

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. CAA-05-2020-0030</b>
	)	
<b>TimkenSteel Corporation</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Canton, Ohio</b>	)	<b>Under Section 113(d) of the Clean Air Act,</b>
	)	<b>42 U.S.C. § 7413(d)</b>
<b>Respondent.</b>	)	
<hr/>	)	

**Consent Agreement and Final Order**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is TimkenSteel Corporation, a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this 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 this 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**

#### **Title V Permit Program**

9. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution.

10. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. See 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

11. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to the EPA a permit program meeting the requirements of Title V.

12. On August 15, 1995, EPA approved the State of Ohio's operating permit program with an effective date of October 1, 1995. See 40 C.F.R. Part 70, Appendix A.

13. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

14. 40 C.F.R. § 70.6(b)(1) provides that all terms and conditions in a Title V permit are enforceable by EPA.

### Federally Enforceable State Permits to Install

15. On January 22, 2003, EPA approved Ohio Administrative Code (OAC) Rule 3745-31-05 as part of the federally-enforceable Ohio State Implementation Plan (SIP) with an effective date of March 10, 2003. 68 Fed. Reg. 2909

16. OAC Rule 3745-31-05 authorizes the Ohio Environmental Protection Agency (OEPA) to, among other things, issue federally-enforceable Permits-to-Install (PTI) with such terms and conditions as are necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality.

### Faircrest Steel Plant Permits

17. At the time EPA initiated the current action, Respondent's Faircrest Steel Plant (Faircrest) operated under a Title V Permit issued by OEPA, effective on April 20, 2004 (Faircrest Title V Permit), which was renewed on October 26, 2016. OEPA subsequently issued a Permit-to-Install on December 29, 2010 (Faircrest 2010 PTI), allowing several modifications to the facility and adjusting emissions limitations.

### Faircrest Electric Arc Furnace (EAF) Emissions

18. Part III, Condition P102-A.I.1. of the Faircrest Title V Permit states that emissions of fluoride from the EAF shall not exceed 1.4 pounds per hour (lb/hr).

19. Part III, Condition P102-A.I.1. of the Faircrest Title V Permit states that emissions of SO<sub>2</sub> from the EAF shall not exceed 0.15 pounds per ton (lb/ton) and 30 lb/hr.

20. Part III, Condition P102-A.I.1. of the Faircrest Title V Permit states that emissions of NO<sub>x</sub> from the EAF shall not exceed 0.2 lb/ton.

21. Part III, Condition P102-A.I.1. of the Faircrest Title V Permit states that emissions of mercury from the electric arc furnace (EAF) shall not exceed 0.0037 lb/hr.

22. Condition C.1.b)(1)f. of the Faircrest 2010 PTI states that emissions of mercury from the EAF shall not exceed 0.0037 lb/hr.

Harrison Steel Plant Permits

23. Respondent's Harrison Steel Plant (Harrison) currently operates under a Title V Permit issued by OEPA on October 15, 2013, with an effective date of November 5, 2013 (Harrison Title V Permit). Prior to the issuance of the Harrison Title V Permit, OEPA issued a Permit-to-Install on December 29, 2010 (Harrison 2010 PTI), allowing several modifications to the facility and adjusting emissions limitations.

Harrison Bloom Grinders 1 and 2

24. Condition C.5.f)(1)b. of the Harrison Title V Permit states that for the baghouse controlling Bloom Grinder #1 and Bloom Grinder #2, the PM control efficiency shall not be less than 99.0%.

Harrison Baghouse Capture at EAF #2 and EAF #9

25. For EAF #2 (P292), Condition C.2.c)(1) of the Harrison 2010 PTI states, "[t]he building evacuation control system shall be in service at all times that this emissions unit is in operation. The capture system shall be designed and operated such that all emissions are captured and ducted to the baghouses."

26. For EAF #9 (P258), Condition C.1.c)(1) of the Harrison 2010 PTI states, "[t]he building evacuation control system shall be in service at all times that this emissions unit is in operation. The capture system shall be designed and operated such that all emissions are captured and ducted to the baghouses."

Harrison EAF SO<sub>2</sub> Emissions

27. For December 29, 2010, through November 5, 2013, compliance with SO<sub>2</sub> emission limits at EAF #2 and EAF #9 is demonstrated by comparing the cumulative SO<sub>2</sub>

emissions at Baghouse #4 and #5 to the sum of the emissions shown at condition C.1.f)(3)f.i and C.2.f)(3)f.i of the Harrison 2010 PTI. The table is summarized below:

<b><u>Emission Unit</u></b>	<b><u>lbs SO<sub>2</sub>/ton Steel</u></b>
P292 (EAF #2)	0.44
P282 (#1 Ladle Furnace)	1.03
P264 (Ladle Refiner)	7.27
P258 (EAF #9)	0.44
P288 (Tundish Preheater)	5.75
P289 (Tundish Preheater)	5.75
<b>Total</b>	<b>20.68</b>

28. For November 5, 2013, to the present, compliance with SO<sub>2</sub> emission limits at EAF #2 and EAF #9 is demonstrated by comparing the cumulative SO<sub>2</sub> emissions at Baghouse #4 and #5 to the sum of the emissions shown at condition C.6..f)(2)f.i of the Harrison Title V Permit. The table is summarized below:

<b><u>Emission Unit</u></b>	<b><u>lbs SO<sub>2</sub>/ton Steel</u></b>
P292 (EAF #2)	0.44
P282 (#1 Ladle Furnace)	0.103
P264 (Ladle Refiner)	7.27
P258 (EAF #9)	0.44
P288 (Tundish Preheater)	5.75
P289 (Tundish Preheater)	5.75
<b>Total</b>	<b>19.753</b>

Harrison EAF Testing Requirements

29. Condition C.2.f)(3)d. of the Harrison 2010 PTI states in part that performance tests at Harrison EAF #2 shall be conducted when the EAF is operating at or near its maximum steel production capacity of 63 tons per hour.

30. Condition C.2.f)(3)d. of the Harrison 2010 PTI states in part that performance tests at Harrison EAF #9 shall be conducted when the EAF is operating at or near its maximum steel production capacity of 63 tons per hour.

Harrison Particulate Matter (PM) Emission Compliance with Tire Burning

31. Compliance with PM<sub>10</sub>/PM<sub>2.5</sub> emission limits expressed as pounds PM<sub>10</sub>/PM<sub>2.5</sub> per ton of steel produced (lbs/ton) at EAF #2 and EAF #9 is demonstrated by comparing the cumulative PM<sub>10</sub>/PM<sub>2.5</sub> emissions at Baghouse #4 and #5 to the sum of the emissions shown at Condition C.6.f)(2)f.ii. of the Harrison Title V Permit. The table is summarized below:

<b>Emission Unit</b>	<b>lbs PM<sub>10</sub>/PM<sub>2.5</sub>/ton Steel</b>
P292 (EAF #2)	0.052
P282 (#1 Ladle Furnace)	0.00003
P258 (EAF #9)	0.043
P222 (Caster)	0.00009
<b>Total</b>	<b>0.095</b>

32. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$295,000 for CAA violations that occurred after January 6, 2009, and before December 6, 2013 and \$37,500 per day of violation up to a total of \$320,000 for violations that occurred after December 6, 2013 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

33. The Administrator may assess a penalty greater than \$320,000 where the Administrator and the Attorney General of the United States jointly determine that a matter involving a larger penalty is appropriate for an administrative penalty action. 42 U.S.C. § 7413(d)(1) and 40 C.F.R. Part 19.

34. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that this matter involving a penalty greater than \$320,000 is appropriate for an administrative penalty action.

35. 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.

36. 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**

37. Respondent owns and operates Faircrest, Harrison and the Gambrinus Steel Plant in Canton, Ohio and is headquartered at 1835 Dueber Avenue, Canton, Ohio.

38. The three plants operate under three separate Title V permits, but are considered one source by the OEPA, pursuant to OAC rule 3745-77-01(Q). The violations alleged in this order pertain to Faircrest and Harrison.

39. EPA conducted an inspection of the three plants on August 14, 2012, to assist in determining compliance with the CAA, the Ohio SIP and the facilities' Title V Permits.

40. Respondent owns or operates an "emission source" within the meaning of Section 114 (a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Therefore, Respondent is subject to the requirements of Section 114(a)(1).

41. EPA issued the then owner of the three plants, the Timken Company (Timken)<sup>1</sup>, an information request under Section 114 of the CAA on January 30, 2013. Timken submitted responses on April 9, 2013, and May 30, 2013.

---

<sup>1</sup> Timken spun-off its steel business (including the three plants) in June 2014 which created TimkenSteel Corporation as an independent publicly traded company.

42. EPA issued Timken a second information request under Section 114 of the CAA on January 30, 2014. Timken provided all requested information in multiple responses in April, May, and June of 2014.

43. EPA issued a third information request to Respondent under Section 114 of the CAA on December 23, 2014 (Third Information Request). This information request required performance testing and ventilation engineering studies at the Faircrest and Harrison Melt Shops.

44. In March and April of 2015, Respondent conducted performance testing at Faircrest and Harrison (2015 Performance Test). This test was conducted to satisfy the Third Information Request.

#### Harrison PM Emission Limit Compliance without Tire Burning

45. Respondent has not regularly burned tires at the Harrison EAF since the Harrison 2010 PTI was issued, and reports that it does not plan to burn them in the future due to operational difficulties discovered during attempts to burn permitted levels of tires in the Harrison EAF.

46. The Harrison Title V Permit describes the PM<sub>10</sub>/PM<sub>2.5</sub> emission limit for P292 (EAF #2) of 0.052 lbs/ton as a “post project” limit to allow for tire burning.

47. The Harrison Title V Permit identified a PM emission limit for P292 (EAF #2) without tire burning of 0.034 lbs/ton, established in a prior permit identified as PTI 15-01475.

48. The Harrison Title V Permit describes the PM<sub>10</sub>/PM<sub>2.5</sub> emission limit for P258 (EAF #9) of 0.043 lbs/ton as a “post project” limit to allow for tire burning.

49. The Harrison Title V Permit identified a PM emission limit for P258 (EAF #9) without tire burning of 0.022 lbs/ton, established in a prior permit identified as PTI 15-01475.



50. As documented in Conditions P258, P292-6.f)(1)a. and P258, P292-6.f)(1)b. of the Harrison Title V Permit, a conversion factor of 0.76 can be used to convert PM data to PM<sub>10</sub> data<sup>2</sup>.

51. Conditions P258, P292-6.f)(1)a., and P258, P292-6.f)(1)b. of the Harrison Title V Permit state that PM<sub>10</sub> is used as a surrogate for PM<sub>2.5</sub>.

52. EPA maintains that the PM<sub>10</sub>/PM<sub>2.5</sub> emission limit at P292 (EAF #2) without tire burning is 0.026 lbs/ton.

53. EPA maintains that the PM<sub>10</sub>/PM<sub>2.5</sub> emission limit at P258 (EAF #9) without tire burning is 0.017 lbs/ton.

54. Based on the information in Paragraphs 45 to 53, EPA maintains that compliance with the PM<sub>10</sub>/PM<sub>2.5</sub> limit at Harrison during the 2015 Performance Test should be based on the cumulative emissions at Baghouse #4 and #5 as compared to pre-project PM<sub>10</sub>/PM<sub>2.5</sub> limits because no tires were burned during the 2015 Performance Test

#### Faircrest EAF Emissions

55. From January 17-19, 2006, Timken conducted non-reference method emission testing for fluoride at the Faircrest EAF. The results showed that the unit was emitting fluoride at a rate of 3.3 lb/hr.

56. On May 20, 21, and 22, 2008, Timken conducted non-reference method emission testing for mercury at the Faircrest EAF. The results showed that the unit was emitting mercury at a rate of 0.0044 lb/hr. A subsequent test for mercury was performed on January 12, 2011, with a result of 0.0001 lb/hr.

---

<sup>2</sup> AP-42, Table 12.5-2

57. On May 31 and June 1, 2011, November 9 and 10, 2011, and December 13 and 14, 2011, Timken conducted non-reference method emission testing for SO<sub>2</sub> at the Faircrest EAF. The results for each test were, respectively, 0.26, 0.29, and 0.64 lb/ton. The results from November 2011 also included a measurement of 39.5 lb/hr.

58. On November 9 and 10, 2011, December 1 and 2, 2011, and December 13 and 14, 2011, Timken conducted non-reference method emission testing for NO<sub>x</sub> at the Faircrest EAF. The results for each test were, respectively, 0.4, 0.32, and 0.44 lb/ton.

#### Harrison Bloom Grinders 1 and 2

59. On January 30, 2014, Timken conducted non-reference method PM baghouse collection efficiency testing at Bloom Grinders 1 and 2. The test identified a baghouse collection efficiency of 96.6%. In March 2014, Timken conducted reference PM baghouse collection efficiency testing at Bloom Grinders 1 and 2 to demonstrate compliance with permit requirements. The test identified a baghouse collection efficiency of 99.1%.

#### Harrison EAF SO<sub>2</sub> Emissions

60. In June 2012, Timken conducted performance testing for Baghouse #4 and Baghouse #5, which included SO<sub>2</sub> (Harrison 2012 Test). This testing identified SO<sub>2</sub> emissions of 0.48 lbs/ton at Baghouse #4 and 0.03 lbs/ton at Baghouse #5.

61. Timken did not burn scrap tires in the EAF during the Harrison 2012 Test and does not burn scrap tires during normal operations.

#### Harrison EAF SO<sub>2</sub> Emission Limit Compliance

62. The SO<sub>2</sub> emission limit for P292 (EAF #2) of 0.44 lbs/ton was established by the Harrison 2010 PTI for the burning of scrap tires.

63. The SO<sub>2</sub> emission limit for P258 (EAF #9) of 0.44 lbs/ton was established by the Harrison 2010 PTI for the burning of scrap tires.

64. Timken did not burn scrap tires in the EAF during the Harrison 2012 Test.

65. Timken did not report any SO<sub>2</sub> emissions from P288 (Tundish Preheater) during 2012. As this emission unit was not operated in a way that resulted in SO<sub>2</sub> emissions, EPA maintains that it should not be included for compliance with an SO<sub>2</sub> emission limit.

66. Timken did not report any SO<sub>2</sub> emissions from P289 (Tundish Preheater) during 2012. As this emission unit was not operated in a way that resulted in SO<sub>2</sub> emissions, EPA maintains that it should not be included for compliance with an SO<sub>2</sub> emission limit.

67. Based on the information in Paragraphs 62 to 66, EPA maintains that the SO<sub>2</sub> limit applicable during the Harrison 2012 Test should reflect pre-project EAF limits and SO<sub>2</sub> contributions from contributing Melt Shop sources should be reduced to reflect reported SO<sub>2</sub> emissions.

#### Harrison EAF Testing Requirements

68. Harrison EAF #2 has a production capacity of 63 tons of steel per hour (tons steel/hour).

69. Harrison EAF #9 has a production capacity of 63 tons steel/hour.

70. The average production rate during the Harrison 2012 Test at EAF #2 was 48.5 tons steel/hour.

71. The average production rate during the Harrison 2012 Test at EAF #9 was 53.6 tons steel/hour.

#### 2015 Performance Test

72. The 2015 Performance Test identified a mercury emission rate at the Faircrest EAF of 0.00835 lbs/hr.

73. Respondent did not burn tires during the 2015 Performance Test at Harrison.

74. The 2015 Performance Test identified a PM<sub>10</sub>/PM<sub>2.5</sub> emission rate at Harrison Baghouse #4 of 0.068 lbs/ton.

75. The 2015 Performance Test identified a PM<sub>10</sub>/PM<sub>2.5</sub> emission rate at Harrison Baghouse #5 of 0.054 lbs/ton.

76. The combined PM<sub>10</sub>/PM<sub>2.5</sub> emission rate from Baghouse #4 and #5 during the 2015 Performance Test was 0.122 lbs/ton.

#### 2014 Notice of Violation and Finding of Violation

77. On August 5, 2014, EPA issued to Respondent a Notice of Violation and Finding of Violation (2014 NOV/FOV) alleging the following violations:

##### Faircrest EAF Emissions

- a. Fluoride emissions from the Faircrest EAF exceeded limits established in the Faircrest Title V Permit.
- b. Mercury emissions from the Faircrest EAF exceeded limits established in the Faircrest Title V Permit.
- c. SO<sub>2</sub> emissions from the Faircrest EAF exceeded limits established in the Faircrest Title V Permit.
- d. NO<sub>x</sub> emissions from the Faircrest EAF exceeded limits established in the Faircrest Title V Permit.

##### Harrison Bloom Grinders 1 and 2

- e. The PM collection efficiency of the baghouse controlling Bloom Grinder 1 was less than the minimum collection efficiency established in the Harrison Title V Permit.
- f. The PM collection efficiency of the baghouse controlling Bloom Grinder 2 was less than the minimum collection efficiency established in the Harrison Title V Permit.

##### Harrison EAF SO<sub>2</sub> Emissions

- g. SO<sub>2</sub> emissions exiting Baghouse #4 and Baghouse #5 exceeded the actual allowable SO<sub>2</sub> emissions.

##### Harrison EAF Testing Requirements

- h. By not operating EAF #2 at or near maximum steel production during the Harrison 2012 test, Timken violated the testing requirements in the Harrison 2010 PTI.
- i. By not operating EAF #9 at or near maximum steel production during the Harrison 2012 test, Timken violated the testing requirements in the Harrison 2010 PTI.

78. The 2014 NOV/FOV alleged facts to support the allegations that Respondent had violated regulations regarding the operation of the Faircrest Baghouse, emissions from the Faircrest Hot Scarfing Machine, capture efficiency at the Harrison Baghouse, and other allegations that EPA is no longer pursuing. These dropped allegations are included in paragraphs 87 through 90 and 93 through 97 of the 2014 NOV/FOV.

#### 2015 Finding of Violation and Notice of Violation

79. On November 2, 2015, EPA issued to Respondent an NOV/FOV (2015 NOV/FOV) alleging the following violations:

##### Faircrest EAF Emissions

- a. Mercury emissions from the Faircrest EAF have exceeded 0.0037 lbs/hr in violation of Condition P102-A.I.1. of the Faircrest Title V Permit and Condition P102-1.b)(1)f. of the Faircrest 2010 PTI.

##### Harrison EAF PM Emissions

- b. The PM<sub>10</sub>/PM<sub>2.5</sub> emissions exiting Harrison's Baghouse #4 and Baghouse #5 exceeded the cumulative PM<sub>10</sub>/PM<sub>2.5</sub> emission limit.

80. On October 9, 2014, representatives of Respondent and EPA discussed the 2014 NOV/FOV. At the meeting, and in numerous subsequent meetings and correspondence, Respondent provided additional information to EPA regarding the allegations in the 2014 and 2015 NOV/FOVs.

81. Respondent disputed the allegations in the 2014 and 2015 NOV/FOVs; however, performed the following activities to respond to EPA's allegations:

- a. Commissioned several third-party ventilation engineering studies at Harrison and Faircrest between 2015 - 2017 and completed the 2015 Performance Test;
- b. Conducted two ductwork replacement projects at Faircrest in 2016 and 2017 to improve the capture of emissions by the primary fume control system and enhance system performance;
- c. Evaluated and installed different baghouse media technology at the Faircrest and Harrison Steel Plants to reduce particulate matter emissions and improve baghouse performance;
- d. Requested that OEPA revise the Faircrest Title V Permit to require the facility to operate all three baghouse fans whenever the EAF is in operation unless compliance stack test could demonstrate compliance under two baghouse fan operations. OEPA issued the revised Permit on October 25, 2016; and
- e. Respondent also agreed with EPA to modify the Harrison Title V Permit to lower the Harrison Melt Shop combined SO<sub>2</sub> limit from 19.753 lb/hr to 5.1 lb/hr, and to remove the option to burn tires in the Harrison EAFs. These permitting actions are currently underway with OEPA.

#### **Civil Penalty**

82. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, cooperation, and the current financial situation of the Respondent, Complainant has determined that an appropriate civil penalty to settle this action is \$350,000.

83. Within 30 days after the effective date of this CAFO, Respondent must pay a \$350,000 civil penalty by:

ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22-checking

In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.

84. Respondent must send a notice of payment that states Respondent’s name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov)

Kathleen Schnieders  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
schnieders.kathleen@epa.gov

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

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

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

87. 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 pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the

United States enforcement expenses, including but not limited to attorney's fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. 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. 42 U.S.C. § 7413(d)(5).

### **General Provisions**

88. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [schnieders.kathleen@epa.gov](mailto:schnieders.kathleen@epa.gov) (for Complainant), and [Devin.Barry@ThompsonHine.com](mailto:Devin.Barry@ThompsonHine.com) (for Respondent).

89. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

90. The effect of the settlement described in paragraph 82, above, is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in paragraph 81 of this CAFO.

91. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

92. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 89, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

93. Respondent certifies that it is complying fully with the its current federally-enforceable operating permits at its Faircrest and Harrison Steel Plants in Canton, Ohio.



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

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

96. Each person signing this consent agreement 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.

97. Each party agrees to bear its own costs and attorney’s fees in this action.

98. This CAFO constitutes the entire agreement between the parties.

**TimkenSteel Corporation, Respondent**

July 8, 2020  
Date

Frank A. DiPiero  
Frank DiPiero  
Executive Vice President, General Counsel & Secretary  
TimkenSteel Corporation

**United States Environmental Protection Agency, Complainant**

\_\_\_\_\_  
Date

**MICHAEL HARRIS**

Digitally signed by MICHAEL  
HARRIS  
Date: 2020.08.13 18:10:40 -05'00'

\_\_\_\_\_  
Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order**  
**In the Matter of: TimkenSteel Corporation**  
**Docket No. CAA-05-2020-0030**

**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.

\_\_\_\_\_  
Date

**ANN COYLE** Digitally signed by ANN  
COYLE  
Date: 2020.08.14 08:09:57  
-05'00'

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5