

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

JSW Steel USA Ohio, Inc.	:	<u>Director's Final Findings</u>
1500 Commercial Avenue	:	<u>and Orders</u>
Mingo Junction, Ohio 43938	:	

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 JSW Steel USA Ohio, Inc. ("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 (Facility ID 0641090010) located at 1500 Commercial Avenue, in Mingo Junction, Ohio (Jefferson County). This facility manufactures steel slabs and coils from scrap steel. Respondents operate, among other emissions units (EUs) at the facility, an Electric Arc Furnace (EAF), EU P913, for melting and producing carbon steel and a twin station Ladle Metallurgical Furnace (LMF), EU P914, for adjusting chemistry in various grades of

carbon steel.

2. ORC § 3704.05(C) and (J) 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.

3. 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.

4. The EAF and LMF were permitted and constructed in the 2003-2004 timeframe by Wheeling Pittsburgh Steel Corporation after the business emerged from Chapter 11 bankruptcy. Until 2008, the LMF exhaust gases were routed along with EAF emissions to a common EAF baghouse. However, a stand-alone baghouse solely for the LMF was installed by a subsequent owner in 2008.

5. In May 2012, the then-owner of the facility (RG Steel Wheeling, LLC) filed Chapter 11 bankruptcy. Following a bankruptcy court-approved sale in August 2012 to Frontier Industrial Corp., the facility was subsequently sold or transferred to intervening owners Mingo Junction Steel LLC (September 2012) and Acero Junction Inc. (December 2016). In June 2018, Respondent's ultimate parent acquired 100% of the equity interest in Acero Junctions Holdings, Inc., the parent of Acero Junction Inc., which was renamed JSW Steel USA Ohio, Inc.

6. In 2021-2022, Respondent installed an enhanced local hood emissions capture system at the LMF. The improved fume collection system consisted of two new local hoods collecting emissions at the LMF to ensure compliance with the terms of a revised PTI. The revised PTI, permit number P0127056, dated July 27, 2022, is an Administrative Modification to the original PTI 06-07507. Permitted steel production under PTI P0127056 is 285 and 350 tons per hour (tph) steel for the EAF and LMF, respectively. As part of the revised PTI, Respondent allocated sulfur dioxide (SO₂) emissions between the LMF and the EAF based on best available judgment at the time since the prior owner had not conducted any emissions testing following the 2008 conversion from a common baghouse to two separate baghouses.

7. For the EAF, the terms and conditions of PTI P0127056 state, in part, that SO₂ emissions shall not exceed 0.30 pounds per ton of steel produced and 374.49 tons per rolling, 12-month period. In addition, the terms and conditions of the permit and the State Implementation Plan (SIP) state that SO₂ emissions shall not exceed 105.0 pounds per hour. Compliance with the 105.0 pounds per hour limit was to be demonstrated by stack testing within three months after issuance of the permit.

8. For the LMF, the terms and conditions of PTI P0127056 state, in part, that SO₂ emissions shall not exceed 14.00 pounds per hour and 49.93 tons per rolling, 12-month period. The SIP also sets forth a 14.0 pound per hour limit for SO₂ for the LMF, as determined under Best

Available Technology analysis. Compliance with the 14.0 pounds per hour limit was to be demonstrated by stack testing within three months after issuance of the permit.

9. On September 21 and 22, 2022, Respondent conducted emissions testing on the EAF, EU P913. The results of the stack test, averaging 0.043 pounds per ton of steel produced and 8.94 pounds SO₂ per hour, demonstrated that Respondent was in compliance with the lb/ton and hourly SO₂ emissions limits referenced in Finding No. 7 of these Orders. In addition, Respondent demonstrated compliance with all other pollutants tested.

10. On November 15, 2022, Respondent conducted emissions testing on the LMF, EU P914. The results of the stack test, 57.64 pounds SO₂ per hour, demonstrated that Respondent was not in compliance with the SO₂ emissions limit referenced in Finding No. 8 of these Orders, in violation of the terms and conditions of PTI P0127056 and ORC § 3704.05(C) and (J). There were no other pollutant compliance issues identified in the final stack test report.

11. Based on the September 21 and 22, 2022 EAF SO₂ results and the November 15, 2022 LMF SO₂ results, the combined SO₂ emissions for the EAF and LMF was 66.58 pounds per hour, which is approximately 56% of the summation of EAF and LMF hourly SO₂ SIP limitations of 119 lbs/hr and approximately 67% of the combined EAF and LMF hourly SO₂ limitations in the permit (PTI P0127056) of 99.5 pounds per hour).

12. On December 16, 2022, Ohio EPA and Respondent held a conference call to discuss the stack test results and the path forward to achieving compliance with the LMF SO₂ limitations. As a result of this conference call, on December 20, 2022, Respondent submitted a preliminary compliance plan to Ohio EPA. The compliance plan proposed an agreed Order to provide a framework to further characterize LMF and EAF SO₂ emissions and determine and implement a compliance plan. The plan proposed conducting modeling, a study to determine feasible SO₂ source reductions, emission controls, and/or permitting strategies to achieve compliance with the SO₂ emissions limitation and implementation of available short-term SO₂ reduction actions, as feasible.

13. 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 **thirty (30) days** from the effective date of these Orders, Respondent shall:
 - a. Select and engage a qualified air dispersion modeling consultant to develop a plan to conduct dispersion modeling as appropriate; and
 - b. Complete a study that further characterizes EAF and LMF SO₂ emissions, including preliminary sulfur mass balance calculations for the EAF and LMF, and determines the feasibility of initial SO₂ source reductions and emission controls to minimize SO₂ emissions.

2. Within **sixty (60) days** from the effective date of these Orders, Respondent shall submit, for Ohio EPA review, a detailed report on the results of the study referenced in Order No. 1, including a description of short-term SO₂ reduction actions that Respondent has implemented or plans to implement together with the timeframe for implementing those action(s). Respondent may elect to conduct diagnostic stack testing of EAF and/or LMF emissions to determine the impact of any short term SO₂ reduction actions initiated.

3. Within **ninety (90) days** from the effective date of these Orders, Respondent shall complete and submit to Ohio EPA a report with the results of preliminary screening dispersion modeling of SO₂ from the EAF and LMF that illustrates the combined ambient impact of potential emissions from the EAF and LMF using proposed reallocations of SO₂ between the two sources as compared to the combined ambient impact of allowable emissions under the SIP. Any subsequent modeling that is completed shall be done in consultation with Ohio EPA.

4. Within **three hundred and sixty-five (365) days** from the effective date of these Orders, Respondent shall do either a. or b. below:
 - a. Demonstrate compliance with the existing LMF SO₂ limit by conducting a stack test. Respondent shall submit an Intent-to-Test for thirty days prior to the stack test being conducted. Within thirty (30) days following the stack test, the Respondent shall submit a report of the results of the stack testing in accordance with Section X.
 - b. Demonstrate compliance with revised allowable SIP and/or PTI Permit emissions limits through air dispersion modeling and submit a permit modification application, if necessary, for any required permitting actions needed to demonstrate compliance with any revised EAF and LMF SO₂ limits or to implement the revised limits demonstrated through dispersion modeling.
 - c. If Respondent is unable to achieve compliance under a. or b. above, then Respondent shall submit a revised compliance plan and associated compliance dates to Ohio EPA for review and approval.

5. Respondent shall pay the amount of forty thousand dollars (\$40,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an

official check made payable to "Treasurer, State of Ohio" for forty thousand dollars (\$40,000) of the total amount (split to Funds 6960 and 6A10). The official check shall be 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, 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(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 required to be submitted by Respondent pursuant to these Orders shall be submitted through the Ohio EPA's eBusiness Center: Air Services web service and emailed to Devan Roof at Devan.Roof@epa.ohio.gov and Josh Koch at Joshua.Koch@epa.ohio.gov 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 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 Respondents 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



Anne M. Vogel
Director

December 22, 2023

Date

AGREED:

JSW Steel USA Ohio, Inc.



Signature

December 11th 2023

Date

Jonathan G. Sparks

Printed or Typed Name

COO JSW Steel USA Mingo Works

Title