



July 8, 2024

Mr. Paul Hite
Environmental & Safety Manager
Stein, LLC.
1929 East Royalton Road
Broadview Heights, Ohio 44414

Re: Final Findings and Orders for air pollution
violations

Dear Mr. Hite:

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 that reads "Joshua S. Koch".

Joshua S. Koch, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

ec: Jim Kavalec/Josh Koch/Zachary Peterson/Abigail Gentry, DAPC
Donald L. Vanterpool, Legal Office
Kerri Castlen/Mike Kramer/Ciara Wagner, Southwest Ohio Air Quality Agency

By:  Date: 07/08/2024 BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Stein, LLC	:	<u>Director's Final Findings</u>
1929 E. Royalton Rd.	:	<u>and Orders</u>
Broadview Heights, Ohio 44147	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Stein, 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 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:

- Respondent operates a facility (Facility ID#1409010908) located at 3024 Oxford State Road, in Middletown, Ohio (Butler County). The current Permit to Install and Operate ("PTIO") P0128298 for this facility was issued on March 23, 2021, has the expiration date of March 23, 2026.
- Respondent operates various emissions units ("EUs") at this facility for processing slag from a steel mill, including the following emissions units identified by Ohio EPA with their associated identification numbers as follows:

<u>Emissions Unit ID</u>	<u>Description of Each Emissions Unit</u>
F001	BOF Slag Processing Plant
F002	BF Slag Processing Plant

F003	Tundish Lancing
F004	Mill Scale/Kish Processing Plant
F005	BF Slag Dumping Pits
F006	BOF Slag Pot Dumping Station
F007	Kish Dumping Station
F008	Drop Ball Pit
F009	Unprocessed Slag and Product Storage Piles
F010	Roadways & Parking Areas
F012	Refuse Material Separation Operation

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

5. Term A.14 of PTIO P0128298 prohibits the operation of the air contaminant source(s) regulated under this permit in a manner that causes a nuisance. Ohio EPA can require additional controls or modification of the requirements of this permit through enforcement orders or judicial enforcement action if, upon investigation, Ohio EPA determines existing operations are causing a nuisance.

6. Terms C.1.d)(1), C.2.d)(1), C.3.d)(3)-d)(4), C.4.d)(1), C.5.d)(1), C.6.d)(1), C.7.d)(1), and C.8.d)(1) of PTIO P0128298 require the permittee to perform daily checks, when the emissions unit is in operation and when the weather conditions allow, for any visible emissions of fugitive dust from the emissions unit. The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log: the location and color of the emissions; whether the emissions are representative of normal operations; if the emissions are not representative of normal operations, the cause of the abnormal emissions; the total duration of any visible emission incident; and any corrective action taken to minimize or eliminate the visible emissions.

7. Terms C.9.d)(1)-d)(3), C.10.d)(1)-d)(2), and C.11.d)(2) of PTIO P0128298 require the permittee to perform inspections of applicable emissions units once daily during operation.

8. Terms C.9.d)(6)a-c, C.10.d)(3)a-c, and C.11.d)(3)a-c of PTIO P0128298 require the permittee to indicate: (1) the date an inspection was not performed; (2) the date it was necessary to implement control measures; and (3) the date control measures implemented.

9. Terms C.9.d)(6)d., C.10.d)(3)(d), and C.11.d)(3)(d) of PTIO P0128298 require on a calendar quarter basis, the total number of days the control measures were implemented.

10. Terms C.1.e)(4), C.2.e)(4), C.3.e)(4), C.4.e)(4), C.5.e)(4), C.6.e)(4), C.7.e)(4), C.8.e)(4), C.9.e)(4), and C.11.e)(1) of PTIO P0128298 require that the permittee shall submit quarterly deviation reports that identify all deviations of emission limitations identified in each section, operational restrictions and/or control device parameter limitations that restrict PTE. If no deviations (excursions) occurred during a calendar quarter, the permittee to submit a report that states that no deviations (excursions) occurred during the quarter. The quarterly reports shall be submitted each year by January 31 (covering October to December), April 30 (covering January to March), July 31 (covering April to June), and October 31 (covering July to September), unless an alternative schedule has been established and approved by the Director, the appropriate District Office or local air agency.

11. Terms C.1.e)(2), C.2.e)(2), C.3.e)(2), C.4.e)(2), C.5.e)(2), C.6.e)(2), C.7.e)(2), C.8.e)(2), C.9.e)(2), C.10.e)(2) and C.11.e)(2) of PTIO P0128298 require the permittee to submit an annual PER to the Ohio EPA. The PER must be submitted by the due date (November 15) as identified in the Authorization section of the current permit.

12. OAC Rule 3745-15-07(A) prohibits, in part, the emission or escape into the open air from any source or sources whatsoever, or smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in such a manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property.

13. On March 3, 2020, March 9, 2020, March 11, 2020, October 6, 2020, March 17, 2021, and September 7, 2021, Southwest Ohio Air Quality Agency ("SWOAQA"), a contractual representative of Ohio EPA in Butler County, received citizen complaints of fugitive dust emissions reportedly coming from Respondent's facility in violations of the terms and conditions of PTIO P0128298, OAC Rule 3745-17(A), and ORC 3704.05(C) and (G).

14. On October 15, 2021, SWOAQA issued Respondent a notice of violation ("NOV") letter for the violations outlined in Finding #13.

15. On November 11, 2021, Respondent submitted a response to SWOAQA outlining action items being taken to investigate SWOAQA's allegations and identified actions implemented or to be implemented by Respondent including maintenance projects related to water lines, additional water application for control of fugitive emissions and additional pollution control equipment.

16. On December 13, 2021, March 1, 2022, April 25, 2022, June 29, 2022, and July 13, 2022, SWOAQA received citizen complaints of fugitive dust emissions coming from the Respondent's facility in violation of the terms and conditions of PTIO P0128298, OAC Rule 3745-15-07(A), and ORC 3704.05(C) and (G). On July 14, 2022, SWOAQA sent an email to Respondent documenting recent complaints and requesting a summary of the action items from the

Respondent. On July 26, 2022, Respondent responded and advised that control devices were operational on the days in question, provided visible emission monitoring and water usage records for controls, and offered a trial for alternative dust control measures, increased water application, and additional pollution control equipment for roadways and parking areas (EU F001), dumping stations and pits (EU F009), drop ball (EU F008), and BOF (EU F006).

17. On October 4, 2022, January 10, 2023, January 19, 2023, March 9, 2023, and March 15, 2023, SWOAQA received complaints of fugitive dust emissions coming from Respondent's facility in violations of the terms and conditions of PTIO P0128298, OAC Rule 3745-15-07(A), and ORC 3704.05(C) and (G).

18. On May 11, 2023, SWOAQA issued proposed Findings and Orders to Respondent for the violations identified in Findings #13, #16 and #17. Respondent and SWOAQA discussed the proposed Orders, but a resolution was not reached; therefore, the case was referred to Ohio EPA.

19. During SWOAQA's inspection of Respondent's facility on August 30, 2023, the following violations were also found:

- No daily monitoring and/or recordkeeping occurred on at least 250 days in the calendar years 2022 and 2023 (January-August), in violation of Terms C.1.d)(1), C.2.d)(1), C.3.d)(3)-d)(4), C.4.d)(1), C.5.d)(1), C.6.d)(1), C.7.d)(1), and C.8.d)(1) of PTIO P0128298.
- No daily monitoring and/or recordkeeping occurred on at least 250 days in the calendar years 2022 and 2023, in violation of Terms C.9.d)(1)-d)(3), C.10.d)(1)-d)(2), C.11.d)(2) and Term C.9.d)(6)a-c, C.10.d)(3)a-c, and C.11.d)(3)a-c of PTIO P0128298.
- No quarterly summary of control measures were being maintained. These records were never maintained by Respondent, in violation of Terms C.9.d)(6)d., C.10.d)(3)(d), and C.11.d)(3)(d) of PTIO P0128298.
- No quarterly report had been submitted for the second quarter of 2023, in violation of Term C.1.e)(4), C.2.e)(4), C.3.e)(4), C.4.e)(4), C.5.e)(4), C.6.e)(4), C.7.e)(4), C.8.e)(4), C.9.e)(4), and C.11.e)(1) of PTIO P0128298.

20. On September 13, 2023, SWOAQA issued Respondent a NOV letter for the deficiencies identified in Finding #19.

21. On October 13, 2023, Respondent responded to SWOAQA's September 13, 2023 NOV letter by advising that additional staffing redundancies and auditing had been implemented for visible emission monitoring and recordkeeping, Respondent created a quarterly control measures reporting form, and Respondent submitted the second quarter deviation report.

22. On November 21, 2023, SWOAQA issued Respondent an NOV letter via electronic mail for failing to submit the PER to SWOAQA by November 15, 2023, for the reporting period from October 1, 2022, to September 30, 2023, in violation of the standard terms and conditions of PTIO

P0128298.

23. On November 25, 2023, Respondent responded to SWOAQA's November 21, 2023 NOV. In its response, Respondent provided SWOAQA with the Permit Evaluation Report ("PER").

24. 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 from the effective date of Orders, Respondent shall install high-definition cameras, with live feed capabilities, that are positioned to and capable of recording video of particulate emissions from the BOF slag pot dumping station (F006), Kish dumping station (F007), and BF slag processing plant (F002). Respondent shall thereafter video record the BOF slag pot dumping station (F006), kish dumping station (F007), and BF slag processing plant (F002), 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 SWOAQA to review them no later than one business day from the time of capturing. Respondent shall maintain the videos of each day for 60 days and make them available for review at the facility by Ohio EPA and/or SWOAQA upon request.

2. Within one hundred fifty (150) days after the effective date of these Orders, Respondent shall submit a written Operating and Maintenance Plan ("O&M Plan") for review and approval by SWOAQA. The plan shall address the operation and maintenance of the water systems owned or maintained by Respondent and used for the control of fugitive dust. Respondent shall annually review the O&M plan, and update the plan, as necessary to reflect current operations. Respondent shall submit a copy of all proposed updates to the plans to SWOAQA for review and comment prior to implementing the changes. A relaxation of a requirement in the O&M Plan shall require written approval by SWOAQA before implementation unless necessitated by a documented emergency. The O&M Plan shall be maintained at Respondent's facility and made available for inspection upon request by Ohio EPA and/or SWOAQA.

The O&M Plan shall include at a minimum the following components:

- a) Detailed descriptions of the procedures for operating all components of the water systems for control of fugitive dust that are owned or maintained by Respondent, that could affect emissions of air pollutants from the facility.

- b) A detailed description of the water control systems owned or maintained by Respondent, including but not limited to water trucks, water lines, dust bosses, dust demolishers, water tanks, de-scaler, water cannons, timers, (rotating) sprinkling heads, rain birds, water tanks, sump pumps, etc.
- c) Optimal operating parameters such as flow rates, pressure drops, water pressure, and other applicable conditions that may impact the performance and control efficiencies of water control systems owned or maintained by Respondent, and provisions for alternative water supply for water control systems owned or maintained by Respondent in the event Respondent's current water supply is disrupted.
- d) Technique(s) used to minimize fugitive emissions from the Kish dumping station (F007), BF slag processing plant (F002), and BOF slag pot dumping station (F006).
- e) Identification of routine and long-term maintenance and inspection schedules for each piece of equipment owned or maintained by Respondent to ensure each water control system, including individual equipment and components, are in and maintained in good working order and to ensure prompt replacement of any worn section or part that shows the potential of future failure.

Respondent shall complete documentation and date all inspections, observations, and necessary repairs of equipment or systems owned or maintained by Respondent as identified in the O&M Plan and make all necessary adjustments as soon as practicable or as otherwise dictated in the O&M Plan.

3. Respondent shall pay the amount of forty thousand five hundred dollars (\$40,500) 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" forty thousand five hundred dollars (\$40,500). 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

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(R)(4)(a) 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 addressed to:

Hamilton County Department of Environmental Services
Southwest Ohio Air Quality Agency
250 William Howard Taft Road
Cincinnati, Ohio 45219
Attention: Kerri Castlen, Manager

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Josh Koch, Manager
Compliance and 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 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 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

7/8/2024

Date

AGREED:

Stein, LLC



Mark Whalen
President

June 26, 2024

Date