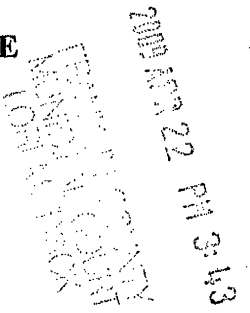
IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

STATE OF OHIO, ex rel. **RICHARD A. CORDRAY** **OHIO ATTORNEY GENERAL** **Plaintiff,** **v.** **COLUMBUS STEEL CASTINGS CO.** **Defendant.**	: : : : : : : : : : :	**CASE NO. 2008 CVH 60145** **JUDGE H. HALE**



CONSENT ORDER FOR PRELIMINARY INJUNCTION

The State of Ohio, ex rel. Richard A. Cordray, Ohio Attorney General("Plaintiff"), has filed a Complaint against Defendant in this case to enforce Ohio's air pollution control laws found in R.C. Chapter 3704 and the rules adopted thereunder. Plaintiff and Defendant, Columbus Steel Castings Co. ("Defendant"), have consented to the entry of this Consent Order. This Consent Order is intended to provide interim measures to reduce, minimize, and otherwise abate the particulate emissions and fugitive dust from Defendant's Facility and is not a final determination as to any issue or claim presented in the Complaint. The Plaintiff reserves the right to seek additional remedies as necessary. This Order remains in effect while this case is pending and until the entry of a final order or final judgment.

THEREFORE, without trial or admission of any issue of law or of fact, and upon the consent of the parties hereto, the Court hereby enters this preliminary **ORDER**:

I. DEFINITIONS

1. As used in this Order, the terms are defined as follows:

a. "Defendant" means Columbus Steel Castings Co.

b. "Facility" means Defendant's steel foundry located at 2211 Parsons Avenue, Columbus, Ohio and which is identified by Ohio EPA Facility I.D. 01-25-04-0020.

c. "P901" and "P902" refer to two large electric arc furnaces operated at Defendant's Facility and referenced in the relevant permit as the "B-2316 #1 Electric Arc Furnace" and the "B-3215 #2 Electric Arc Furnace."

d. "P053," "P056," and "P057" refer to three cold box core machines operated at Defendant's Facility and referenced in the relevant permits as "B-3898 Cold Box Core Making Operation," "Cold Box Core Machine 2," and "Cold Box Core Machine 3."

e. "P033" refers to a sand dryer operated at Defendant's Facility and referenced in the relevant permit as "B-2790 National Sand Dryer."

f. "P904" refers to a sand mill and four storage silos operated at Defendant's Facility and referenced in the relevant permit as "3F Mill and Four Storage Silos."

g. "P011" refers to a moldmaking and sand preparation area operated at Defendant's Facility and referenced in the relevant permit as "2600 Moldmaking and Sand Preparation."

h. "P009" refers to a moldmaking and sand preparation area operated at Defendant's Facility and referenced in the relevant permit as "Moldmaster Moldmaking and Sand Prep."

i. "P906" refers to a casting processing system area operated at Defendant's Facility and referenced in the relevant permit as "Moldmaster Casting Processing System."

j. "P908" refers to a punchout and shakeout area operated at Defendant's Facility and referenced in the relevant permit as "Moldmaster Punchout/Shakout Area."

k. "P905" refers to a sand handling system located at the east end of Defendant's Facility and referenced in the relevant permit as "East End Sand System."

l. "P041" refers to three air arc turntables operated at Defendant's Facility and referenced in the relevant permit as "B-3658, B-3659, B-3656 Air Arc Turntables."

m. "F006" refers to a moldmaking and sand preparation area operated at Defendant's Facility and referenced in the relevant permit as "1693 Mold Making and Sand Preparation."

n. "P012" refers to a shakeout area operated at Defendant's Facility and referenced in the relevant permit as "1693 Shakeout."

o. "East End Pit" refers to the area at Defendant's Facility immediately to the north of P905 and northeast of P906 and generally bounded in the east by the building walls, in the north by crane columns of the casting and pouring floor, and to the south by an internal building wall.

p. "Title V source" is defined in Ohio Adm.Code 3745-77-01(LL) as any source subject to the permitting requirements of Ohio Adm.Code Chapter 3745-77, as provided in Ohio Adm.Code 3745-77-02.

q. "Title V permit" means the permit issued to Buckeye Steel Castings, Inc. for Defendant's Facility on December 18, 2002.

r. "PMMAP" refers to the Preventive Maintenance and Malfunction Abatement Plan in effect for Defendant's Facility since August 15, 1995.

s. "Order" refers to this Consent Order for Preliminary Injunction.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to R.C. Chapter 3704 and the rules adopted thereunder. This Court has jurisdiction over the parties. Venue is proper in this Court.

III. PERSONS BOUND AND NOTICE PROVISIONS

3. The provisions of this Order shall apply to and be binding upon Plaintiff and Defendant, its agents, officers, employees, contractors, assigns, successors in interest, any person acting in concert, privity, or participation with Defendant, and any subsequent purchaser of the Facility, or any part thereof, who receives actual or constructive notice of this Order whether by personal service, by public record filed in the appropriate county land record, or otherwise. Defendant and any subsequent purchaser of the Facility are ordered and enjoined to provide a copy of this Order to each contractor employed to perform work called for by the terms of this Order and to any subsequent purchaser, lessee, or transferee of the Facility or any part thereof.

IV. INJUNCTIVE RELIEF

Submission of Information Regarding the Facility and Operations

4. Within thirty (30) days of entry of this Consent Order for Preliminary Injunction, Defendant shall provide a current map (or maps) of the Facility that identifies each individual emissions unit or physical operation that emits air contaminants and all associated control devices.

5. This map (or these maps) shall include a table that provides the installation dates and most recent modification dates (as defined by OAC 3745-31-01(QQQ)) for all the emissions units and physical operations at the Facility including documentation to support selection of installation/modification dates. If Defendant has ceased operation of an emissions unit or physical operation, each such emissions unit or physical operation shall be identified on the map and noted as such along with a cessation-of-operation date.

6. Defendant shall revise and update this map with information identifying the locations of all ductwork associated each emissions unit or physical operation and all emission egress points within fifteen (15) days of completion of Phase II of the environmental audit described in paragraph 12.

Phase I of Environmental Audit of Capture and Control Equipment

7. As Phase I of an environmental audit ("Phase I Audit"), Defendant shall repair and restore all existing capture equipment and optimize control equipment operation and monitoring at the Facility. Priority shall be placed on those emissions units and equipment listed in paragraph 9 below before the remaining emissions units and equipment at Defendant's facility. The purpose of the Phase I Audit is to optimize the current capture and control system and immediately address maintenance issues that will result in improved capture and an overall

reduction in fugitive emissions. The Phase I Audit will establish a baseline condition of capture and control equipment prior to Phase II of the environmental audit ("Phase II Audit") described in paragraph 12. This work shall be performed as described in paragraph 8 below.

8. Defendant shall take the following measures for all the emissions units and physical operations at the Facility with emphasis on those emissions units and equipment listed in paragraph 9 below:

a. Inspect each emissions unit and associated ductwork in accordance with the daily and monthly inspection requirements of the approved PMMAP;

b. Based upon the inspections in paragraph 8.a., identify damaged or missing capture hoods, enclosures, and curtains at fugitive dust pickup points, missing or damaged inspection/access covers that allow air infiltration (loss of draw at pickup points) or fugitive dust escape, and blocked and/or damaged ductwork leading to control devices;

c. Repair, clean, or replace, damaged or missing capture hoods, inspection/access covers, enclosures and curtains at fugitive dust pickup points, and blocked and/or damaged ductwork leading to control devices;

d. Install water dropouts on baghouse manometers or adjust the length and/or orientation of baghouse manometer lines to prevent water or other condensate from blocking the manometer lines or otherwise preventing accurate baghouse pressure drop readings; and

e. Install pressure taps for baghouse manometers that are resistant to plugging by dust.

9. In repairing and restoring capture and control equipment, as required under paragraph 7, priority shall be given to the following list of emissions units and equipment:

a. Moldmaster Casting Processing System (P906); and Moldmaster Punchout/Shakeout Area (P908);

b. East End Sand System (P905);

c. Emissions units associated with the B-3700 baghouse, as noted here:

i. Moldmaster Mold Making and Sand Prep. (P009);

ii. B-3898 Cold Box Core Making Operation (P053);

iii. Cold Box Core Machine 2 (P056); and

iv. Cold Box Core Machine 3 (P057).

d. 1693 Mold Making and Sand Preparation (F006) and 1693 Shakeout (P012);

e. 2600 Mold Making and Sand Preparation (P011);

f. #1 Electric Arc Furnace (P901) and #2 Electric Arc Furnace (P902);

g. 3F Mill and Four Storage Silos (P904); and

h. National Sand Dryer (P033).

10. Defendant shall keep a maintenance log that documents all immediate repairs, modifications, equipment replacements, and other activities undertaken for all emissions units, physical operations, control equipment, and associated ductwork under paragraphs 7 and 8 above as that work occurs. The log shall be maintained by Defendant and made readily available for submission and review to representatives of Ohio EPA's Central District Office upon request.

Repairs noted in the log shall be sorted by Ohio EPA emissions unit identification number. If no Ohio EPA emissions unit identification number exists, then the repairs shall be sorted by a description of the physical operation. The log shall also specify the date when repairs were completed for each emissions unit, physical operation, and piece of capture and control equipment.

11. Within ninety (90) days of entry of this Consent Order for Preliminary Injunction, Defendant shall submit to Ohio EPA a summary, by emissions unit or physical operation, of all the measures taken to repair and restore capture and control equipment at the facility and to comply with Paragraphs 7, 8, 9, and 10.

Phase II of Environmental Audit of Capture and Control Equipment

12. Within thirty (30) days of entry of this Consent Order for Preliminary Injunction, Defendant shall hire a third-party environmental consultant to conduct the second phase of the environmental audit of the facility's emissions units, physical operations that generate air contaminants, emissions control equipment, and air handling systems. The purpose of the Phase II Audit is to determine if each air contaminant source is operating in accordance with the existing Title V permit, permits-to-install ("PTIs"), approved Preventative Maintenance and Malfunction Abatement Plan ("PMMAP"), Maximum Achievable Control Technology ("MACT"), New Source Review ("NSR"), and any other regulatory requirements or limits agreed upon in writing by Ohio EPA and Defendant. If the emissions unit or physical operation is not operating in accordance with the above requirements, the Audit shall identify which repairs or corrective actions need to take place in order to achieve compliance. The Phase II Audit shall include all emissions units and physical operations at the facility, including those not currently permitted. The immediate repair, restoration, and optimization set forth in Paragraph 7

to establish a baseline condition of capture and control equipment are to be accounted for in the Phase II Audit's recommendations concerning repairs and corrective actions. Within one hundred and twenty (120) days of entry of this Consent Order for Preliminary Injunction, Defendant shall submit to Ohio EPA the results of the Phase II Audit, including the repair plan and schedule outlined in Paragraph 13.e below.

13. For all emissions units and physical operations at the Facility, the Phase II Audit shall include the following information:

a. A comparison of the design capacity and capture efficiency of the air pollution control devices to the actual performance capacity and current operating conditions to determine if adequate capture exists to satisfy existing Title V permit requirements or limits agreed upon by Ohio EPA and Defendant, approved PMMAP, PTI, NSR, MACT, and any other applicable regulatory requirements (if no permit has been issued for an air contaminant source, the Phase II Audit shall include information on the current operating conditions, the design capacity, and capture efficiency for each control device associated with the air contaminant source);

b. Recommendations for repairs and/or upgrades that may be necessary to satisfy the requirements in 13.a;

c. Preparation of engineering drawings that accurately reflect the current ductwork and capture hood designs;

d. Recommendations to modify baghouse B-3656 to prevent sparks from emissions unit P041 (Air Arc Turntables) from damaging dust collection bags in the baghouse; and

e. A repair plan and schedule for all existing capture and control equipment at the Facility based upon the results and recommendations of the Phase II Audit and mutually agreed upon by the parties, including the equipment for the emissions units in the priority list in paragraph 9. This repair plan shall include a schedule for completion of all repairs as expeditiously as possible for all capture and control equipment to a condition that achieves the level of control required to minimize or eliminate fugitive dust emissions at the point(s) of capture in accordance with the existing Title V permit, PTIs, approved PMMAP, NSR, MACT, and/or other applicable requirements or limits otherwise agreed upon in writing by Ohio EPA and Defendant.

14. The Defendant shall complete all repairs in accordance with the Phase II Audit repair plan within two hundred and ten (210) days from the entry of this Consent Order for Preliminary Injunction. This deadline may be extended for specific repair projects for good cause shown and as requested in writing by the Defendant subject to approval by Ohio EPA.

15. Defendant shall maintain a log for the Phase II Audit ("Phase II Audit log") that routinely documents all repairs, modifications, equipment replacement, and other activities undertaken on all emissions units, physical operations, control equipment, and associated ductwork. The Phase II Audit log shall be maintained by Defendant, updated as maintenance occurs, and made readily available for submission and review to representatives of Ohio EPA's Central District Office upon request. All activities noted in the Phase II audit log shall be sorted by Ohio EPA emissions unit identification number. If no Ohio EPA emissions unit identification number exists, then the activities shall be sorted by a description of the physical operation. The

Phase II audit log shall also specify the date when activities were completed for each emissions unit, physical operation, and piece of capture and control equipment.

16. Within thirty (30) days following the completion of the repairs in accordance with the Phase II Audit repair plan in Paragraph 14, Defendant shall submit a Phase II Audit Summary report, including a complete copy of the log specified in Paragraph 15, to the Ohio EPA, Central District Office.

17. The conducting of any environmental audit under this Consent Order for Preliminary Injunction shall not entitle Defendant to any defense pursuant to R.C. 3745.70 through R.C. 3745.75 or to a reduction of any civil penalty that may be applicable.

East End Pit

18. The Phase II Audit shall also assess the capture effectiveness of Defendant's proposed strategy to address fugitive emissions in the East End Pit of the Facility. Defendant has proposed to install walls surrounding the East End Pit on three sides, to partially enclose the fourth side (allowing for ingress/egress), and to vent particulate emissions captured by this partial enclosure to a baghouse. Additional repairs and upgrades, which may include additional hooding, ductwork, or shielding in order to further improve the emissions capture at the East End Pit, will be identified with the Phase II Audit recommendations and will be addressed by Defendant upon receipt of the recommendations.

Facility Emissions and Permitting

19. Within one hundred and fifty (150) days of entry of this Consent Order for Preliminary Injunction, Defendant shall submit to Ohio EPA a potential to emit analysis in accordance with Ohio Adm.Code 3745-31-01(VVVV) for each criteria pollutant, hazardous air pollutant, and air toxic emitted by each emissions unit and physical operation at the Facility.

This potential to emit analysis shall be based upon the results of the Phase II Audit and, in addition to all existing emissions units, shall include all emissions units and physical operations shut down or removed since 1996. The analysis shall also include all assumptions, calculations, citations, guidance utilized, emission factors, and test data used (including supporting documentation).

20. Within one hundred and eighty (180) days of entry of this Consent Order for Preliminary Injunction, Defendant shall submit to the Ohio EPA the following permit to install applications:

a. Modification applications for existing permits to install for emissions units and/or control equipment that are incorrectly identified;

b. Permit to install applications for new emissions units that have not received permits to install prior to installation;

c. New permit to install applications for all emissions units, physical operations, or projects that meet the definition of "major modification," "modify," or "modification" as defined in Ohio Adm.Code Chapter 3745-31.

PMMAP Revisions

21. Within ninety (90) days of the entry of this Consent Order for Preliminary Injunction, Defendant shall submit a revised preventative maintenance and malfunction abatement plan (PMMAP). This revised PMMAP shall be organized and formatted in a manner consistent with the existing approved PMMAP and shall, at a minimum, include the following information for all existing emissions units at Defendant's facility:

a. A Table of Contents;

b. Subsections and Appendices that contain all control equipment specifications, data sheets, forms, logs, check sheets, paperwork, overviews, details, drawings, and procedures necessary to support the plan;

c. Revised iMaint forms and any other associated documentation used to collect process equipment and control equipment data for the purpose of prevention, detection, and correction of malfunctions or equipment failures that could result in emissions exceeding any applicable law;

d. A description of Facility monitoring or surveillance procedures, and method(s) of informing operating personnel of any malfunction, including alarm systems, lights and/or other indicators;

e. A description of how the PMMAP data are collected, entered, and handled by the iMaint system;

f. A description of how the PMMAP data are authenticated (currently: manager's signature on the forms), and protected from alteration, and a list of individuals with the ability to modify PMMAP forms and data;

g. The policy for retention of original, hand-written field sheets;

h. A description of how collected PMMAP data will be organized, queried, analyzed, and assessed to minimize malfunctions and perform preventive maintenance; and

i. A description of how collected fan amperage data will be utilized to establish baseline operating conditions, what those baseline operating

conditions are, and how the facility will use fan amperage data specifically to prevent malfunctions in the future.

22. Until such time as the PMMAP revisions detailed in Paragraph 20 of this Order are submitted to and approved by Ohio EPA, Defendant shall comply with all monitoring, recordkeeping, and reporting required by the Title V permit and approved PMMAP. This includes the performance and documentation of daily, weekly, monthly, and other required inspections as detailed in the approved PMMAP.

23. Emissions units that are issued permits to install pursuant to Paragraph 19 shall be included in any subsequent PMMAP revisions within thirty (30) days of final permit issuance.

Compliance with the Existing Title V Permit

24. Defendant shall perform all casting and scrap breakout, shakeout, and sand handling activities using emissions units that have approved permits for such activities and in accordance with the Title V permit terms and conditions or approved PTI.

25. Defendant shall cease operation of any emissions unit, activity, or physical operation within one hundred and eighty (180) days of entry of this Consent Order for Preliminary Injunction for which the Defendant has not submitted a technically complete permit to install application in accordance with paragraph 20.b or 20.c.

26. Defendant shall cease dual furnace operation, i.e., operating P901 and P902 concurrently, until a compliance demonstration has taken place demonstrating that all applicable Title V permit and MACT requirements have been met. Defendant may operate dual furnaces only for the purpose of performing a compliance emission test to demonstrate compliance with applicable emission standards for the baghouse (particulate or HAP metal testing).

27. Defendant shall allocate adequate staffing and resources to ensure that all monitoring and recordkeeping functions are timely performed and completely documented in accordance with the Title V permit, permits to install, and approved PMMAP. In determining adequate staffing and resources, Defendant shall allocate sufficient manpower and financial resources to achieve compliance with existing requirements, including the hiring of additional staff members and/or third-party consultants, the reallocation of resources, and/or organizational restructuring.

28. Within thirty (30) days of entry of this Consent Order for Preliminary Injunction, Defendant shall report to Ohio EPA what additional staffing and resources have been determined to be necessary to ensure compliance with all monitoring and recordkeeping functions.

29. Defendant shall provide all verbal and written malfunction reports in accordance with Ohio Adm.Code 3745-15-06(B)(1). All written reports shall be made using the form found on pages 107-111 of the approved PMMAP until such time as revisions to the PMMAP pursuant to Paragraph 21 of this Order are approved by Ohio EPA. Following approval of PMMAP revisions pursuant to Paragraph 21 of this Order, Defendant shall provide all verbal and written malfunction reports in accordance with Ohio Adm.Code 3745-15-06(B)(1) following the procedures in the approved revised PMMAP.

V. SUBMITTAL OF DOCUMENTS

30. All documents required to be submitted to Ohio EPA pursuant to this Order shall be submitted to the following addresses, or to such addresses as Ohio EPA may hereafter designate in writing:

Ohio Environmental Protection Agency
Division of Air Pollution Control
Attn: James Orlemann
Assistant Chief, SIP Development & Enforcement

Lazarus Government Center, Suite 700
50 West Town Street
Columbus, Ohio 43215

Ohio Environmental Protection Agency
Division of Air Pollution Control, Central District Office
Attn: Adam Ward
Air Unit Manager, DAPC
P.O. Box 1049
50 West Town Street
Columbus, Ohio 43216-1409

VI. STIPULATED PENALTIES

31. Except as provided in Paragraph 26 for dual furnace operation, in the event that Defendant fails to comply with any requirement or deadline contained in this Order or any requirement or deadline contained in any document approved in accordance with this Order, Defendant is liable for and shall on its own accord pay stipulated penalties without demand or notice by the State of Ohio in accordance with the following schedule for each failure to comply:

a. For each day of each failure to comply with any requirement or deadline of this Order up to and including the first thirty (30) days of each failure, Two Hundred Fifty Dollars ($250.00) per day for each requirement or deadline not met.

b. For each day of each failure to comply with a requirement or deadline of this Order for days thirty-one (31) to sixty (60) days of each failure, Five Hundred Dollars ($500.00) per day for each requirement or deadline not met.

c. For each day of each failure to comply with a requirement or deadline of this Order for each day over sixty (60) days of each

failure, Seven Hundred Fifty Dollars ($750.00) per day for each requirement or deadline not met.

32. In the event that Defendant fails to comply with Paragraph 26 of this Order, Defendant is liable for and shall on its own accord pay stipulated penalties of Twenty-Five Thousand Dollars ($25,000.00) per day per occurrence of dual furnace operation.

33. Any payment required to be made under the provisions of Section VI of this Order shall be made by delivering to Plaintiff, c/o Karen Pierson or her successor at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400, a cashier's or certified check or checks made payable to the order of "Treasurer, State of Ohio" for the appropriate amount within thirty (30) days from the date of the failure to meet the requirement or deadline of this Order. The payment of the stipulated penalty shall be accompanied by a letter briefly describing the type of violation, deadline, or requirement not met and the date upon which the violation of this Order occurred. The memo portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 355767."

34. The payment of stipulated penalties by Defendant and the acceptance of such stipulated penalties by Plaintiff pursuant to this Section shall not be construed to limit Plaintiff's authority without exception to seek additional relief pursuant to R.C. Chapter 3704, including civil penalties under R.C. 3704.06, or to otherwise seek judicial enforcement of this Order for the same violation for which a stipulated penalty was paid or for other violations.

VIII. COMPLIANCE WITH APPLICABLE LAWS, PERMITS AND APPROVALS

35. All activities undertaken by Defendant pursuant to this Order shall be undertaken in accordance with the requirements of all applicable federal, State, and local laws, rules,

regulations, and permits or other orders. Where such laws appear to conflict with the other requirements of this Order, Defendants are ordered and enjoined to immediately notify Ohio EPA of the potential conflict. This Order is not a permit issued pursuant to any federal, State, or local law or rule.

IX. RETENTION OF JURISDICTION

36. This Court shall retain jurisdiction of this action for the purpose of enforcing this Order.

X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

37. Upon signing of this Order by the Court, the clerk is directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is directed to serve notice of the judgment upon all parties, including its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

XI. AUTHORITY TO ENTER INTO THE ORDER

38. Each signatory for a corporation represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof.

IT IS SO ORDERED

4/22/09
DATE

JUDGE H. HALE

APPROVED:

COLUMBUS STEEL CASTINGS CO.

Authorized Representative of
Defendant Columbus Steel Castings Co.

CHRISTOPHER JONES (0043734)
CHRISTOPHER M. WARD (0076293)
Calfee, Halter & Griswold, LLP
1100 Fifth Third Center
21 East State Street
Columbus, Ohio 43215-4243
Telephone: (614) 621-7004
Fax: (614) 621-0010
cjones@calfee.com

Attorney for Defendant

RICHARD A. CORDRAY,
Ohio Attorney General

GARY L. PASHEILICH (0079162)
GREGG H. BACHMANN (0039531)
NICOLE M. CANDELORA-NORMAN (0079790)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3400
Telephone: (614) 466-2766
Facsimile: (614) 644-1926
gary.pasheilich@ohioattorneygeneral.gov
gregg.bachmann@ohioattorneygeneral.gov
nicole.candelora-norman
@ohioattorneygeneral.gov

Attorneys for Plaintiff