

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No. CAA-5-2000-018
)	
LTV Steel Company, Inc.)	Proceeding to Assess an Administrative
LTV Lime Plant)	Penalty under Section 113(d) of the
Grand River, Ohio,)	Clean Air Act, 42 U.S.C. § 7413(d)
)	
Respondent.)	
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Consent Agreement and Final Order

1. Complainant, the Acting Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).
2. On September 29, 2000, U.S. EPA filed the complaint in this action against Respondent LTV Steel Company, Inc (LTV Steel). The complaint alleges that LTV Steel violated the visible particulate emission limits of the Ohio state implementation plan (SIP), Ohio Admin. Code (OAC) 3745-17-07(A)(1), at its lime manufacturing facility in Grand River, Ohio.
3. LTV Steel filed an answer and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2).

Stipulations

4. LTV Steel admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.
5. On December 29, 2000, LTV Steel filed a voluntary petition for reorganization under Chapter 11 of the United States Bankruptcy Code.

6. LTV Steel waives its right to contest the allegations in the complaint, and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

7. The parties consent to the terms of this consent agreement and final order (CAFO).

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. In consideration of Respondent's improving compliance history and other factors as justice may require, U.S. EPA agrees to mitigate the proposed penalty of \$95,175 to \$78,000.

10. LTV Steel must pay the \$78,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

11. LTV Steel must send the check to:

U.S. Environmental Protection Agency, Region 5
P.O. Box 70753
Chicago, Illinois 60673

12. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd. (R-19J)
Chicago, Illinois 60604-3590

Attn: Compliance Tracker
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd. (AE-17J)
Chicago, Illinois 60604-3590

Ann Coyle
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd. (C-14J)
Chicago, Illinois 60604-3509

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

14. If LTV Steel does not pay the civil penalty in accordance with paragraphs 10 through 12, above, U.S. EPA may seek relief for a general unsecured claim of \$78,000 in the United States Bankruptcy Court as part of LTV Steel's Chapter 11 bankruptcy proceedings. LTV Steel's failure to pay the civil penalty in accordance with paragraphs 10 through 12, above, does not constitute a breach of this CAFO.

15. Any claims filed by the United States in accordance with paragraph 14 of this CAFO will be paid and the claim discharged as set forth in LTV Steel's plan of reorganization.

General Provisions

16. This CAFO settles U.S. EPA's claims for civil penalties for the violations alleged in the complaint.

17. Nothing in this CAFO restricts U.S. EPA's authority to seek LTV Steel's compliance with the Act and other applicable laws and regulations.

18. This CAFO does not affect LTV Steel's responsibility to comply with the Act and other applicable federal, state, and local laws and regulations.

19. 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 LTV Steel's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

20. The terms of this CAFO bind LTV Steel and its successors and assigns.

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

22. Each party agrees to bear its own costs and fees in this action.

23. This CAFO will terminate upon either the payment of the full penalty by LTV Steel or the discharge of the claim of the United States in the bankruptcy proceedings of LTV Steel.

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

**U.S. Environmental Protection Agency,
Complainant**

Date: 2/2/01

By: 
Cheryl Newton, Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

**LTV Steel Company, Inc.,
Respondent**

Date: 2/6/01

By: 
James J. Murray, General Manager, Raw Materials
and Coke Operations
LTV Steel Company, Inc.


CONSENT AGREEMENT AND FINAL ORDER

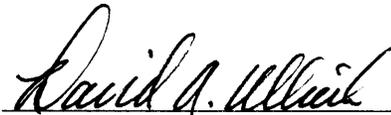
LTV Steel Company, Inc.

Docket No. CAA-5-2000-018

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Date: February 13, 2001



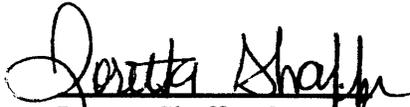
David A. Ullrich
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

CERTIFICATE OF SERVICE

I, Loretta Shaffer, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-5-2000-018, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to LTV Steel Company by placing them in the custody of the United States Postal Service addressed as follows:

T.A. Zalenski, Assistant General Counsel
LTV Steel Company, Inc.
200 Public Square
Cleveland, Ohio 44114-2308

on the 15th day of February, 2001.


Loretta Shaffer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 96016862