



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

January 26, 2017

**CERTIFIED MAIL**

Ken Wilson, Plant Manager  
RMI Titanium Company, LLC.  
1000 Warren Avenue  
Niles, Ohio 44446

Re: Final Findings and Orders for violations of  
Ohio's air pollution regulations

Dear Mr. Wilson:

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,

A handwritten signature in black ink, appearing to read "James Kavalec", is written over a light blue horizontal line.

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

ec: James Lee, PIC  
Lee Tullis, DAPC  
Kara Philibin, DAPC  
Steve Feldmann, Legal  
John Paulian, DAPC-CO  
Brandon Schwendeman, DAPC-CO  
Tim Fischer, NEDO-DAPC

RECEIVED  
OHIO EPA

BEFORE THE

2017 JAN 26 AM 11:24 OHIO ENVIRONMENTAL PROTECTION AGENCY

LEGAL OFFICE Matter of:

RMI Titanium Company, LLC  
1000 Warren Avenue  
P.O. Box 269  
Niles, Ohio 44446

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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: Janet Lassiter Date: 1/26/17

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to RMI Titanium Company, LLC ("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 the 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**

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a manufacturing plant ("facility") that produces a range of high-quality ingot, billet, bar, pipe, plate and sheet titanium alloy mill products. The facility is located at 1000 Warren Avenue, Niles, Ohio and is classified as a Title V source, as defined in Ohio Administrative Code ("OAC") Rule 3745-77-01(PP).

2. Prior to the installation of a "new" furnace in the facility's number 2 melt shop area. Respondent applied for and obtained permits to install and operate ("PTIO") for the emission sources at the facility. These PTIOs contained State limitations on hours of operation that kept the facility's actual emissions below major source thresholds.

These PTIOs have been renewed as required by OAC Rule 3745-31-07(C).

Respondent previously paid annual emission fees in the following amounts.

Year	Amount Paid
2009	\$100.00
2010	\$100.00
2011	\$100.00
2012	\$100.00
2013	\$100.00
2014	*
2015	*

- 2014 & 2015 have not yet been invoiced because Respondent needs to revise the FERs.

3. OAC Rule 3745-77-02(A) states that the owner or operator of a Title V source shall not operate such source after the date that a timely and complete Title V permit application is required, unless such an application has been timely submitted or the source is in compliance with a Title V permit.

4. OAC Rule 3745-77-04(D) requires, in part, that a Title V permit application be filed no later than twelve months after the source becomes subject to the Title V permit program. OAC Rule 3745-78-02(A) requires the owners and operators of a Title V source to submit fee emission reports ("FERs") each year by April 15 that reflects the facility's actual emissions of certain air pollutants that were emitted the previous year. ORC § 3745.11(B) requires each person who owns or operates a Title V facility to pay an annual fee based on the sum of the facility's actual annual emissions of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance the schedule specified therein.

5. ORC § 3704.05(G) states that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704.

6. ORC § 3704.05(J)(2) states that no person shall violate any filing requirement of the Title V permit program.

7. ORC § 3704.05(K) states that no person shall operate a source that is required to obtain a Title V permit unless a Title V permit has been issued authorizing operation of the source or unless a complete and timely application for the issuance, renewal, or modification of a Title V permit for the source has been submitted to the Director.

8. On July 23, 2015, Alcoa, Inc. completed the acquisition of RTI International Metals, Inc. which included the facility. As a result of the acquisition, Respondent became a subsidiary of Alcoa, Inc.

9. On February 17, 2016, Ohio EPA Northeast District Office ("NEDO") received Respondent's 2015 permit evaluation report ("PER"). The PER identified consistent deviations of parametric monitoring and recordkeeping requirements specified in Respondent's permits that are needed to provide reasonable assurance of compliance with applicable emission limitations. As a result of the deviations and Respondent's failure to maintain records, NEDO sent Respondent a certified warning letter ("CWL") on February 23, 2016. The CWL requested the submittal, within twenty-one days of receipt of the letter, a compliance plan and schedule that identified how each deviation would be appropriately addressed to prevent further occurrences. Because Ohio EPA no longer places emissions units on registration status, the CWL requested Respondent to evaluate several emissions units which were currently on registration status to determine if the emissions units were required to obtain permits. Additionally, the CWL requested Respondent to submit, within sixty days of receipt of the letter, a permit-to-install and operate ("PTIO") application for emissions units determined to be subject to the air permit program.

10. On March 15, 2016, Respondent submitted the requested compliance plan and schedule to prevent and correct parametric monitoring and recordkeeping deviations. Respondent also requested a compliance meeting with NEDO.

11. On March 18, 2016, Respondent and NEDO met to discuss the facility's compliance status. During the meeting Respondent stated that prior to the receipt of the CWL, the facility was in the process of conducting an internal environmental audit which indicated that facility's potential-to-emit for methanol, hazardous air pollutant ("HAP"), was greater than the major source threshold level (i.e., greater than 10 tons per year of methanol). Respondent indicated the facility's potential-to-emit exceeded the major source classification in the beginning of 2009 when RTI International Metals, Inc. installed a "new" furnace in the facility's number 2 melt shop area. Without synthetic minor limitations, the installation caused the facility's crucible preparation coating methanol emissions to increase above the major source classification. Respondent also stated that its 2015 actual emissions of NO<sub>x</sub> and PM exceeded prior "presumed inherent physical limitation" major source threshold levels. In other words, the actual emissions of NO<sub>x</sub> and PM exceeded twenty tons per year which resulted in the loss of the presumed true minor status. As a result of this information NEDO requested, among other things, Respondent to submit the following information:

- The facility-wide potential-to-emit calculations for criteria air pollutants and HAPs.
- The 2015 facility's actual emission rates.
- The applicability of any National Emission Standards for Hazardous Air Pollutants ("NESHAP").
- Permit-to-install ("PTI") applications for emissions units that emit methanol and were constructed without first applying for and receiving a PTI.

12. On April 15, 2016, NEDO received the information requested during the

March 18, 2016 compliance meeting. The potential-to-emit emission calculations (i.e., representing constant operation at maximum capacity without any control measures being applied) showed that the facility is classified as a major Title V source for both criteria air pollutants (i.e., PM and NO<sub>x</sub>) and a single HAP (i.e., methanol); therefore, the facility is subject to all the applicable requirements of the Title V operating permit program (i.e., OAC Chapter 3745-77). Additionally, the calculations revealed that Respondent is subject to the major source applicable requirements specified in the NESHAP for Stationary Reciprocating Internal Combustion Engines ("Subpart ZZZZ") and the NESHAP for Major Sources Industrial, Commercial, and Institutional Boilers and Process Heaters ("Subpart DDDDD").

13. On May 10, 2016, NEDO sent a Notice of Violation ("NOV") letter citing, among other violations, violations of OAC Rules 3745-77-04(D) associated with its failure to submit a timely and complete application for a Title V permit and for the failure to comply with the applicable requirements specified in Subparts ZZZZ and DDDDD. The NOV letter requested Respondent to submit, as soon as possible, a complete Title V permit application and a compliance plan and schedule for the implementation of the applicable requirements of Subparts ZZZZ and DDDDD. The NOV letter also requested Respondent to correct and submit fee emission reports for the periods it was subject to the Title V fee emission report requirement contained in OAC Rule 3745-78-02(A).

14. On May 27, 2016, Respondent replied to the May 10, 2016 NOV letter. The response contained Respondent's commitments to submit a Title V permit application and to achieve compliance with the applicable requirements of both NESHAPs. Specifically, Respondent stated that the following actions would be implemented to return the facility to compliance within the specified "target dates."

- On August 1, 2016, a Title V permit application would be submitted to Ohio EPA;
- On June 24, 2016, Title V emission fee reports, starting with the 2011 report, would be prepared;
- Compliance with Subpart DDDDD would be achieved with the following estimated milestones completion dates:
  - by June 3, 2016, the selection of a consultant to perform the required energy survey would be completed;
  - by June 24, 2016, the energy survey to be conducted and the report received;
  - by July 15, 2016, the completion of any identified corrective actions; and
  - by July 22, 2016, the required notice of compliance would be submitted.
- Compliance with Subpart ZZZZ would be achieved with the following estimated milestones completion dates:
  - by June 3, 2016, the determination of the applicable regulatory requirements for each individual engine would be completed; and

- by June 24, 2016, the implementation of applicable regulatory requirements for each engine to be completed.

15. On September 7, 2016, Respondent submitted the required Title V permit application. The application indicated that the facility was in compliance with the applicable requirements of Subparts DDDDD and ZZZZ.

16. Respondent has reviewed facility records and has determined that additional actions are needed to comply with the applicable requirements of Subparts DDDDD and ZZZZ.

17. Respondent's PTE of methanol exceeded the Title V major source threshold of 10 tons per year for a single HAP; therefore, Respondent was required to submit a timely and complete Title V permit application within one year of becoming subject to the Title V permit program. Respondent failed to submit a timely and complete application from May 2010 (one year from the estimated 2009 installation of the additional furnace in the number 2 melt shop area) until a complete Title V permit was submitted September 7, 2016, in violation of OAC Rule 3745-77-04(D) and ORC §§ 3704.05(G) and (J)(2). Similarly, Respondent operated the facility since May 2010 without a Title V permit or a timely and complete Title V permit application being filed, in violation of OAC Rule 3745-77-02(A) and ORC §§ 3704.05(G) and (K). Respondent also failed to submit Title V FERs in accordance of OAC Rule 3745-78-02(A), in violation of ORC §§ 3704.05(G) and (J)(2). Respondent has reviewed facility records and has determined that additional actions are needed to comply with the applicable requirements of Subparts DDDDD and ZZZZ.

18. 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 issues the following Orders:

1. Within fourteen (14) days after the effective date of these Orders, Respondent shall pay the amount of twenty-eight thousand dollars (\$28,000) to Ohio EPA in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3704. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent, to:

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

2. Within sixty (60) days after the effective date of these Orders, Respondent shall submit Title V FERs as specified and required by OAC Rule 3745-78-02(A) for the calendar years from 2009 through 2015. Respondent shall pay the amount of Title V emission fees as specified in Ohio EPA corresponding invoice(s).

3. Within (45) days after the effective date of these Orders, Respondent shall submit permit-to-install (PTI) application(s) for emissions unit(s) that utilize methanol and other additional emissions unit(s) located at the facility that failed to obtain a PTI prior to installation and operation.

4. Within (60) days after the effective date of these Orders, Respondent shall achieve compliance with Subpart DDDDD by completing remaining corrective actions and submitting a notice of compliance status.

5. Within (60) days after the effective date of these Orders, Respondent shall achieve compliance with Subpart ZZZZ by completing implementation of remaining corrective actions.

## **VI. TERMINATION**

Respondents' obligations under these Orders shall terminate when Respondents certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders 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 Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

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

This certification shall be signed by a responsible official of Respondents and submitted by Respondents to Ohio EPA. For the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president, or his duly authorized representative.

## **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, the operation of Respondent's facility.

### **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 the 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 required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
Attention: Timothy Fischer

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attention: James Kavalec, Manager, Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **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 the Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and the 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**

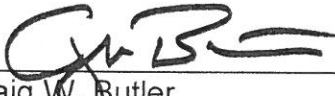
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

## **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**

  
\_\_\_\_\_  
Craig W. Butler  
Director

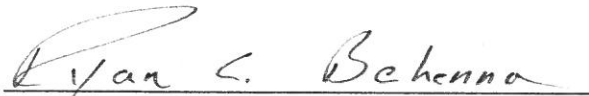
Date 1/23/17

**AGREED:**

**RMI Titanium Company, LLC**

  
\_\_\_\_\_  
Signature

1/6/17  
Date

  
\_\_\_\_\_  
Printed or Typed Name

VP Operations  
Title