

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Republic Steel - Canton	:	<u>Director's Final Findings</u>
2633 Eighth Street N.E.	:	<u>and Orders</u>
Canton, Ohio 44704	:	

PREAMBLE

The Director of Ohio Environmental Protection Agency ("Ohio EPA") hereby issues final findings and orders as follows:

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 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

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. At the facility, Respondent operates an electric arc furnace shop for the production of leaded and non-leaded steel.

2. As provided in ORC § 3704.03(I), the director of Ohio EPA may '[r]equire the owner or operator of an air contaminant source to install, employ, maintain, and operate such emissions, ambient air quality, meteorological, or other monitoring devices or methods as the director shall prescribe; to sample those emissions at such locations, at such intervals, and in such manner as the director prescribes; to maintain records and file periodic reports with the director containing information as to location, size, and height of emission outlets, rate, duration, and composition of emissions, and any other pertinent information the director prescribes '

3. On June 29, 2018 and May 14, 2019, Ohio EPA issued Orders and on July 10, 2018, the Director issued a Resumption of Leaded Steel Production letter to Respondent. Amongst other things, these Orders and letter required Respondent to perform lead ambient air monitoring.

4. U.S. EPA develops National Ambient Air Quality Standards (NAAQS) for air pollutants to protect public health and welfare. U.S. EPA has adopted NAAQS for Particulate Matter, Sulfur Dioxide, Carbon Monoxide, Nitrogen Oxides, Ozone, and Lead.

5. U.S. EPA requires states to operate an air quality monitoring network to measure air quality in various areas of the state to determine whether the air quality in the state is in compliance with the NAAQS.

6. To determine whether a monitor is measuring air quality consistent with the NAAQS, it must be sampling ambient air that is representative of air quality on a daily basis.

7. U.S. EPA does not have an approved continuous monitor for measuring ambient air quality for lead. Sampling for lead to measure compliance with the NAAQS operates on a twenty-four-hour cycle. U.S. EPA allows states to operate the air quality monitor on 1 in 6 day, 1 in 3 day or every day frequency to measure conformance with the NAAQS.

8. Ohio EPA through the Canton Public Health Department (CPHD), Ohio EPA's contractual agent in Stark county for Air Pollution, operates an ambient lead monitor to measure compliance with the NAAQS for lead on Georgetown Road in the vicinity of Respondent's facility.

9. In 2020, Respondent scheduled leaded steel heats during days when the Ohio EPA lead NAAQS monitor was not operating to avoid having an impact on the monitor. As a result, the monitor on Georgetown Road is not measuring air quality that is representative of air quality on a daily basis.

10. By letter dated February 26, 2021, Ohio EPA notified Respondent that the ambient air monitoring frequency was being increased starting in March of 2021.

11. 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. Beginning March 1, 2021, Respondent shall schedule and process leaded and unleaded steel without regard to the schedule for the operation of the lead NAAQS monitor on Georgetown Rd.
2. No later than 10 days after the end of the month, Respondent shall submit to Ohio EPA and CPHD, in accordance with Section VIII of these Orders, leaded and non-leaded steel production data, to include: the date, time, location (caster) and length of each leaded and non-leaded heat.
3. Respondent no longer is required to notify Ohio EPA and CPHD in advance of leaded steel production as required by Order 6(a) of the May 14, 2019 Director's Final Findings and Orders.

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, if necessary, 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 3745-77-01(II) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

VIII. NOTICE

All documents required to be submitted by these orders shall be submitted electronically by Respondent via the Air Services Portal and emails to CPHD and Ohio EPA. The specific recipients will be provided to Republic Steel.

IX. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 3704 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. APPEAL RIGHTS

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th floor
Columbus, OH 43215

XI. EFFECTIVE DATE

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

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Laurie A. Stevenson, Director

2/26/2021

Date