



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

APR 29 2009

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom Kakascik, Division Operations Manager - Lorain
Republic Engineered Products, Inc.
1807 East 28th Street
Lorain, Ohio 44055

Re: Republic Engineered Products, Inc., Lorain, Ohio
Administrative Consent Order No.: EPA-05-09-113(a)-OH-04

Dear Mr. Kakascik:

Enclosed is a file-stamped U.S. Environmental Protection Agency Administrative
Consent Order Number EPA-05-09-113(a)-OH-04.

Please direct any questions regarding this Order to Reza Bagherian at (312) 886-0674.

Sincerely,

A handwritten signature in black ink that reads "William MacDowell".

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

Enclosure

Cc: Dennis Bush, APC Manager
Northeast District Office
Ohio Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	EPA-5-09-113(a)-OH-04
)	
Republic Engineered Products, Inc.)	Proceeding Under Sections 113(a)(1) and
Lorain, Ohio)	(a)(3) and 114(a)(1) of the Clean Air Act,
)	42 U.S.C. §§ 7413(a)(1) and (a)(3), and
)	7314(a)(1)

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 28th 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.

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.

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.

24. Due to declining demand for steel, Republic placed BOP vessels L and N on temporary idle on December 3, 2008. As of the effective date of this Order, Republic does not know when it will resume operating BOP vessels L and N.

Compliance Program

25. By no later than July 29, 2009 or the date on which Republic resumes operation of either BOP vessel L or N, whichever is later, 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.

26. By no later than July 29, 2009 or the date on which Republic resumes operation of either BOP vessel L or N, whichever is later, 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.

27. 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 July 15, 2009, October 15, 2009, January 15, 2010, April 15, 2010, etc.) until the termination of the Order as provided in paragraph 41, below.

28. Republic must submit a final completion report describing the projects required in

paragraph 26, 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 date on which Republic submits the second of two quarterly progress reports which include visible particulate emissions readings as described in paragraph 27, above, to U.S. EPA.

29. 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.

30. 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

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

32. 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.

33. Except as set forth in Consent Agreement and Final Order (CAFO), Docket No. CAA-05-2008-0032, 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.

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

35. 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.

36. 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.

37. 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.

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

39. Republic agrees to the terms of this Order.

40. Upon the effective date of this Order, Administrative Consent Order, Docket No. EPA-5-08-113(a)-OH-02, will terminate.

41. 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 (30th) day following the date on which Republic submits the second of two quarterly progress reports which include visible particulate emissions readings as described in paragraph 27, above, to U.S. EPA provided that Republic has complied with all terms of the Order.

4/23/09

Date



Tom Kakascik, Division Operations Manager - Lorain
Republic Engineered Products, Inc.

4/29/09

Date



Cheryl Newton, Director
Air and Radiation Division

Certificate of Service

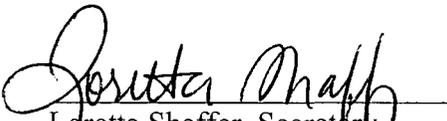
I, Loretta Shaffer, certify that I mailed a copy of the Administrative Consent Order, No. EPA-5-09-113(a)-OH-04 by Certified Mail, Return Receipt Requested to:

Tom Kakascik, Division Operations Manager - Lorain
Republic Engineered Products, Inc.
1807 East 28th Street
Lorain, Ohio 44055

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

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

On this 4th day of May, 2009.


Loretta Shaffer, Secretary
AECAB MN/OH

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0186 0330