

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-13-113(a)-OH-04</b>
	)	
<b>Superior Forge &amp; Steel Corporation</b>	)	<b>Proceeding Under Section 113(a)(3) and 114(a)(1)</b>
<b>Lima, Ohio</b>	)	<b>of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1)</b>
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**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Superior Forge & Steel Corporation (“Superior”) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Electric Arc Furnace Steelmaking Facilities (EAF Steelmaking Facilities) at 40 C.F.R. §§ 63.10680 through 63.10692 (the “Subpart YYYYY NESHAP”). The Subpart YYYYY NESHAP applies to an *EAF steelmaking facility*, which is defined as “a steel plant that produces carbon, alloy, or specialty steels using an EAF” (40 C.F.R. § 63.10692).

3. The Subpart YYYYY NESHAP, at 40 C.F.R. § 63.10681(a), requires existing affected sources to achieve compliance with the applicable provisions of the Subpart YYYYY NESHAP by June 30, 2008 (i.e., “the compliance date”).

4. The Subpart YYYYY NESHAP, at 40 C.F.R. § 63.10686(a), requires the owner or operator of an affected source to install, operate, and maintain a capture system that collects

the emissions from each EAF (including charging, melting, and tapping operations) and conveys the collected emissions to a control device for the removal of particulate matter (PM).

5. The Subpart YYYYYY NESHAP, at 40 C.F.R. § 63.10686(b), prohibits the owner or operator of an affected source from discharging or causing the discharge into the atmosphere from an EAF any gases which: (1) exit from a control device and contain in excess of 0.0052 grains of PM per dry standard cubic foot (gr/dscf); and (2) exit from a melt shop and, due solely to the operations of any affected EAF, exhibit 6 percent opacity or greater.

6. The Subpart YYYYYY NESHAP, at 40 C.F.R. § 63.10686(d), requires the owner or operator of an affected source to conduct performance tests to demonstrate initial compliance with the applicable emissions limits of the NESHAP (i.e., 0.0052 gr/dscf limit for PM and opacity limit under 40 C.F.R. § 63.10686(b)) within 180 days of the compliance date.

7. The Subpart YYYYYY NESHAP, at 40 C.F.R. § 63.10685, provides for certain requirements for the control of contaminants from scrap. Under 40 C.F.R. § 63.10685(a), an owner or operator of an affected source must comply with the pollution prevention plan requirements under 40 C.F.R. § 63.10685(a)(1) or the restricted metal scrap requirements under 40 C.F.R. § 63.10685(a)(2). Where an affected source uses scrap containing motor vehicle scrap, the owner or operator must meet one of three compliance options under 40 C.F.R. § 63.10685(b). Under 40 C.F.R. § 63.10685(b)(4), where the owner or operator of an affected source uses scrap that does not contain motor vehicle scrap, the owner or operator must: 1) certify in the affected source's notification of compliance status that it does not use motor vehicle scrap; and 2) maintain records of documentation that the affected source's scrap does not contain motor vehicle scrap.

8. The Subpart YYYYYY NESHAP, at 40 C.F.R. § 63.10685(c), requires the owner or operator of an affected source to keep records to demonstrate compliance with the requirements in 40 C.F.R. §§ 63.10685(a)(1) and (a)(2), applicable sections of (b)(1) through (b)(3), and (b)(4).

9. The Subpart YYYYYY NESHAP, at 40 C.F.R. § 63.10685(c)(3), requires the owner or operator of an affected sources to submit semiannual reports to the Administrator for the control of contaminants from scrap according to the requirements in 40 C.F.R. § 63.10(e). The report must clearly identify any deviation from the requirements in 40 C.F.R. §§ 63.10685(a) and (b) and the corrective action taken. The owner or operator must identify which compliance option in 40 C.F.R. § 63.10685(b) applies to each scrap provider, contract, or shipment.

10. Pursuant to 40 C.F.R. § 63.10690(a) of the Subpart YYYYYY NESHAP, the owner or operator of an affected source must comply with certain requirements of the NESHAP General Provisions (40 C.F.R. Part 63, Subpart A).

11. The NESHAP General Provisions, at 40 C.F.R. § 63.9(b)(2), requires the owner or operator of an affected source under the Subpart YYYYYY NESHAP to notify the Administrator in writing that it is subject to the Subpart YYYYYY NESHAP within 120 calendar days of the effective date of the standard, or by April 26, 2008.

12. The Subpart YYYYYY NESHAP, at 40 C.F.R. § 63.10690(b), requires the owner or operator of an affected source to submit a notification of compliance status required under 40 C.F.R. § 63.9(h) within 60 days of the compliance date for: 1) the pollution prevention plan requirements in 40 C.F.R. § 63.10685(a)(1); the restrictions on metallic scrap in

40 C.F.R. § 63.10685(a)(2); 3) the mercury requirements in 40 C.F.R. § 63.10685(b); and 4) the capture system requirements in 40 C.F.R. § 63.10686(a).

13. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator of EPA to issue an order requiring compliance whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Section 112 of the CAA, or any NESHAP promulgated under Section 112 of the CAA. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

14. Section 114(a) of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of EPA to require any person who owns or operates an emission source to, among other things, establish and maintain records, make reports, sample emissions, submit compliance certifications, and provide such other information as the Administrator may reasonably require. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

#### **EPA's Findings of Fact and Alleged Violations**

15. Superior owns and operates an EAF Steelmaking Facility at 1820 McClain Road in Lima, Ohio.

16. The Superior EAF Steelmaking Facility is subject to requirements of the Subpart YYYYYY NESHAP, at 40 C.F.R. §§ 63.10680 through 63.10692.

17. The Superior facility is an existing affected source because the owner or operator of Superior "commenced construction... of the affected source on or before September 20, 2007," pursuant to the Subpart YYYYYY NESHAP, at 40 C.F.R. § 63.10680(b)(1).

18. Since June 30, 2008, Superior has failed to install, operate, and maintain a capture system that collects the emissions from its EAF that includes charging and tapping operations, in violation of 40 C.F.R. § 63.10686(a).

19. The results of a performance test conducted February 25, 2008 on emissions from Superior's EAF control device indicated emission of PM that exceeded 0.0052 gr/dscf. Superior did not demonstrate compliance with the limit of 0.0052 gr/dscf under 40 C.F.R. § 63.10686(b)(1) until May 9, 2013.

20. From June 30, 2008 through May 9, 2013, Superior failed to comply with the PM emission limit of 0.0052 gr/dscf for its EAF control device, in violation of 40 C.F.R. § 63.10686(b)(1).

21. From December 27, 2008 through May 9, 2013, Superior has failed to conduct a performance test to demonstrate initial compliance with the applicable PM emissions limit of 0.0052 gr/dscf at its EAF control device, in violation of 40 C.F.R. § 63.10686(d).

22. Since June 30, 2008, Superior has failed to certify its compliance status and maintain sufficient records of documentation that its scrap does not contain motor vehicle scrap, in violation of 40 C.F.R. § 63.10685(b)(4).

23. Since June 30, 2008, Superior has failed to keep sufficient records demonstrating compliance with requirements for the use of only restricted scrap under 40 C.F.R. § 63.10685(a)(2) and records documenting compliance with 40 C.F.R. § 63.10685(b)(4) for scrap that does not contain motor vehicle scrap, in violation of 40 C.F.R. § 63.10685(c).

24. Since June 30, 2008, Superior has failed to submit semiannual reports demonstrating compliance with the Subpart YYYYYY NESHAP's scrap contaminant restriction requirements in violation of 40 C.F.R. § 63.10685(c)(3).

25. Since April 26, 2008, Superior has failed to submit an initial notification, in violation of 40 C.F.R. § 63.9(b)(2).

26. Since August 29, 2008, Superior has failed to submit the required notification of compliance status, in violation of 40 C.F.R. § 63.10690(b). As part of the notification of compliance status, Superior failed to submit notification for: the restrictions on metallic scrap in 40 C.F.R. § 63.10685(a)(2) as required by 40 C.F.R. § 63.10690(b)(2); and the mercury requirements in 40 C.F.R. § 63.10685(b) as required by 40 C.F.R. § 63.10690(b)(3).

27. On December 10, 2012, EPA issued to Superior a Finding of Violation (FOV) alleging that Superior violated the CAA and the Subpart YYYYYY NESHAP, as outlined in Paragraphs 18 through 26 of this Order.

28. On January 31, 2013, representatives of Superior and EPA participated in a conference to discuss the December 10, 2012 FOV. Several subsequent conversations and sharing of information between Superior and EPA were held thereafter.

#### **Compliance Program**

29. By one year from the effective date of this Order, Superior must achieve, demonstrate and maintain full compliance with the Subpart YYYYYY NESHAP at its Lima, Ohio facility.

30. Superior must submit an initial notification in accordance with 40 C.F.R. § 63.9(b)(2) within 30 days from the effective date of this Order. After the effective date of the ACO, Superior must submit semiannual reports pertaining to the Subpart YYYYYY

NESHAP's scrap contaminant restriction requirements as required by 40 C.F.R.

§ 63.10685(c)(3).

31. By March 31, 2014, Superior must install, operate, and maintain a capture system that collects the emissions from each EAF (including charging, melting, and tapping operations), in accordance with 40 C.F.R. § 63.10686(a). By April 30, 2014, Superior shall submit a PM performance testing protocol in accordance with 40 C.F.R. § 63.10686(d)(1). Within 30 days of receipt of this protocol, EPA will provide comments to Superior. If EPA does not provide comments within 30 days, Superior may proceed with the performance test in accordance with the protocol.

32. After the capture system is installed and operating, Superior must conduct PM performance testing in accordance with 40 C.F.R. § 63.10686(d)(1) by June 30, 2014. Superior must submit a report with the results of the performance test within 45 days from the date of the test.

33. After the capture system is installed and operating, Superior must conduct opacity testing for the facility's melt shop in accordance with 40 C.F.R. § 63.10686(d)(2) to demonstrate compliance with § 63.10686(b)(2) by June 30, 2014. Superior must submit a report with the results of the opacity testing within 45 days from the date of the testing.

34. By August 30, 2014, Superior shall submit a notification of compliance status for:

- A. Initial notification of compliance status in accordance with 40 C.F.R. §§ 63.9(h) and 63.10690(b)(1), (2), and (3);
- B. Superior has asserted that it does not use any of the types of metallic scrap restricted from charging to a furnace under 40 C.F.R. § 63.10685(a)(2). Superior shall certify in this notification, consistent with 40 C.F.R. § 63.10690(b)(2), that its facility complies with the requirements for restricted metallic scrap in accordance with § 63.10685(a)(2), and, in accordance with § 63.10685(c) must maintain records demonstrating compliance with § 63.10690(b)(2);

- C. Superior has asserted it does not use motor vehicle scrap in its steelmaking operations. As required by the Subpart YYYYYY NESHAP's control of mercury contaminants from scrap requirements under 40 C.F.R. § 63.10685(b), Superior must certify in this notification, consistent with 40 C.F.R. § 63.10690(b)(3), that its scrap does not contain motor vehicle scrap, and, in accordance with §§ 63.10685(b)(4) and (c), it must maintain records of documentation that its scrap does not contain motor vehicle scrap;
- D. Compliance status for the capture system requirements in 40 C.F.R. § 63.10686(a) in accordance with 40 C.F.R. § 63.10690(b)(4). The notification must indicate the start-up date of the modified capture system and certify that the capture system is operating in conformity with 40 C.F.R. § 63.10686(a); and,
- E. Compliance status pursuant to 40 C.F.R. § 63.10690(b)(5) for PM and opacity emissions limits.

35. Superior must maintain compliance with the EAF PM limit of 0.0052 gr/dscf under 40 C.F.R. § 63.10686(b)(2) and conduct operation and maintenance activities necessary to ensure the EAF baghouse is operating in a manner that maintains PM emissions at or below such limit in accordance with 40 C.F.R. § 63.6(e)(1)(i).

36. After the capture system is installed and operating, Superior must update the facility's startup, shutdown, and malfunction plan (SSMP) for the capture and control system in accordance with 40 C.F.R. §§ 63.6(e)(3)(i), (e)(3)(iii)-(e)(3)(ix). Superior must submit a copy of the updated SSMP by August 30, 2014.

37. Superior must send all reports required by this Order to:

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

### General Provisions

38. Superior neither admits nor denies the factual findings and allegations of violation in this Order, but Superior agrees to the terms of this Order and waives any right to contest or appeal the issuance of this Order.

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

40. This Order does not restrict EPA's authority to enforce Section 112 of the CAA, the Subpart YYYYYY NESHAP, or any other section of the CAA or regulation promulgated pursuant to the CAA.

41. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Superior's violation of the Subpart YYYYYY NESHAP.

42. Failure to comply with this Order may subject Superior to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

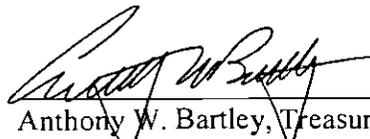
43. The terms of this Order are binding on Superior, its assignees and successors. Superior must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

44. This Order is not subject to the Paperwork Reduction Action, 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.

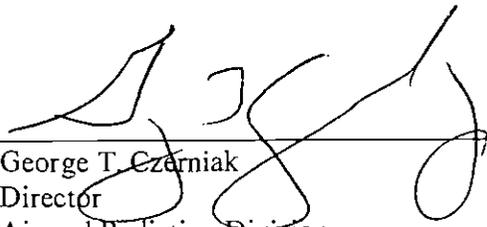
45. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

46. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Superior has complied with all terms of the Order throughout its duration.

9-20-2013  
Date

  
Anthony W. Bartley, Treasurer  
Superior Forge and Steel Corporation

9/24/13  
Date

  
George T. Czarniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5