping operations associated with the electric induction furnaces, as required by PTO P034 Condition II.A.2.c and Ohio Admin. Code 3745-17-08(B).

c. Electric Induction Furnace (P041)

At various times since at least May 27, 2011, United Rolls has failed to use RACM at emission unit P041 with a collection efficiency sufficient to minimize or eliminate visible emissions of fugitive dust at the point of capture to the extent possible with good engineering design, as required by PTO P041 Condition II.A.2.c and Ohio Admin. Code 3745-17-08(B). In addition, United Rolls has failed to capture and vent to the Facility's Melt Department baghouse at least 95% of the emissions from charging, melting, and tapping operations associated with the electric induction furnaces, as required by PTI P041 Condition

II.A.2.d.

d. Magnesium Inoculation (P036)

At various times between at least May 27, 2011 and July 17, 2011, United Rolls failed to use RACM at emissions unit P036 with a capture efficiency sufficient to minimize or eliminate visible emissions of fugitive dust at the point of capture to the extent possible with good engineering design. In addition, United Rolls has failed to capture and vent to the Facility's Melt Department baghouse at least 85% of the emissions from P036 as required by PTO P036 Condition II.A.2.c and Ohio Admin. Code 3745-17-08(B).

Claim 2
Failure to Maintain Pressure Drop
Asserted by the United States

39. Paragraphs 1 through 35 are incorporated herein by reference.
40. United Rolls' PTI and certain of its PTOs regulate "pressure drop" at the Facility's baghouses. Pressure drop (also known as "pressure differential") is a measure of the resistance to air flow across a baghouse: the higher the pressure drop, the higher the resistance to air flow. Baghouses are designed to operate most effectively within a certain range of pressure drop. United Rolls' PTI and certain of its PTOs require pressure drop at each of the Facility's baghouses to be maintained within a certain range.
41. United Rolls has violated pressure drop requirements imposed by its PTI and certain of its PTOs in connection with various emissions units at the Facility as follows:

a. Centrifugal Casting Machine (P028)

On at least May 27, 2011, United Rolls failed to maintain pressure drop across the baghouse serving a centrifugal casting machine at emissions unit P028 within the range of two to five inches of water while the centrifugal casting machine was in operation, as required by

PTO P028 Condition II.B.1.

b. Centrifugal Casting Machine (P901)

On at least May 27, 2011, United Rolls failed to maintain pressure drop across the baghouse serving a centrifugal casting machine at emissions unit P901 within the range of two to five inches of water while the centrifugal casting machine was in operation, as required by PTO P901 Condition II.B.1.

c. Magnesium Inoculation (P036), Shakeout Machine (P027), and Electric Induction Furnaces (P003, P034, P035, P041, and P042)

At various times between at least May 27, 2011 and July 17, 2011, United Rolls failed to maintain pressure drop across the Facility's Melt Department baghouse within the range of two to four inches of water while any of the emissions units served by the baghouse were in operation, as required by PTI Condition II.B.2, PTO P003 Condition II.B.2, PTO P027 Condition II.B.2, PTO P034 Condition II.B.2, PTO P035 Condition II.B.2, PTO P036 Condition II.B.2, PTO P041 Condition II.B.2, and PTO P042 Condition II.B.2.

Claim 3
Violation of NESHAP Operation and Maintenance Requirements
Asserted by the United States

42. Paragraphs 1 through 35, 38, and 41 are incorporated herein by reference.
43. The General Provisions of the NESHAPs require that United Rolls at all relevant times maintain air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. *See* 40 C.F.R. § 63.6(e)(1)(i).
44. By failing to achieve the requisite efficiency for the capture and venting of certain emissions to air pollution control devices at the Facility, each of the PTI and PTO violations identified in Paragraph 38 also constitutes a violation of the NESHAP General Provisions.

45. By failing to maintain pressure drop within the requisite range at each of the Facility's baghouses, each of the PTI and PTO violations identified in Paragraph 41 also constitutes a violation of the NESHAP General Provisions.

Claim 4

Failure to Use an Audible Alarm

Asserted by the United States and the State of Ohio

46. Paragraphs 1 through 35 and 41 are incorporated herein by reference.

47. United Rolls' PTI and certain of its PTOs require it to use an audible alarm that sounds when the pressure drop across the Facility's Melt Department baghouse goes outside the range of two to four inches of water.

48. On September 8, 2011, the Canton City Health Department, on behalf of Ohio EPA, inspected the Facility. On that date, United Rolls did not have an audible alarm, as required by the permits referenced in the preceding Paragraph. United Rolls had only a visible alarm, which did not flash or otherwise light up during the inspection when pressure drop across the Facility's Melt Department baghouse was outside the range of two to four inches of water.

49. On December 8, 2011, United Rolls completed installation of an audible alarm.

50. From at least September 8, 2011 through December 7, 2011, United Rolls failed to use an audible alarm that sounds when the pressure drop across the Facility's Melt Department baghouse goes outside the range of two to four inches of water, as required by the permits cited above in Paragraph 47.

Claim 5

Failure to Conduct Emissions Testing

Asserted by the United States and the State of Ohio

51. Paragraphs 1 through 35 are incorporated herein by reference.

52. Each of the PTOs for the Facility's shakeout machine (P027), centrifugal casting machines (P028 and P901), electric induction furnaces (P003, P034, P035, P041, and P042), and magnesium inoculation (P036), required United Rolls to conduct emissions testing on the emissions unit(s) subject to the PTO. Specifically, each of the PTOs required emissions testing within six months prior to the PTO's expiration.

53. As noted above in Paragraph 15, United Rolls' PTOs expired on December 20, 2009. Therefore, United Rolls was required to conduct the aforementioned emissions testing within the six-month period preceding December 20, 2009.

54. United Rolls did not conduct emissions testing at the Facility within the six-month period preceding December 20, 2009, or for a period of time after that date.

55. For a period of time commencing no later than December 20, 2009, United Rolls violated the PTO emissions testing requirements referenced above in Paragraph 52.

Claim 6
Failure to Keep Records
Asserted by the United States and the State of Ohio

56. Paragraphs 1 through 35 and 41 are incorporated herein by reference.

57. United Rolls' PTI and PTOs impose various recordkeeping requirements: United Rolls is required to keep records of pressure drop, visible particulate emissions, and other conditions regulated under the PTI and PTOs.

58. United Rolls has violated recordkeeping requirements under its PTI and PTOs as described below in Paragraphs 59 through 61.

59. Daily Pressure Drop

a. United Rolls is required to record the pressure drop across the Facility's Melt Department baghouse on a daily basis.

b. Prior to November 30, 2011, United Rolls did not record the pressure drop across the Facility's Melt Department baghouse on a daily basis.

c. Prior to November 30, 2011, United Rolls failed to record the pressure drop across the Facility's Melt Department baghouse on a daily basis, in accordance with the recordkeeping requirement referenced above in Paragraph 59.a.

60. Pressure Drop Deviations

a. At all times relevant to this Complaint, United Rolls was required to record all periods of time when the pressure drop across the Facility's Melt Department baghouse was outside the range of two to four inches of water.

b. As noted above in Paragraph 41.c, at various times between at least May 27, 2011 and July 17, 2011, United Rolls failed to maintain pressure drop across the Facility's Melt Department baghouse within the range of two to four inches of water.

c. At various times between at least May 27, 2011 and July 17, 2011, United Rolls failed to record periods of time when the pressure drop across the Facility's Melt Department baghouse was outside the range of two to four inches of water, in accordance with the recordkeeping requirement referenced above in Paragraph 60.a.

61. Visible Emissions

a. United Rolls is required to note, in an operations log, the presence or absence of visible emissions of fugitive dust associated with a pouring/casting unit at the Facility (F004).

b. United Rolls is also required to note, in an operations log, the presence or absence of visible particulate emissions associated with:

i. a shakeout machine at emissions unit P027;

- ii. electric induction furnaces at emissions units P003, P034, P035, P041, and P042; and
- iii. magnesium inoculation at emissions unit P036.

c. On November 4, 2011, United Rolls began recording the presence or absence of visible emissions from the emissions units referenced above in Paragraph 61.a and 61.b.

d. Prior to November 3, 2011, United Rolls failed to note, in an operations log, the presence or absence of visible emissions from the emissions units referenced above in Paragraph 61.a and 61.b, in accordance with the recordkeeping requirements referenced in those Paragraphs.

Claim 7
Failure to Timely Submit Reports Required by Permit
Asserted by the United States and the State of Ohio

62. Paragraphs 1 through 35 are incorporated herein by reference.

63. United Rolls is required by its PTI and PTOs to submit reports to EPA and Ohio EPA on deviations from emissions limitations, operational restrictions, and parameter limitations on pollution control devices at the Facility.

64. United Rolls has failed to submit one required report by the applicable deadline, and has failed to submit other required reports altogether, as described below in Paragraphs 65 through 66.

65. Semiannual Report on Visible Emissions

a. United Rolls is required by its PTI and certain of its PTOs to submit to Ohio EPA semiannual reports that: (i) identify all days during which visible particulate emissions were observed from the baghouse stack or non-stack egress points serving electric induction furnaces (P034 and P041) and magnesium inoculation (P036) at the Facility; and (ii) describe any

corrective actions taken to eliminate the visible particulate emissions. These semiannual reports are due by January 31 and July 31 of each year.

- b. United Rolls' semiannual report for the first half of 2011 (January 1, 2011, through June 30, 2011) was required to be submitted to Ohio EPA by July 31, 2011.
- c. Since August 1, 2011, United Rolls has failed to submit to Ohio EPA the semiannual compliance report for the first half of 2011.

66. Quarterly Report on Pressure Drop Deviations

- a. United Rolls is required to submit to Ohio EPA quarterly reports that identify:
 - i. all periods of time when pressure drop across a baghouse serving a centrifugal casting machine at emissions unit P028 is outside the range of two to five inches of water while the centrifugal casting machine is in operation; and
 - ii. all periods of time when pressure drop across another baghouse serving another centrifugal casting machine at emissions unit P901 is outside the range of two to five inches of water while the centrifugal casting machine is in operation.
- b. The quarterly reports are due at the end of the month following each calendar quarter (*i.e.*, by January 31, April 30, July 31, and October 31 of each year).
- c. United Rolls' quarterly report for the second quarter of 2011 (April 1, 2011, through June 31, 2011) was required to be submitted to Ohio EPA by July 31, 2011.
- d. United Rolls did not submit the quarterly report for the second quarter of 2011 to Ohio EPA until August 9, 2011.

Claim 8
Failure to Timely Submit Reports Required by Foundry NESHAP
Asserted by the United States

67. Paragraphs 1 through 35 are incorporated herein by reference.

68. United Rolls is required by the Foundry NESHAP to submit to EPA semiannual compliance reports that identify any deviations from Foundry NESHAP requirements related to pollution prevention management practices.

69. The semiannual compliance reports must comply with the requirements of 40 C.F.R. § 63.10(e), *see* 40 C.F.R. § 63.10890(f), including the requirement that each report be delivered to EPA or be postmarked by the 30th day following the end of the calendar half to which the report pertains.

70. United Rolls' semiannual compliance report for the first half of 2011 (January 1, 2011, through June 30, 2011) was required to be delivered to EPA or be postmarked by July 30, 2011.

71. Since July 31, 2011, United Rolls has failed to deliver to EPA or have postmarked the semiannual compliance report for the first half of 2011.

Claim 9
Failure to Identify Deviations
Asserted by the United States and the State of Ohio

72. Paragraphs 1 through 35, 41, and 66 are incorporated herein by reference.

73. As described below in Paragraphs 74 and 75, reports submitted by United Rolls to Ohio EPA have failed to comply with requirements that United Rolls identify deviations in pressure drop across the Facility's baghouses.

74. Baghouses Serving Centrifugal Casting Machines (P028 and P901)

a. As noted above in Paragraph 66.a, United Rolls is required to submit to Ohio EPA quarterly reports that identify:

i. all periods of time when pressure drop across a baghouse serving a centrifugal casting machine at emissions unit P028 is outside the range of two to five inches of

water while the centrifugal casting machine is in operation; and

ii. all periods of time when pressure drop across another baghouse serving another centrifugal casting machine at emissions unit P901 is outside the range of two to five inches of water while the centrifugal casting machine is in operation.

b. As noted above in Paragraph 41.a, on at least May 27, 2011, United Rolls failed to maintain pressure drop across the baghouse serving one of the centrifugal casting machines (P028) within the range of two to five inches of water while the centrifugal casting machine was in operation.

c. As noted above in Paragraph 41.b, on at least May 27, 2011, United Rolls failed to maintain pressure drop across the baghouse serving the other centrifugal casting machine (P901) within the range of two to five inches of water while the centrifugal casting machine was in operation.

d. United Rolls' quarterly report covering May 27, 2011, was required to be submitted to Ohio EPA no later than July 31, 2011. *See* PTO P028 Condition I.3.b; and PTO P901 Condition I.3.b. United Rolls submitted this report on August 9, 2011.

e. United Rolls' quarterly report for the period covering May 27, 2011, did not correctly identify the deviations referenced above in Paragraphs 74.b and 74.c.

f. Since July 31, 2011, United Rolls has failed to identify the deviations referenced above in Paragraph 74.b and 74.c, in accordance with the reporting requirements referenced above in Paragraph 74.a.

75. Melt Department Baghouse Serving Magnesium Inoculation (P036), Shakeout Machine (P027), and Electric Induction Furnaces (P003, P034, P035, P041, and P042)

a. At all times relevant to this Complaint, United Rolls was required to submit to

Ohio EPA quarterly reports that identify all periods of time when pressure drop across the Facility's Melt Department baghouse was outside the range of two to four inches of water while any of the emissions units served by the baghouse is in operation.

b. As noted above in Paragraph 41.c, at various times between at least May 27, 2011 and July 17, 2011, United Rolls failed to maintain pressure drop across the Facility's Melt Department baghouse within the range of two to four inches of water while any of the emissions units served by the baghouse was in operation.

c. United Rolls' quarterly report covering the period of May 27, 2011 through June 30, 2011 was required to be submitted to Ohio EPA no later than July 31, 2011. United Rolls submitted this report on August 9, 2011.

d. United Rolls' quarterly report covering the period of July 1, 2011 through July 17, 2011 was required to be submitted to Ohio EPA no later than October 31, 2011.

e. United Rolls' quarterly reports covering the period of May 27, 2011 through July 17, 2011 did not correctly identify the deviations referenced above in Paragraph 75.b.

f. Since August 1, 2011, United Rolls has failed to correctly identify pressure drop deviations at the Facility's Melt Department baghouse from May 27, 2011 through June 30, 2011 in accordance with the reporting requirement referenced above in Paragraph 75.a.

g. Since November 1, 2011, United Rolls has failed to correctly identify pressure drop deviations at the Facility's Melt Department baghouse from July 1, 2011 through July 17, 2011 in accordance with the reporting requirement referenced above in Paragraph 75.a.

Claim 10
Failure to Monitor Melt Department Baghouse Air Flow Rate
Asserted by the United States and the State of Ohio

76. Paragraphs 1 through 35 are incorporated herein by reference.

77. At all times relevant to this Complaint, each of the PTOs for the Facility's electric induction furnaces (P003, P034, P035, P041, and P042) and magnesium inoculation (P036) required United Rolls to monitor the baghouse air flow rate and certain other parameters with the programmable logic control monitoring system for the Facility's Melt Department baghouse.

78. On at least June 24, 2016, United Rolls violated this monitoring requirement because the programmable logic control monitoring system was not monitoring the Melt Department baghouse air flow rate.

Claim 11
Violation of Visible Emissions Limit for Non-Stack Egress Points
Asserted by the United States and the State of Ohio

79. Paragraphs 1 through 35 are incorporated herein by reference.

80. At all times relevant to this Complaint, the PTO for the Facility's magnesium inoculation (P036) required United Rolls to limit its visible emissions of fugitive dust to no more than 20% opacity as a three-minute average, as observed at any non-stack egress point from the building housing the inoculation process (including but not limited to doorways, windows, and roof monitors).

81. United Rolls violated this visible emissions limit on at least June 24, 2016. Visible emissions along the building roof line measured at least 24.2% opacity for at least one three-minute averaging period during U.S. EPA Method 9 observations by a Canton APC inspector on June 24, 2016.

Claim 12
Failure to Perform and Document Periodic Checks for Visible Particulate Emissions
Asserted by the United States and the State of Ohio

82. Paragraphs 1 through 35 are incorporated herein by reference.

83. Centrifugal Mold Sandblaster (P037) Baghouse

a. At all times relevant to this Complaint, the PTO for the Facility's centrifugal mold sandblaster (P037) required United Rolls to: (i) perform daily checks when the emissions unit was in operation, and when the weather conditions allowed, for any visible particulate emissions from the baghouse stack and any non-stack egress points serving the emissions unit; and (ii) note the presence or absence of any visible particulate emissions in the operations log.

b. United Rolls violated these visible emission daily check and documentation requirements at various times until at least June 24, 2016. United Rolls could not produce records of the completion or the results of required daily checks for visible emissions from the stack of the baghouse serving the centrifugal mold sandblaster (P037) during an inspection by representatives of Canton APC on June 24, 2016.

84. Journal Grinder (P043) Baghouse

a. At all times relevant to this Complaint, the PTO for the Facility's journal grinder (P043) required United Rolls to: (i) perform weekly checks when the emissions unit was in operation, and when the weather conditions allowed, for any visible particulate emissions from the baghouse stack and any non-stack egress points serving the emissions unit; and (ii) note particular information concerning the checks in the operations log.

b. United Rolls violated these visible emission weekly check and documentation requirements at various times until at least June 24, 2016. United Rolls could not produce records of the completion or results of required weekly checks for visible emissions from the stack of the baghouse serving the journal grinder (P043) during an inspection by representatives of Canton APC on June 24, 2016.

PRAYER FOR RELIEF

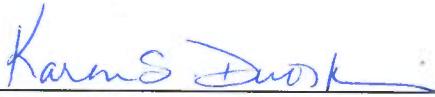
Wherefore, the United States and the State of Ohio request that this Court:

- a. Enjoin United Rolls from further violations of the CAA and Ohio Rev. Code Chapter 3704 and order it to take all steps necessary to achieve compliance with those laws;
- b. Assess civil penalties against United Rolls of up to \$32,500 per day for each violation of the CAA between March 16, 2004, and January 12, 2009; up to \$37,500 per day for each violation between January 13, 2009, and November 2, 2015, and up to up to \$95,284 per day for each violation after November 2, 2015;
- c. Assess civil penalties against United Rolls of up to \$25,000 for each day of each violation of the requirements of Ohio Rev. Code Chapter 3704;
- d. Award the United States and the State of Ohio their costs in this action; and
- e. Grant such other relief as the Court deems just and proper.

Signature Page for Complaint in *United States and the State of Ohio v. United Rolls Inc.* (N.D. Ohio)

Respectfully Submitted,

FOR THE UNITED STATES:



KAREN S. DWORKIN, Deputy Chief

Environmental Enforcement Section
U.S. Department of Justice



RANDALL M. STONE, Senior Attorney

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Signature Page for Complaint in *United States and the State of Ohio v. United Rolls Inc.* (N.D. Ohio)

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Signature Page for Complaint in *United States and the State of Ohio v. United Rolls Inc.* (N.D. Ohio)

FOR THE STATE OF OHIO:

MICHAEL DEWINE
Ohio Attorney General



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Elizabeth.Ewing@OhioAttorneyGeneral.gov

CERTIFICATE OF SERVICE

I hereby certify that, on this day, I caused copies of this Complaint to be served on the following persons, by first-class mail postage prepaid, pursuant to Paragraphs 102 and 114 of the proposed Consent Decree lodged in this case:

Terri Dzienis, Administrator
Canton City Health Department – Air Pollution Control Division
420 Market Avenue, North
Canton, OH 44702

Jim Kavalec
Ohio EPA – Division of Air Pollution Control
Lazarus Government Center
50 W. Town St., Suite 700
P.O. Box 1049
Columbus, OH 43216

United Rolls Inc.
Attn.: Jack Shapaka
1400 Grace Avenue, N.E.
Canton, OH 44705

Douglas A. McWilliams
Squire Patton Boggs (US) LLP
4900 Key Tower, 127 Public Square
Cleveland, OH 44114

Dated: October 27, 2017

s/ Randall M. Stone

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

1. General Civil
2. Administrative Review/Social Security
3. Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is RELATED to another PENDING civil case. This action is REFILED pursuant to **LR 3.1**.

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county
COUNTY: Stark County, Ohio

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON
 CLEVELAND
 YOUNGSTOWN

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.