



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 31 2008

REPLY TO THE ATTENTION OF:  
AE-177

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Wendlene M. Lavey, Esq.  
Squire, Sanders & Dempsey, LLP  
4900 Key Tower, 127 Public Square  
Cleveland, Ohio 44114

Dear Ms. Lavey:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Republic Engineered Products, Inc., CAA Docket No. CAA-05-2008-0032. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on JUL 31 2008.

Pursuant to paragraph 31 of the CAFO, Republic Engineered Products, Inc. must pay the civil penalty within 30 days of the date the CAFO was filed, JUL 31 2008. Your check must display the docket number, CAA-05-2008-0032, and the billing document number, 2750803A027.

Please direct any questions regarding this case to Christine Liszewski, Associate Regional Counsel, (312) 886-4670.

Sincerely,

William MacDowell  
Chief  
Air Enforcement and Compliance  
Assurance Section (MN-OH)

Enclosure

cc: Dennis Bush, APC Supervisor  
Northeast District Office  
Ohio Environmental Protection Agency



6. The parties consent to entry of this CAFO and agree to comply with the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in the CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. On June 27, 1994, U.S. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17-07(B)(1) as part of the federally enforceable state implementation plan (SIP) for Ohio. 59 Fed. Reg. 27464 (June 27, 1994).

10. OAC 3745-17-07(B)(1) states that visible particulate emissions from any fugitive dust source shall not exceed twenty percent opacity as a three-minute average.

11. On June 27, 1994, U.S. EPA approved OAC Chapter 3745-17-07(B)(3) as part of the federally enforceable Ohio SIP. 59 Fed. Reg. 27464 (June 27, 1994).

12. OAC 3745-17-07(B)(3) states that visible particulate emissions of fugitive dust from, among other things, blast furnace casthouses shall not exceed twenty percent opacity as a six-minute average.

13. Section 502(a) of the Act, 42 U.S.C. § 7661(a), provides that it is unlawful for any person to violate any requirement of a permit issued under this subchapter (Title V) or to operate a major source except in compliance with a permit issued pursuant to an approved 40 C.F.R. Part 70 (Title V) operating permit program.

14. On August 15, 1995, U.S. EPA approved the State of Ohio operating permit program with an effective date of October 1, 1995. 60 Fed. Reg. 42045 (August 15, 1995). *See also* 40 C.F.R. Pt. 70, App. A.

15. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for SIP violations that occurred from January 31, 1997, through March 15, 2004, and may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for violations that occurred after March 15, 2004, under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

16. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

17. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

#### **Factual Allegations and Alleged Violations**

18. Respondent owns and operates an integrated iron and steel facility at 1807 East 28<sup>th</sup> Street in Lorain, Ohio (the Facility). The Facility produces finished and semi-finished special bar quality steel.

19. The Ohio Environmental Protection Agency (OEPA) issued a Title V permit for the Facility on May 30, 2003.

20. Respondent operates two basic oxygen process (BOP) vessels, identified in the Title V permit as BOP vessels L and N, and a blast furnace casthouse, identified in the Title V permit as blast furnace casthouse #4, at its Facility.

21. The Title V permit provides that visible particulate emissions of fugitive dust from BOP vessels L and N shall not exceed 20 percent opacity as a three-minute average.

22. The Title V permit provides that visible fugitive particulate emissions from blast furnace casthouse #4 shall not exceed 20 percent opacity as a six-minute average.

23. The visible particulate emissions limitations in OAC 3745-17-07(B)(1) of the Ohio SIP and the Title V permit apply to visible particulate emissions of fugitive dust from BOP vessels L and N. Respondent alleges that several Ohio iron and steel companies, including USS/KOBE Steel Company, Inc. (a prior owner of the Facility), appealed the State of Ohio's promulgation of OAC 3745-17-07(B)(1) to the Environmental Board of Review (now the Environmental Review Appeals Commission, or ERAC) (Case Nos. 182477-702383) and U.S. EPA's approval of the rule as part of the Ohio SIP to the Sixth Circuit Court of Appeals (Case No. 94-3780). In addition, Respondent alleges that Republic Engineered Products, LLC (another prior owner of the Facility) appealed issuance of the Title V permit for the Facility to ERAC due to, among other things, inclusion of the visible particulate emission limitations in OAC 3745-17-07(B)(1) (Case No. 475324). According to Respondent, these appeals are currently pending before the ERAC and the Sixth Circuit. The appeals are not affected by the CAFO in any way.

24. The visible particulate emissions limitations in OAC 3745-17-07(B)(3) of the Ohio SIP and the Title V permit apply to visible particulate emissions of fugitive dust from blast furnace casthouse #4.

25. U.S. EPA inspectors conducted visible emissions observations at the Facility on March 21 and 22, 2005; April 1, 2005; and October 12 and 18, 2005.

26. OEPA inspectors conducted visible emissions observations at the Facility on September 1 and 8, 2005.

27. Respondent has conducted visible emissions observations at the Facility from at least December 23, 2003 until the present.

28. Based on observations of opacity by U.S. EPA inspectors, OEPA inspectors, or Respondent, U.S. EPA alleges that visible particulate emissions of fugitive dust from BOP vessel L exceeded twenty percent opacity in violation of the visible particulate emission limitations in OAC 3745-17-07(B)(1) of the Ohio SIP and the Title V permit on the following dates: February 12 and 26, 2004; May 13 and 25, 2004; June 29, 2004; August 12 and 24, 2004; September 2, 9, 16 and 27, 2004; November 15, 2004; December 8, 2004; January 18, 2005; February 10 and 15, 2005; March 10, 18, 21, 22 and 23, 2005; April 1, 7 and 30, 2005; June 2, 2005; January 25, 2006; February 2, 2006; August 22, 2006; February 1, 2007; April 19, 2007; June 9, 2007 and October 4, 2007.

29. Based on observations of opacity by U.S. EPA inspectors, OEPA inspectors, or Respondent, U.S. EPA alleges that visible particulate emissions of fugitive dust from BOP vessel N exceeded twenty percent opacity in violation of the visible particulate emission limitations in OAC 3745-17-07(B)(1) of the Ohio SIP and the Title V permit on the following dates: December 23, 2003; January 14, 2004; March 10, 18 and 25, 2004; April 28, 2004; July 14, 2004; August 17 and 27, 2005; September 1, 8, 22 and 28, 2005; October 12, 14 and 18, 2005; and December 16 and 30, 2005; June 29, 2006; July 13, 2006; August 5, 2006; April 12, 2007; and May 5 and 19, 2007.

30. Based on observations of opacity by U.S. EPA inspectors, U.S. EPA alleges that visible particulate emissions of fugitive dust from blast furnace casthouse #4 exceeded twenty percent opacity in violation of the visible particulate emission limitations in OAC 3745-17-07(B)(3) of the Ohio SIP and the Title V permit on the following dates: March 22, 2005 and May 4 and 5, 2006.

31. On July 26, 2005, September 5, 2006 and February 19, 2008, U.S. EPA issued to Respondent notices/findings of violation alleging that it violated the visible particulate emission limitations in OAC 3745-17-07(B)(1) and (B)(3) of the Ohio SIP and Respondent's Title V permit. Respondent neither admits nor denies the factual or legal allegations contained in the notices/findings of violation and in this CAFO.

#### **Civil Penalty**

32. Based on analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case, and cooperation of the Respondent, Complainant has determined that an appropriate civil penalty to settle this action is \$210,000.00 and Respondent has agreed to pay a civil penalty in that amount.

33. Within 30 days after the effective date of this CAFO, Respondent must pay a \$210,000.00 civil penalty by electronic funds transfer, payable to the "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read:  
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, Respondent must state "In

the Matter of: Republic Engineered Products, Inc.,” the docket number of this CAFO and the billing document number.

34. This civil penalty is not deductible for federal tax purposes.

35. If Respondent does not pay timely the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States’ enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

36. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

### **General Provisions**

37. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations alleged in this CAFO including the violations alleged by U.S. EPA in the July 26, 2005, September 5, 2006 and February 19, 2008 findings/notices of violation.

38. Except as set forth herein, the CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law or Respondent’s ability to assert any defenses thereto.



39. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state, and local laws. Except as provided in paragraph 37, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by Complainant.

40. Respondent certifies that it is complying fully with the visible particulate emissions limitations in OAC 3745-17-07(B)(3) of the Ohio SIP and the Title V permit at blast furnace casthouse #4.

41. The effect of this settlement is conditional upon Respondent's implementation of the compliance program for BOP vessels L and N as set forth in Administrative Consent Order, Docket No. EPA-5-08-113(a)-OH-02, between U.S. EPA and Respondent. This CAFO shall automatically terminate upon Respondent's compliance with paragraph 33, above; provided, however, that the resolution described in paragraph 37, above, shall survive termination of this CAFO.

42. This CAFO constitutes an "enforcement response" as that term is used in U.S. EPA's *Clean Air Act Stationary Source Civil Penalty Policy* to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

43. The terms of this CAFO bind Respondent, its successors, and assigns.

44. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

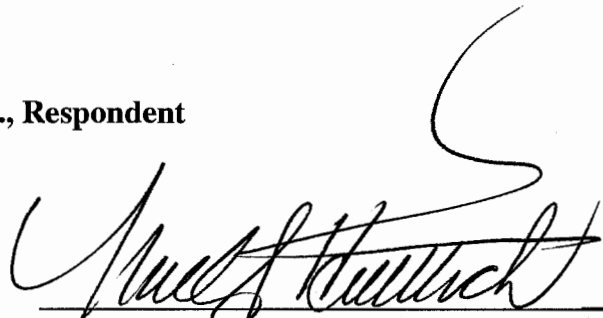
45. Each party agrees to bear its own costs and attorneys' fees in this action.

46. This CAFO and the Administrative Consent Order referenced in paragraph 41, above, constitute the entire agreement between the parties.

**CONSENT AGREEMENT AND FINAL ORDER**  
**In the Matter of: Republic Engineered Products, Inc.**  
**Docket No. CAA-05-2008-0032**

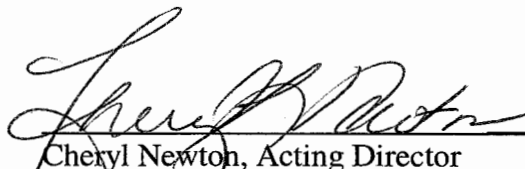
**Republic Engineered Products, Inc., Respondent**

22 JULY 2008  
Date

  
\_\_\_\_\_  
Noel Huettich, Vice President, Corporate Operations  
Republic Engineered Products, Inc.

**United States Environmental Protection Agency, Complainant**

7/29/08  
Date

  
\_\_\_\_\_  
Cheryl Newton, Acting Director  
Air and Radiation Division  
U.S. Environmental Protection  
Agency, Region 5 (A-18J)

**CONSENT AGREEMENT AND FINAL ORDER**  
**In the Matter of: Republic Engineered Products, Inc.**  
**Docket No. CAA-05-2008-0032**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

7/29/08  
Date

Walter W. Kautsky  
for  
Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection  
Agency, Region 5

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
JUL 29 2008  
OFFICE OF REGIONAL  
COUNSEL

**In the Matter of: Republic Engineered Products, Inc.**  
**Docket No. CAA-05-2008-0032**

**CERTIFICATE OF SERVICE**

I, Loretta Shaffer, certify that I filed the original and one copy of the Consent Agreement and Final Order in this matter with the Regional Hearing Clerk (E-13J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that I mailed by Certified Mail, Receipt No. \_\_\_\_\_, the second original to Respondent, addressed as follows:

Wendlene M. Lavey, Esq.  
Squire, Sanders & Dempsey LLP  
4900 Key Tower, 127 Public Square  
Cleveland, Ohio 44114

Noel Huettich, Vice President, Corporate Operations  
Republic Engineered Products, Inc.  
1807 East 28<sup>th</sup> Street  
Lorain, Ohio 44055

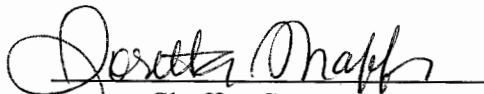
I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Agency  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049

and

Dennis Bush, APC Supervisor  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

on the 31<sup>st</sup> day of July, 2008.

  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589191228

RECEIVED  
REGIONAL HEARING CLERK  
2008 JUL 31 PM 3:23

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-08-113(a)-OH-02</b>
	)	
<b>Republic Engineered Products, Inc.</b>	)	<b>Proceeding Under Sections 113(a)(1) and</b>
<b>Lorain, Ohio</b>	)	<b>(a)(3) and 114(a)(1) of the Clean Air Act,</b>
	)	<b>42 U.S.C. §§ 7413(a)(1) and (a)(3), and ))))</b>
	)	<b>7314(a)(1)</b>

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Republic Engineered Products, Inc. (Republic) under Sections 113(a)(1) and (a)(3), and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(1) and (a)(3), and 7314(a)(1).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of U.S. EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

3. On June 27, 1994, U.S. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17-07(B)(1) as part of the federally enforceable state implementation plan (SIP) for Ohio. 59 Fed. Reg. 27464 (June 27, 1994).

4. OAC 3745-17-07(B)(1) states that visible particulate emissions from any fugitive dust source shall not exceed twenty percent opacity as a three-minute average.

5. Section 502(a) of the Act, 42 U.S.C. § 7661(a), provides that it is unlawful for any person to violate any requirement of a permit issued under this subchapter (Title V) or to operate a major source except in compliance with a permit issued pursuant to an approved 40 C.F.R. Part 70 (Title V) operating permit program.

6. On August 15, 1995, U.S. EPA approved the State of Ohio operating permit program with an effective date of October 1, 1995. 60 Fed. Reg. 42045 (August 15, 1995). *See also* 40 C.F.R. Pt. 70, App. A.

7. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating any requirement of a Title V permit issued pursuant to an approved 40 C.F.R. Part 70 (Title V) operating permit program. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

8. The Administrator of U.S. EPA may require any person who owns or operates an emission source to make reports, sample emissions and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

9. Republic owns and operates an integrated iron and steel facility at 1807 East 28<sup>th</sup> Street in Lorain, Ohio (the Facility). The Facility produces finished and semi-finished special bar quality steel.

10. The Ohio Environmental Protection Agency (OEPA) issued a Title V permit for the Facility on May 30, 2003.

11. Republic operates two basic oxygen process (BOP) vessels, identified in the Title V permit as BOP vessels L and N at its Facility.

12. The Title V permit provides that visible particulate emissions of fugitive dust from BOP vessels L and N shall not exceed 20 percent opacity as a three-minute average.

18. 13. The visible particulate emissions limitations in OAC 3745-17-07(B)(1) of the Ohio SIP and the Title V permit apply to visible particulate emissions of fugitive dust from BOP vessels L and N. Respondent alleges that several Ohio iron and steel companies, including USS/KOBE Steel Company, Inc. (a prior owner of the Facility), appealed the State of Ohio's promulgation of OAC 3745-17-07(B)(1) to the Environmental Board of Review (now the Environmental Review Appeals Commission, or ERAC) (Case Nos. 182477-702383) and U.S. EPA's approval of the rule as part of the Ohio SIP to the Sixth Circuit Court of Appeals (Case No. 94-3780). In addition, Respondent alleges that Republic Engineered Products, LLC (another prior owner of the Facility) appealed issuance of the Title V permit for the Facility to ERAC due to, among other things, inclusion of the visible particulate emission limitations in OAC 3745-17-07(B)(1) (Case No. 475324). According to Respondent, these appeals are currently pending before the ERAC and the Sixth Circuit. The appeals are not affected by the CAFO in any way.

14. U.S. EPA inspectors conducted visible emissions observations at the Facility on March 21 and 22, 2005; April 1, 2005; and October 12 and 18, 2005.

15. OEPA inspectors conducted visible emissions observations at the Facility on September 1 and 8, 2005.

16. Republic has conducted visible emissions observations at the Facility from at least December 23, 2003 until the present.

17. Based on observations of opacity by U.S. EPA inspectors, OEPA inspectors, or Republic, U.S. EPA alleges that visible particulate emissions of fugitive dust from BOP vessel L exceeded twenty percent opacity in violation of the visible particulate emission limitations in

OAC 3745-17-07(B)(1) of the Ohio SIP and the Title V permit on the following dates: February 12 and 26, 2004; May 13 and 25, 2004; June 29, 2004; August 12 and 24, 2004; September 2, 9, 16 and 27, 2004; November 15, 2004; December 8, 2004; January 18, 2005; February 10 and 15, 2005; March 10, 18, 21, 22 and 23, 2005; April 1, 7 and 30, 2005; June 2, 2005; January 25, 2006; February 2, 2006; August 22, 2006; February 1, 2007; April 19, 2007; June 9, 2007 and October 4, 2007.

18. Based on observations of opacity by U.S. EPA inspectors, OEPA inspectors, or Republic, U.S. EPA alleges that visible particulate emissions of fugitive dust from BOP vessel N exceeded twenty percent opacity in violation of the visible particulate emission limitations in OAC 3745-17-07(B)(1) of the Ohio SIP and the Title V permit on the following dates: December 23, 2003; January 14, 2004; March 10, 18 and 25, 2004; April 28, 2004; July 14, 2004; August 17 and 27, 2005; September 1, 8, 22 and 28, 2005; October 12, 14 and 18, 2005; and December 16 and 30, 2005; June 29, 2006; July 13, 2006; August 5, 2006; April 12, 2007; and May 5 and 19, 2007.

19. Republic owns or operates an “emission source” within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Republic is subject to the requirements of Section 114(a)(1).

20. On July 26, 2005, September 5, 2006 and February 19, 2008, U.S. EPA issued to Republic notices/findings of violation alleging that it violated, among other things, the visible particulate emission limitations in OAC 3745-17-07(B)(1) of the Ohio SIP and Republic’s Title V permit. Republic neither admits nor denies the factual or legal allegations contained in the notices/findings of violation and in this Order.

21. On several occasions including, but not limited to, August 30, 2005, October 5, 2006



and October 16, 2007, representatives of Republic and U.S. EPA discussed the notices/findings of violation.

22. Republic controls emissions generated by BOP vessels L and N through a primary capture and control system consisting of a skirt, hood and scrubber and a secondary capture and control system consisting of an Air Quality Control (AQC) baghouse and building.

23. Since December 2003, Republic has undertaken a number of repair and replacement projects on the primary and secondary capture and control systems for the BOP vessels including, but not limited to, installation of new repair doors, new vessel skirts and new relief doors and replacement of hood system panels, re-bagging of all compartments of the AQC baghouse, and replacement of sheeting sections on the curtain wall and sheeting on various sides and the roof of the BOP Shop.

#### **Compliance Program**

24. By not later than one (1) year following the effective date of this Order, Republic must achieve, demonstrate, and maintain compliance with the visible particulate emission limitations in OAC 3745-17-07(B)(1) of the Ohio SIP and the Title V permit at BOP vessels L and N.

25. By not later than one (1) year following the effective date of this Order, Republic must complete the following projects to enhance the secondary control and capture system for BOP vessels L and N:

- a. inspect 16 dampers (also known as butterfly valves) within each of the 16 vertical ducts extending from the 16 uptakes to the AQC main duct, which dampers are opened and closed to optimize air flow through the AQC main duct to the baghouse and thereby maximize control of emissions, and repair or replace those dampers that do not

open and close properly;

b. clean out any accumulated solids present in any of the 16 vertical ducts from the damper to the entry into the main duct;

c. inspect all augmentation fans and their respective motors located in the wall along the southern side of the BOP Shop building above the vessels (repair floor, batch floor, lance floor and flux floor), which fans induce pressure from outside into the building in order to force fugitive emissions upward to the pickup points in the BOP Shop roof, and repair or replace those fans and/or motors that do not operate properly;

d. inspect all doors present on the lance floor, flux floor and batch floor providing access to staircases, the quencher room and onto the roof, which doors prevent the escape of fugitive emissions from the building when properly closed, and repair or replace those doors that do not close properly; and

e. install a computerized Programmable Logical Controller (PLC) system that automatically checks the operation of the augmentation fans and automatically controls the opening and closing of the dampers.

26. Republic must submit quarterly progress reports to U.S. EPA. These reports must describe the work performed during the preceding quarter, the activities planned for the next quarter and any problems encountered and proposed solutions. The quarterly progress reports must also include copies of all original visible particulate emission readings performed and recorded on the BOP shop roof monitor pursuant to Republic's Title V permit during the preceding quarter, while either BOP vessel L or N was operating. Republic must submit such quarterly reports within fifteen (15) days following the end of each calendar quarter (meaning October 15, 2008, January 15, 2009, April 15, 2009 and July 15, 2009).

27. Republic must submit a final completion report describing the projects required in paragraph 25, above, as implemented and any problems encountered in completing the projects and the solutions thereto to U.S. EPA by no later than thirty (30) days following the one-year anniversary of the effective date of this Order.

28. All submissions that Republic is required to submit to U.S. EPA by this Order must be certified by a responsible corporate official and accompanied by the following certification:

I certify that I am familiar with the information in this submission and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

29. Republic must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

30. This Order does not affect Republic's responsibility to comply with other federal, state, and local laws.

31. Except as set forth herein, this Order does not restrict U.S. EPA's authority to enforce the Ohio SIP or any other section of the Act or Republic's ability to assert any defenses thereto.

32. Except as set forth in Consent Agreement and Final Order (CAFO), Docket No. \_\_\_\_\_, nothing in this Order limits the U.S. EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for any other violation by

Republic of the visible particulate emissions limitation in OAC 3745-17-07(B)(1) of the Ohio SIP or the Title V permit.

33. Failure to comply with this Order may subject Republic to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

34. The terms of this Order are binding on Republic, its assignees and successors. Republic must give notice of this Order to any successors in interest prior to transferring ownership of the Facility and must simultaneously verify to U.S. EPA, at the above address, that it has given the notice.

35. Republic may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to U.S. EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Republic fails to assert a business confidentiality claim, U.S. EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

36. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your responses to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

37. U.S. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

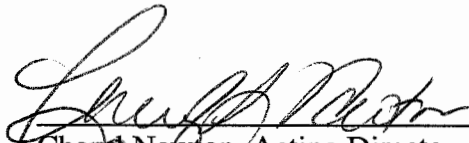
38. Republic agrees to the terms of this Order.

39. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate on the thirtieth (30<sup>th</sup>) day following the one year anniversary of the Order's effective date, provided that Republic has complied with all terms of the Order.

22 JULY 2008  
Date

  
\_\_\_\_\_  
Noel Huettich, Vice President, Corporate Operations  
Republic Engineered Products, Inc.

7/29/08  
Date

  
\_\_\_\_\_  
Cheryl Newton, Acting Director  
Air and Radiation Division

**CERTIFICATE OF SERVICE**

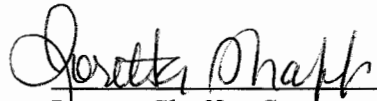
I, Loretta Shaffer, certify that I mailed a signed original of the Administrative Consent Order, No. EPA-5-08-113(a)-OH-02 by Certified Mail, Return Receipt Requested to:

Wendlene M. Lavey, Esq.  
Squire, Sanders & Dempsey LLP  
4900 Key Tower, 127 Public Square  
Cleveland, Ohio 44114

and that I mailed a correct copy by first class, United States mail, addressed as follows:

Noel Huettich, Vice President, Corporate Operations  
Republic Engineered Products, Inc.  
1807 East 28<sup>th</sup> Street  
Lorain, Ohio 44055

on the 31<sup>st</sup> day of July, 2008.

  
\_\_\_\_\_  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

**CERTIFIED MAIL RECEIPT NUMBER:** 7001 0320 0005 8919 1228