



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

April 30, 2019

CERTIFIED MAIL

Mr. Jamie Vigil
Republic Steel – Canton
2633 Eighth Street
Canton, Ohio 44704

Re: Final Findings and Orders for air pollution
violations

Dear Mr. Vigil,

Transmitted herewith are the Final Findings and Orders (“Orders”) of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director’s journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

James Kavalec, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

cc: Muhammad Mereb, DAPC
Brandon Schwendeman, DAPC
John Paulian, DAPC
Terri Dzienis, Canton
Steve Feldmann, Legal Office
Drew Bergman, Legal Office
Lee Tullis, DAPC
Wendy Lavey, McMahon DeGulis LLP

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Republic Steel - Canton
2633 Eighth Street N.E.
Canton, Ohio 44704**

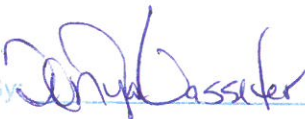
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**Director's Final Findings
and Orders**

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: 

Date: 4-30-19

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Republic Steel ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

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 of the facility (as hereinafter defined) 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 meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3704.03 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a facility located at 2633 Eighth Street NE, in Canton, Ohio (Stark County). This facility is a steel mill (Facility ID1576050694) and it is a Title V source.

2. The following emissions units ("EUs") at the facility are subject to Ohio EPA rules and regulations and are most of the EUs subject to these orders:

EU ID	Company Description	Egress	Year Installed/ modified
F005	Melt Shop slag handling	Fugitive outdoors	1942 / NA
F010	Continuous bloom casting facility ("CBCF") ladle transfer	Fugitive from CBCF Building	1994 / 2016
F012	CBCF slag rake No. 1	Fugitive from CBCF Building	1994 / NA
P068	Meltshop lime and alloy transfer and conveying system	Meltshop baghouse BGH01 stack and Fugitive from Meltshop Building	1965 / 1977
P123	CBCF ladle metallurgical facility ("LMF")	CBCF LMF baghouse BGH20 stack and Fugitive from CBCF Building	1994 / NA
P124	CBCF vacuum tank degasser ("VTD")	VTD stack and Fugitive from CBCF Building	1994 / 2016
P125	CBCF continuous caster	Fugitive from CBCF Building (and during leaded-steel heats only use vacuum truck with stack)	1994 / 2017
P126	CBCF reheat furnace	CBCF furnace stack and Fugitive from CBCF Building	1994 / NA
P128	CBCF alloy truck dumping	CBCF LMF baghouse BGH20 stack and Fugitive outdoors	1994 / NA
P129	CBCF alloy conveying and silos	CBCF LMF baghouse BGH20 stack and Fugitive from CBCF Building	1994 / NA
P142	Mecana Shot Blaster at #5 Steel Conditioning	Mecana shot blaster baghouse BGHS26 stack and Fugitive from #5 Steel Conditioning Building	2000 / NA
P905	Electric Arc Furnace ("EAF") #7	Meltshop baghouse BGH01 stack and Fugitive from Meltshop Building	1968 / 2005
P907	EAF #9	Meltshop baghouse BGH01 stack and Fugitive from Meltshop Building	1968 / 1998

3. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions.

4. ORC 3704.05(G) prohibits a person from violating any order, rule, or determination of the Director that was issued, adopted, or made under ORC Chapter 3704.

5. ORC § 3704.05(J)(2), in part, prohibits any person from violating any applicable requirement of a Title V permit.

6. Ohio Administrative Code ("OAC") rule 3745-15-07 states, "(A) The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance. (B) The emission or escape into the open air from any source or sources of odors whatsoever that is subject to regulation under Chapters 3745-17, 3745-18, 3745-21, or 3745-31 of the Administrative Code and is operated in such a manner to emit such amounts of odor as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."

7. The Canton City Public Health, Air Pollution Control Division ("Canton APC") acts as a contractual agent for Ohio EPA's Division of Air Pollution Control in Stark County.

8. The most recent Title V permit for the facility (P0101210) was effective on December 29, 2005 and expired on April 24, 2007. A timely Title V renewal application was submitted for the facility pursuant to OAC rule 3745-77-08(E)(1). As such, all provisions and authorizations of the expired permit remain in effect until the Director's final action on the pending renewal application.

9. The Title V permit for the facility requires that visible particulate emissions ("VEs") of fugitive dust shall not exceed 6% opacity as a 6-minute average from the Melt Shop building housing the EAFs P905 and P907, which would include doors, roof vents and windows. The Title V permit for the facility requires that the Melt Shop baghouse capture system achieve and maintain a minimum capture efficiency sufficient to prevent violations of the 6% opacity limitation from the Melt Shop building (applicable to EU P905 and P907). The Title V permit for the facility requires daily production records of the number of hours of operation, tons of steel produced, and the average hourly production rate for EU P907.

10. The Title V permit for the facility requires that visible particulate emissions shall not exceed 5% opacity as a 6-minute average from the stack of the baghouse (CBCF LMF baghouse BGH20) serving EUs P123, P128 and P129 while EU P123 is operating.

11. The Standards of Performance for New Stationary Sources for EAFs and Argon-Oxygen Decarburization Vessels at Steel Plants (40 CFR Part 60, Subpart AAa) require, in part, that fugitive VEs that exit from a shop due solely to the operations of an affected EAF, be at or below 6% opacity as a 6-minute average. The requirements of 40 CFR Part 60, Subpart AAa are incorporated as applicable requirements in the Title V permit.

12. Chapter 31 modification Permit-to-install ("PTI") # P0120406 was issued on December 2, 2016 for the modification to add leaded steel operations to CBCF EUs F010, P124, and P125 and was administratively modified as PTI P0123277 on October 18, 2017. This PTI requires that VEs of fugitive dust shall not exceed 20% opacity as a 3-minute average from the CBCF building housing the EUs F010, P124 and P125, which would include doors, roof vents and windows. This PTI also contains several monitoring, recordkeeping, and reporting requirements to support compliance with emissions limitations, operational restrictions, and work practice requirements. In addition, the PTI requires that the quantity of lead added to P124 to process leaded steel shall be restricted to 1,293 lbs/heat, calculated as a rolling 12-month average.

13. OAC Rule 3745-17-07(B)(8) and the Title V permit states, in part, that visible particulate emissions from any material storage pile handling operation (EU F005) shall not exceed 20% opacity as a 3-minute average.

14. OAC Rule 3745-17-08(B) requires the use of reasonably available control measures ("RACM") to prevent fugitive dust from becoming airborne and is applicable to all the EUs listed in finding IV.2.

15. On November 16, 2016, Ohio EPA issued Orders to Respondent to address several alleged violations at the facility.

16. As of December 2018, Respondent had not satisfied the requirement in Order V.3 of the 2016 Orders to complete a verification study to evaluate the effectiveness of the capture and evacuation system when operating a single EAF. A re-scheduled verification study in December 2018 was postponed by Respondent in consultation with Canton APC. The verification study was completed on January 15, 2019. This obligation from the 2016 Orders has now been satisfied.

17. As of October 2018, Respondent had not satisfied the requirement in Order V.6 of the 2016 Orders to develop and implement an Operation and Maintenance ("O&M") Plan. Although Respondent submitted an initial draft O&M Plan, Canton APC deemed the O&M Plan to be incomplete and requested additional detail and information. On November 30, 2018, Respondent submitted a revised O&M Plan. This obligation from the 2016 Orders has now been satisfied.

18. Canton APC received sixty-seven (67) complaints from the community regarding Republic Steel between the dates of March 7, 2017 and January 23, 2019. Notable complaints are specified below.

19. On April 5, 2017, Canton APC received a complaint concerning dust emissions from the facility. On April 5, 2017, April 6, 2017 and April 11, 2017, Canton APC observed visible emissions from EU F005 (slag handling) outside of the Meltshop.

20. On April 17, 2017, Canton APC received a complaint concerning a strong metallic odor from the facility. Canton APC conducted a complaint investigation and performed a U.S. Method 9 Visual Opacity Test ("Method 9") on EU F005. The 3-minute opacity average was 21.7% which exceeded the Title V permit opacity limit of 20% as 3-minute average for EU F005.

21. On April 18, 2017 and April 24, 2017, Canton APC received complaints about dust coming from the facility that covered complainant's vehicle. Canton APC collected dust samples from complainant's vehicle. The samples analysis reports dated April 18, 2017 and May 17, 2017, showed the presence of magnetic particles, iron oxides, quartz/silica, and clay. On April 24, 2017, another complaint was received concerning visible emissions from the facility.

22. On April 24, 2017, Canton APC visited the facility to investigate the complaints and performed two Method 9 observations on the Melt Shop building (where EU P907 is located) and one on the CBCF building (where EUs F010, F012, P123, P124, P125 and P129 are located). The 6-minute opacity average from the Melt Shop building was 15.6% and 19.2% which exceeded the Title V permit opacity limit of 6% as 3-minute average for EU P907. The 3-minute opacity average from the CBCF building was 29.1% which exceeded the Title V and PTI P0120406 opacity limit of 20% as 3-minute average for EUs F010, F012, P123, P124, P125 and P129.

23. On May 8, 2017, Canton APC was at the facility and observed visible emissions from the Melt Shop while EU P907 was operating and from EU F005. Canton APC performed a Method 9 on EU F005. The highest 3-minute opacity average was 43% which exceeded the Title V permit opacity limit of 20% as 3-minute average for EU F005.

24. On May 10, 2017, Canton APC observed visible emissions from the Melt Shop while EU P907 was operating.

25. On May 12, 2017, Canton APC observed visible emissions from the Melt Shop building while EU P907 was operating and performed a Method 9. The highest 6-minute opacity average was 48.3% which exceeded the Title V permit opacity limit of 6% as 3-minute average for EU P907.

26. On May 23, 2017, Canton APC sent a notice of violation ("NOV") letter to Respondent alleging violations relating to visible emissions from the facility, including EU F005, the Melt Shop building, and the CBCF building as specified in Findings 19 - 25.

27. On June 7 and August 11, 2017, Canton APC received Respondent's response to the NOV.

28. On July 6, 2017, Canton APC received a complaint concerning dust emissions from the facility being deposited on vehicles. On July 19, 2017, Canton APC conducted a complaint investigation and sampled the dust material accumulating on the vehicles for evaluation and comparison to Respondent's slag and Melt shop emissions. The samples analysis report dated August 8, 2017, showed the presence of magnetic particles, iron, iron oxides, quartz, calcite, and bentonite clay.

29. On August 16, 2017, Canton APC received a complaint concerning dust emissions from the facility that covered complainant's vehicle overnight. Canton APC visited the facility on the same day to investigate the complaint and performed a Method 9 on EU F005. The highest 3-minute opacity average was 23.75% which exceeded the Title V permit opacity limit of 20% as 3-minute average for EU F005.

30. On August 24, 2017, Canton APC received a complaint concerning a strong metallic odor coming from the facility. On August 25, 2017, Canton APC conducted a complaint investigation and performed a Method 9 on the Melt Shop building while EU P907 was operating. The highest 6-minute opacity average was 11.0% which exceeded the Title V permit opacity limit of 6% as 6-minute average for EU P907.

31. On August 29, 2017, Canton APC performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 13.5% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

32. On September 26, 2017, Canton APC performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 5.4% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

33. On October 3, 2017, Canton APC performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128 and P129. The highest 6-minute opacity average was 42.0% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

34. On October 3, 2017, Canton APC observed visible emissions from EU F010 inside the CBCF building as a result of an inadequate fit between the ladle cover and the ladle lip resulting in a potential violation of the PTI P0123277 operational restriction.

35. On October 5, 2017, Canton APC sent a NOV letter to Respondent alleging violations relating to visible emissions from the facility including the Melt Shop building, EU F010 and the CBCF LMF baghouse stack as specified in Findings 29 – 34.

36. On October 11, 2017, Canton APC sent a Notice of Violation and Resolution of Violation (NOV/ROV) combination letter to Respondent for several alleged PTI P0120406 monitoring, recordkeeping, and reporting violations identified during the March 28, 2017 partial compliance evaluation inspection for CBCF EUs F010, P124, and P125 and in the months afterward while evaluating information provided by Respondent. During those months, Canton APC requested Respondent correct the monitoring, recordkeeping, and reporting violations, which Respondent implemented, submitted, and completed as of October 9, 2017.

37. On October 13, 2017, Canton APC received five complaints concerning dust emissions from the facility that covered complainants' vehicles and houses that occurred on October 12, 2017. On October 13, 2017, Canton APC conducted a complaint investigation and collected dust samples from complainants' vehicles and houses. The samples analysis report dated November 30, 2017, showed the presence of magnetic particles, iron oxides, quartz, and typical characteristics of a high heat manufacturing process.

38. On October 20, 2017, Canton APC performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128 and P129. The highest 6-minute opacity average was 13.9% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

39. On October 27, 2017, Canton APC received Respondent's response to the NOV of October 5, 2017.

40. On November 2, 2017, Canton APC performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 31.1% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

41. On November 8, 2017, Canton APC received complaints concerning dust emissions from the facility that covered complainants' vehicles and houses that occurred overnight. On November 8, 2017, Canton APC conducted a complaint investigation and collected dust samples from complainants' vehicles and houses. The samples analysis report dated November 30, 2017, showed the presence of magnetic particles, iron oxides, quartz, and typical characteristics of a high heat manufacturing process.

42. On November 14, 2017, Canton APC sent a NOV letter to Respondent alleging violations relating to emissions from the facility including the CBCF LMF baghouse stack as specified in Findings 38 & 40.

43. On November 8, 2017, November 13, 2017, and November 20, 2017, Respondent submitted additional information in response to the October 5, 2017 NOV.

44. On November 30, 2017, Canton APC received Respondent's response to the November 14, 2017 NOV.

45. On December 21, 2017, Canton APC received a complaint concerning dust emissions from the facility that covered complainant's vehicle overnight. On December 21, 2017, Canton APC conducted a complaint investigation and collected dust samples from complainant's vehicle. The samples analysis report dated December 22, 2017, showed the presence of magnetic particles, iron oxides, quartz, and typical characteristics of a high heat manufacturing process.

46. On January 30, 2018, February 13, 2018, and March 4, 2018, Canton APC received complaints concerning dust emissions from the facility that covered complainant's property overnight.

47. On February 8, 2018, Canton APC performed Method 9 on the CBCF building. The highest 3-minute opacity average was 13.75% which was in compliance with the Title V and PTI P0123277 opacity limit of 20% as 3-minute average.

48. On February 14, 2018, Canton APC noticed that Respondent was not using the dust suppression misting device ("dust boss") that was installed on November 6, 2017 as a fugitive dust control measure for EU F005 to comply with the requirements in PTI P0123277.

49. On March 23, 2018, Canton APC observed visible emissions from the Melt Shop building while EU P907 was operating and performed a Method 9. The highest 6-minute opacity average was 36.5% which exceeded the Title V permit opacity limit of 6% as 3-minute average for EU P907.

50. On May 10, 2018, Canton APC observed visible emissions from the facility and performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 39.2% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

51. On May 11, 2018, Canton APC received complaints concerning odors from the facility. On the same day, Canton APC investigated the complaint and observed visible emissions from the facility and performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 12.6% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

52. On May 25, 2018, Canton APC observed visible emissions from the facility and performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 5.6% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

53. On May 21, 2018, Canton APC observed visible emissions from the facility and performed Method 9 on the CBCF building (where EUs F010, F012, P123, P124, P125 and P129 are located). The 3-minute opacity average from the CBCF building was 44.2% which exceeded the Title V and PTI P0123277 opacity limit of 20% as 3-minute average for EUs F010, F012, P123, P124, P125 and P129.

54. On May 30, 2018, Canton APC observed visible emissions from the facility and performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 53.2% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

55. On June 8, 2018, Canton APC sent a NOV letter to Respondent alleging violations relating to emissions from the facility including the Meltshop building, CBCF LMF baghouse stack and the CBCF building as specified in Findings 47 - 54.

56. On June 15, 2018, Canton APC observed visible emissions from the facility and performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 24.0% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

57. On June 19, 2018, Canton APC sent a NOV letter to Respondent alleging violations relating to emissions from the facility including the CBCF LMF baghouse stack as specified in Finding 56.

58. On June 25, 2018, Canton APC observed visible emissions from the facility and performed a Method 9 on the CBCF LMF baghouse BGH20 stack serving EUs P123, P128, and P129. The highest 6-minute opacity average was 26.9% which exceeded the Title V permit opacity limit of 5% as 6-minute average for EU P123.

59. On June 25, 2018, Canton APC sent a NOV letter to Respondent alleging violations relating to emissions from the facility including the CBCF LMF baghouse stack as specified in Finding 58.

60. On June 29, 2018, unilateral Orders were issued to Respondent as a result of the facility's alleged contribution to the elevated lead ("Pb") results at the ambient air quality monitor located on Georgetown Road across from the facility's CBCF building, which had been installed pursuant to PTI P0123277. Respondent worked closely with Canton APC and Ohio EPA to address the issues raised in the unilateral Orders, and submitted a Short-Term Action Plan on July 10, 2018, in accordance with PTI P0123277 term B.4.d. and Order 3 of the unilateral Orders.

61. On June 29, 2018, Respondent submitted its response to the NOV letters dated June 8, 19, and 25, 2018. On July 10, 2018, Respondent submitted information that stated repairs to the CBCF LMF baghouse BGH20 were completed July 3, 2018 resolving the previous baghouse stack opacity violations included in NOV letters dated June 8, 19, and 25, 2018.

62. On August 30, 2018, Canton APC observed visible emissions from the facility and performed Method 9 on the CBCF building (where EUs F010, F012, P123, P124, P125 and P129 are located). The 3-minute opacity average from the CBCF building was 60.0% which exceeded the Title V and PTI P0123277 opacity limit of 20% as 3-minute average for EUs F010, F012, P123, P124, P125 and P129.

63. On September 7, 2018, Canton APC sent a NOV letter to Respondent alleging violations relating to emissions from the facility including the CBCF building as specified in Finding 62.

64. On November 8, 2018, Respondent submitted its response to Canton APC's NOV letter dated September 7, 2018.

65. On September 12 and 13, 2018, Canton APC conducted an inspection of the facility and on October 9, 2018, Canton APC observed a stack test of the CBCF LMF baghouse. As a result, Canton APC discovered that Respondent had, for EU P142, failed to operate the unit within the pressure drop and negative pressure ranges, failed to report deviations, and failed to conduct a stack test; for EU P068 and EU P907, failed to maintain records of the daily VE and/or opacity observations; for several emissions units failed to calibrate and maintain monitoring devices; failed to maintain records for solvent metal part cleaning units; and, failed to operate the CBCF LMF baghouse at all times EUs P123, P128 and/or P129 are in operation, in violation of the terms and conditions of the Title V permit, PTI 15-1340, PTI P0123277, ORC § 3704.05(C) and ORC § 3704.05(J)(2). By letter dated March 12, 2019, Canton APC notified Respondent of these alleged violations.

66. It is the Director's position that during several incidents since January 2017 Respondent has caused, permitted, or maintained a public nuisance in the neighborhood surrounding the facility as a result of the visible emission of particulates generated by the facility, in violation of OAC Rule 3745-15-07 and ORC § 3704.05(G). The opacity violations referenced in these Orders are also violations of the Title V permit terms and conditions, ORC § 3704.05(J)(2), and ORC § 3704.05(G).

67. The Director has given consideration to, and based her 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 issues the following Orders:

1. Within ninety (90) days of the effective date of these Orders, Respondent shall conduct stack tests for EU P907 in accordance with the testing terms and conditions identified in the Title V permit # P0101210, and the following conditions:

- a. Method 9 of both stack and building fugitive visible emissions shall be conducted simultaneously with the particulate test (for at least one complete heat per test run) with three (3) dedicated observers (one observer assigned to stack sources and the other two to fugitive sources).
- b. EU P907 shall be operated at worst case maximum operating conditions (with P106 and P905 not operating) for the pollutant being tested. This also involves operating the baghouse with the minimum numbers of fans during the test (unless Respondent requests more fans in operation to change their minimum required by the Title V).
- c. The gaseous pollutants shall be tested at the outlet of the baghouse using the Methods listed in the Title V permit.
- d. The test shall comply with NSPS subpart AAa requirements.
- e. Method 29 to test metals shall be conducted simultaneously with the particulate test. Respondent shall test for the following metals using Method 29: antimony (Sb), arsenic (As), barium (Ba), beryllium (Be), cadmium (Cd), chromium (Cr), cobalt (Co), copper (Cu), lead (Pb), manganese (Mn), mercury (Hg), nickel (Ni), selenium (Se), tin (Sn), and zinc (Zn).
- f. An Intent-to-Test notification ("ITT") shall be submitted to Canton APC thirty (30) days prior to testing.
- g. The results of the stack testing shall be submitted to Ohio EPA and Canton APC, in accordance with section X, within thirty (30) days following the testing.

2. Within one hundred and eighty (180) days of the effective date of these Orders, Respondent shall complete an evaluation of feasible options to address the capture and control of fugitives from the CBCF, including installation of potential additional building capture and control system at the CBCF and submit a report to Ohio EPA and Canton APC summarizing the results of the evaluation. If the evaluation concludes that modified or additional capture and control is feasible, then Respondent shall submit to Ohio EPA and Canton APC for their review and approval a proposed plan to implement the new or modified capture and control system together with implementation dates.

3. No later than ninety (90) days from the effective date of these Orders, Respondent shall submit for Ohio EPA's and Canton APC's review and approval a written Complaint and Response Plan with procedures to assess and investigate complaints. The plan shall include:

- a. a phone hotline where citizens can easily notify Respondent of complaints;
- b. procedures to record complaints received;
- c. methods that will be used to investigate the complaint;
- d. procedures to timely investigate the causes or possible causes of the complaints;
- e. methods to record the results of the investigation used to identify the cause of the complaint and any corrective actions taken to eliminate the issue or reasons why no action was taken; and
- f. provide Canton APC with quarterly reports of the records collected and maintained per 3.b and 3.e above. Records shall be retained for sixty (60) days after each quarterly report is submitted.

4. Within ninety (90) days of the effective date of these Orders, Respondent shall install high-definition cameras, with live feed capabilities, that are positioned to and capable of recording video of particulate emissions from any part of the Melt Shop building roof (including the stock house area), Melt Shop baghouse exhaust stacks and slag pile load out area south of the Melt Shop building. Respondent shall thereafter video record the Melt Shop building roof (including the stock house area) and Melt Shop baghouse exhaust stacks during all times production related operations are occurring in the Melt Shop building (and/or stock house area) and shall video record the slag pile load out area during all times slag is loaded in or out of the slag pile load out area, unless technical circumstances beyond the reasonable control of Respondent prevent recording. Respondent shall capture, download and save the recordings in a format that enables Ohio EPA and/or Canton APC to review it within a maximum of one business day from the time of capturing. Respondent shall maintain the video of each day for 90 days and make it available for review at the facility by Ohio EPA and Canton APC upon request.

5. Respondent shall maintain, on-site, daily records of the production from midnight to midnight at the facility. The daily record shall include, at a minimum: times scrap charged to the EAF; times EAF is running; times EAF is tapped; times ladle starts and ends at LMF; times ladle starts and ends at VTD; times ladle starts and ends at caster; times slag removed from EAF pit to outside Melt Shop; times slag removed from pile outside Melt Shop to slag yard; time slag removed from CBCF slag rake pit to slag yard; and times slag is removed from ladle dump area in Melt Shop to slag yard. Respondent shall provide Ohio EPA and/or Canton the records upon request.

6. Respondent may request that adjustments be made to the requirements in these Orders by submitting written justification for the Director's approval. The Director will provide written partial or full approval of the request within ninety (90) days of its receipt and the adjustments shall be effective on the date entered in the journal of the Director. If the Director fails to act upon such a request within ninety (90) days, the adjustments will be deemed approved until and unless the Director issues a written denial.

7. Respondent shall pay the amount of one hundred and eighty thousand dollars (\$180,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. The payment of the total amount of one hundred and eighty thousand dollars (\$180,000) shall be made in three installments of sixty thousand dollars (\$60,000) each. The first installment of \$60,000 is due within 30 days of the effective date of these Orders, the second installment is due within 60 days of the effective date of these Orders and the third installment is due within 90 days of the effective date of these Orders. The official checks shall be made payable to "Treasurer, State of Ohio" and submitted to Carol Butler, or her successor, together with a letter identifying the Respondent, to:

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

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders, these obligations have been embedded in operation permits where appropriate, and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-77-01(JJ) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

VII. 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, operations by Respondent.

VIII. 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.

IX. 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.

X. NOTICE

All documents are required to be submitted electronically by Respondent via the Air Services Portal.

XI. 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.

XII. 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 a full accord and satisfaction for Respondent's liability for the violations specifically cited herein and all violations known to Ohio EPA (including those reported by Respondent to Ohio EPA, Canton APC, or U.S. EPA) up through the effective date of these Orders.

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.

XIII. EFFECTIVE DATE

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

XIV. 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.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

4/30/19

Date

AGREED:

Republic Steel



Signature

04/26/2019

Date

Jaime Vigil

Printed or Typed Name

CEO

Title