

BEFORE THE

By: Kelly A. Mink Date: _____

OHIO ENVIRONMENTAL PROTECTION AGENCY

5/17/2021

In the Matter of:

Republic Steel - Canton : **Director’s Final Findings**
2633 Eighth Street N.E. : **and Orders**
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. On April 30, 2019, Ohio EPA issued Director’s Final Findings and Orders to Respondent. Order 1 required the Respondent to conduct a stack test for EU P907 controlled by the Meltshop baghouse and capture system by July 30, 2019.

3. Term III.A.1.1. of the TV PTO for EU P907 EAF #9 requires that Nitrogen Oxides (NO_x) emissions shall not exceed 0.35 lb/ton of steel as a 3-hour average, 33.0 lb/hr and 144.5 tpy; and Sulfur dioxide (SO₂) emissions shall not exceed 11.5 lb/hr and 50.6 tpy. Term III.A.1.2.c. of the TV PTO for EU P907 EAF #9 requires that visible particulate emissions shall not exceed 6% opacity as a 6-minute average from the Meltshop.

4. From December 8 through 10, 2020, Alliance Source Testing, LLC performed emissions testing at Respondent's #4 Melt shop baghouse including EU P907, EAF #9. The testing was performed to demonstrate compliance with the emissions limitations outlined in the terms and conditions of TV PTO P0101210 and the requirements of DFFO issued on April 30, 2019. Personnel from Canton City Public Health - Air Pollution Control (Canton-APC) conducted virtual observations to confirm conformance with test methods and Ohio EPA policy.

5. The emission test report was received by Canton APC on January 22, 2021. As shown in the table below, the emission test report identified the NO_x emissions rate as 39.7 lbs/hr which exceeds the allowable emissions limitation of 33.0 lbs/hr, in violation of the terms and conditions of the TV PTO and ORC § 3704.05(C) and (J). In addition, the emission test report also identified the SO₂ emissions rate as 105.5 lbs/hr which exceeds the allowable emissions limitation of 11.5 lbs/hr, in violation of the terms and conditions of the TV PTO and ORC § 3704.05(C) and (J). The emission test report also identified the fugitive visible particulate emissions from the Meltshop as 8.8% as a 6-minute average which exceeds the allowable visible particulate emissions limitation of 6.0% as a 6-minute average, in violation of the terms and conditions of the TV PTO and ORC § 3704.05(C) and (J).

Pollutant	Emissions Rates During Testing (3-run average)	Allowable Emissions Rate	Source Operating Rate During Testing (3-run average)	Maximum Rated Capacity of Source
Nitrogen Oxides	39.7 lbs/hr	33.0 lbs/hr	97.65 TPH	165 tph
Sulfur Dioxide	105.5 lbs/hr	11.5 lbs/hr	97.65 TPH	165 tph
Visible Emissions (fugitive)	8.8 % (highest 6 min avg during test)	6.0 % (6 min avg)	97.65 TPH	165 tph

6. On December 29, 2020 and February 12, 2021, Canton APC sent notice of violation (NOV) letters to Respondent for the violations referenced in Finding No. 11 of these Orders. Respondent provided written responses on March 5, 2021, March 16, 2021, and April 16, 2021, and also implemented certain building repair work to address fugitives. To date, Respondent has not completed a retest or demonstrated compliance with the emissions limitations referenced in Finding No. 5 of these Orders.

7. 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 Order:

By no later than June 18, 2021, Respondent shall conduct a stack test for EU P907 to demonstrate compliance with the SO₂ and NO_x emissions limits identified in the TV PTO P0101210. An Intent-to-Test notification was submitted to Canton APC on April 19, 2021, and any revisions to the ITT requested by Canton APC shall be submitted by the deadline request and no later than five (5) days prior to testing. The results of the stack testing shall be submitted to Ohio EPA and Canton APC within thirty (30) days following the testing. During the test, Respondent shall record all work practices and materials used at EU P907.

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 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 take any other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent, 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

5/17/2021

Date