BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
OCT 13 2009
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Stein, Inc.	:	**Director's Final Findings**
2032 Campbell Road	:	**and Orders**
Cleveland, Ohio 44105	:	

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [signature] Date: 10-13-09

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Stein, Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meanings as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA makes the following findings:

1. The City of Cleveland, Division of Air Quality ("CDAQ") acts as an agent of Ohio EPA for the Division of Air Pollution Control in Cuyahoga County.

2. Respondent recycles and reuses spent slag material, providing its services to the steel mill industry. Specifically, Respondent processes slag generated by ArcelorMittal Cleveland's basic oxygen ("BOF") and blast furnace operations. Respondent's facility is located at 2032 Campbell Road, Cleveland, Cuyahoga County.

3. On August 13, 2004, Respondent applied for a Title V operating permit that was issued on March 2, 2006.

4. OAC Rule 3745-77-02(A) states, in part, that the owner or operator of a Title V

source shall not operate such source after the date that a timely and complete Title V permit application is required to be submitted to the Director of the Ohio EPA.

5. On July 25, 2007, CDAQ inspected Respondent's Facility and discovered five sources operating without being included in the Title V permit and one source operating in a different location than what was identified in the Title V permit application. Specifically, CDAQ determined that the #2 BOF slag pits (west side), blast furnace pits (C5 and C6), drop ball operation (west side), and skim pot dumping (west side) were all operating without applying for a Title V permit, in violation of OAC Rule 3745-77-03(a). Additionally, the #1 BOF slag pits (east side) were incorrectly identified in the Title V permit application as the #2 BOF slag pits.

6. On January 3, 2008, Respondent submitted an amended Title V permit application that included the above emissions units.

7. ORC Section 3704.05(J)(2) states, in part, that no person who is the holder of a Title V permit shall violate any applicable requirement of the Title V permit.

8. The Title V permit issued on March 2, 2006 requires that Respondent submit quarterly deviation reports for emissions units F006 (slag crushing, screening, and handling), F007 (oversized slag processing), and F009 (material handling).

9. From March 2, 2006 until July 25, 2007, Respondent failed to submit quarterly deviation reports for each of the above emissions units, in violation of the terms and conditions of the Title V permit and ORC Section 3704.05(J)(2).

10. On September 18, 2007, CDAQ sent a NOV to Respondent for the above violations.

11. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of fifty thousand dollars ($50,000) in settlement of Ohio EPA's claim for civil penalties. Of this amount, Respondent shall pay to Ohio EPA the amount of forty thousand dollars ($40,000) in accordance with the payment schedule in Order 2. Payments shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street
Suite 700
P.O. Box 1049

A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

2. Respondent shall comply with the following payment schedule for the civil penalty identified in Order 1, which is payable to Ohio EPA:

Payment Deadline	Amount Due
within 210 days after the effective date of these Orders	$10,000
within 300 days after the effective date of these Orders	$10,000
within 390 days after the effective date of these Orders	$10,000
within 480 days after the effective date of these Orders	$10,000

3. In lieu of paying the remaining ten thousand one hundred dollars ($10,000) of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for $10,000. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 3, Respondent shall immediately pay to Ohio EPA $10,000 of the civil penalty in accordance with the procedures in Order 1 and within thirty (30) days of the effective date of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the valid official checks required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim,

cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Respondent's activities at the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

City of Cleveland
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114
Attn: Linda Kimmy

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: John Paulian

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and

in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

9/29/09
Date

AGREED:

Stein, Inc.

Signature

9/23/09
Date

JAMES CONLON
Printed or Typed Name

VICE PRESIDENT
Title