

OHIO E.P.A.

APR 14 2003

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

S.H. Bell Company)	<u>Director's Final Findings</u>
Stateline Facility)	<u>and Orders</u>
2217 Michigan Avenue)	
East Liverpool, Ohio 43920)	

and

S.H. Bell Company)
Little England Facility)
1 st Saint George St. and Walter St.)
East Liverpool, Ohio 43920)

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to S.H. Bell Company ("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 BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facilities (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders, unless Respondent ensures that any successor in interest agrees to be subject to and comply with all aspects of these Orders.

III. DEFINITIONS

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

2. The term "affected materials" shall mean ferromanganese and ferrochromium materials and other materials with a manganese or chromium content (raw material,

intermediate, or finished product) which are processed or otherwise handled on site in such a manner that could cause the generation of stack or fugitive emissions of ferromanganese or ferrochromium. Affected materials shall not include materials that contain manganese or chromium, such as steel ingots, where the material is not a source of stack or fugitive emissions of ferromanganese or ferrochromium.

IV. FINDINGS

All of the Findings necessary for the issuance of these Orders pursuant to ORC sections 3704.03 and 3745.01 have been made and are outlined below. Nothing in the Findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following Findings:

1. Respondent owns and operates two Ohio facilities, the Stateline Facility and the Little England Facility, that handle, process, and store ferroalloys. The Stateline Facility is located at 2217 Michigan Avenue in East Liverpool, Ohio, and is identified by Ohio EPA facility identification number 0215020225. A portion of the Stateline Facility is located in Pennsylvania and is not regulated by the Ohio EPA. The Little England Facility is located at 1st Saint George St. and Walter St. in East Liverpool, Ohio, and is identified by Ohio EPA facility identification number 0215020197. Respondent is a "person" as defined by ORC § 3704.01(O) and Ohio Administrative Code ("OAC") Rule 3745-15-01(U).

2. At the Stateline Facility, Respondent operates the following emissions units: roadways (F001), storage piles (F002), material handling (internal and outbound transfers) (F003), Trico box filling unit (F004), Carmen palletizing station (F005), area C crusher - screener (F006), area C screener (F007), north bag filling station (F008), two portable scalp screen boxes (F009), fertilizer conditioner/conveyor (F010), east bag filling station (F011), PA screener (F012), truck dump (unloading of materials) (F013), river barge unloading (F014), railcar unloading of incoming materials (F015), straight-sided barge dock unloading (F016), and rotary dryer (P901). At the Little England Facility, Respondent operates the following emissions units: roadways (F001), storage piles (F002), material handling (barge unloading, truck dumping, and internal and outbound transfers) (F003), Kue-Ken crusher/screener (F005), two scalp screeners (F006), boxing and bagging (P001), and hammermill crushing system (P901). Each of these emissions units is an "air contaminant source" as defined in OAC Rule 3745-15-01(C) and (W), and emits particulate matter as defined in OAC Rule 3745-17-01(B)(12). Some of the particulate matter emissions consist of or include chromium and manganese.

3. OAC Rule 3745-15-07 prohibits any person from causing, permitting, or maintaining a public nuisance due to the emission or escape into the open air from any source or sources of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such

amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property.

4. The emissions of chromium and manganese from Respondent's Stateline and Little England Facilities cause or significantly contribute to the elevated ambient air concentrations of chromium and manganese at certain ambient air monitoring locations in the City of East Liverpool, based on the following:

The data analyzed to date (i.e., 12/01/2007) by Ohio EPA for the Maryland Avenue ambient air monitoring site show manganese concentrations for 24-hour periods ranging from 0.02 to 1.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), with an average concentration for all the 59 samples collected during 2001 through 2007 of $0.25 \mu\text{g}/\text{m}^3$. The data analyzed to date (i.e., 12/01/2007) by Ohio EPA for the Port Authority ambient air monitoring site show manganese concentrations for 24-hour periods ranging from 0.03 to $1.9 \mu\text{g}/\text{m}^3$, with an average concentration for all the 68 samples collected during 2001 through 2007 of $0.43 \mu\text{g}/\text{m}^3$. The data analyzed to date (i.e., 12/01/2007) by Ohio EPA for the Water Plant ambient air monitoring site show manganese concentrations for 24-hour periods ranging from 0.16 to $6.8 \mu\text{g}/\text{m}^3$, with an average concentration for all the 69 samples collected during 2001 through 2007 of $1.71 \mu\text{g}/\text{m}^3$. These average ambient air concentrations are up to 34 times the U.S. EPA Reference Concentration (RfC) of $0.05 \mu\text{g}/\text{m}^3$ that is used to evaluate inhalation exposure for non-cancer risk, and Ohio EPA considers these average ambient air concentrations to be unacceptable for protecting public health.

The data analyzed to date (i.e., 12/01/2007) at one of the three ambient air monitoring sites in the City of East Liverpool also document a cancer risk level that Ohio EPA considers to be unacceptable for protecting public health. U.S. EPA has established a range of "acceptable" health risk values for carcinogens (cancer compounds) between the one in 1,000,000 (1×10^{-6}) and one in 10,000 (1×10^{-4}) based on feasible risk reduction strategies. While it is not always possible or feasible to remove all traces of a chemical released into the environment, Ohio EPA generally takes action to reduce the health risks associated with exposure to air pollutants that exceed the 10^{-4} risk level. In accordance with assumptions used in Ohio EPA's East Liverpool Ohio Air Quality Study, the chronic (long-term) carcinogenic risk in the immediate area of the Port Authority and Maryland Ave. ambient air monitoring sites is in the 10^{-5} risk range, while the chronic (long-term) carcinogenic risk for the Water Plant ambient air monitoring site is more than two times the 10^{-4} risk level. For the Michigan Ave. ambient air monitoring site, based upon the assumptions used in Ohio EPA's East Liverpool Ohio Air Quality Study, the risk due to chromium contributes to more than 90% of the total cancer risk.

In the Ohio EPA's East Liverpool Air Quality Study, the Ohio EPA conservatively assumed that all the chromium detected at the monitoring sites is hexavalent chromium.

Respondent maintains the position that no materials containing hexavalent chromium are handled at the Stateline and Little England Facilities and has provided information from the International Chromium Development Association which concludes that ferrochromium does not contain hexavalent chromium. The Ohio EPA is in the process of performing additional studies to determine the accuracy of the assumption that all the chromium detected at the monitoring sites is hexavalent chromium. Depending upon the results of these additional studies, Ohio EPA's conclusions in the East Liverpool Air Quality Study will be modified as necessary.

Based upon the above-mentioned data evaluations, Ohio EPA has concluded that emissions from Respondent's Facilities cause or significantly contribute to the unacceptable ambient air concentrations of chromium and manganese at the ambient air monitors in the City of East Liverpool, and, as a result, Respondent has violated and is violating OAC Rule 3745-15-07 and ORC § 3704.05(G).

5. 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. To reduce the emissions of chromium and manganese that the Director believes are causing or significantly contributing to the ambient air levels of chromium and manganese measured at the ambient air monitors in the City of East Liverpool, Respondent shall comply with the requirements of Orders 2 through 25 as expeditiously as practicable, but not later than the deadlines specified therein. Additional control measures will also be evaluated by Ohio EPA, in consultation with Respondent, based upon the engineering study required by Orders 26 and 27. Respondent has voluntarily agreed to apply the control measures specified in these Orders to that part of its Stateline Facility in Pennsylvania and also conduct the engineering study for the emission sources located in Pennsylvania.

Unpaved Roads and Other Unpaved Surfaces with Vehicle Traffic at the Stateline and Little England Facilities

2. Within fourteen (14) days after the effective date of these Orders, Respondent shall enhance its existing fugitive dust program by applying dust suppressants on all unpaved roads and other unpaved surfaces with vehicle traffic at the Stateline and

Little England Facilities in accordance with the following program, to minimize or eliminate fugitive dust emissions into the ambient air:

- a. All unpaved roads and other unpaved surfaces with vehicle traffic shall be treated either weekly, or, with approval by Ohio EPA, in accordance with manufacturer's recommendations with a chemical dust suppressant (petroleum resin emulsions, asphalt emulsions, acrylic cements, or surfactants), except as provided under Orders 2.e. and 2.f., and 14 through 17 below.
- b. Except as provided in Orders 14 through 17 below, the dust suppressant application program shall provide for the application of a dust suppressant diluted either i) in accordance with manufacturer's specifications, if approved by Ohio EPA, or ii) if no manufacturer's specifications are applicable, by no more than seven (7) parts water to one part chemical. The dust suppressant shall be applied either i) in accordance with manufacturer's specifications, if approved by Ohio EPA, or ii) if no manufacturer's specifications are applicable, at a rate of not less than 0.5 gallon per square yard of unpaved road or unpaved surface with vehicle traffic.
- c. Respondent shall comply with a visible particulate emission limitation of no visible emissions, except for a period of three minutes in any 60-minute observation period for the unpaved roads and other unpaved surfaces with vehicle traffic.
- d. Any unpaved road or other unpaved surface with vehicle traffic that is paved pursuant to these Orders shall comply with the requirements for paved roads and other paved surfaces with vehicle traffic.
- e. Applications of dust suppressant may be delayed by not more than three (3) days for any scheduled date upon which the unpaved road or other unpaved surface with vehicle traffic is snow and/or ice covered or has experienced greater than or equal to 0.25 inch of rainfall.
- f. In the event of persistent adverse weather conditions such as snow and/or ice cover or excessive rainfall, Respondent's records must document the basis for any delay of dust suppressant applications of more than three (3) days beyond the schedule date.
- g. Respondent shall ensure the availability and required scheduling of spray trucks for the dust suppressant application measures on all unpaved roads

and other unpaved surfaces with vehicle traffic at the Stateline and Little England Facilities. The spray trucks shall be designed and equipped, at a minimum, with a spray bar system capable of applying the dust suppressant solution at a coverage rate of at least 1.3 gallons per square yard of surface and a certified flow metering device calibrated in units of gallons per minute. Respondent may contract with a third party to provide and operate the spray trucks and equipment required by this section.

3. Respondent shall maintain records relative to the above dust suppressant application program for the unpaved roads and other unpaved surfaces with vehicle traffic at the Stateline and Little England Facilities. These records shall include, at a minimum, the following information:

- a. A meteorological log to include average daily temperature, daily precipitation, and unusual meteorological occurrences. The same log may be used to satisfy the requirements of this section and the parallel requirements in Order 10.
- b. For each dust suppressant application date, and for each unpaved road or other unpaved surface with vehicle traffic, the start and stop times, type of dust suppressant, amount of solution applied, and the dilution ratio of the solution.

4. These records shall be retained by Respondent for five (5) years and shall be made available to the Director or his representative upon request.

5. Respondent shall submit reports on a monthly basis to Ohio EPA. The reports shall summarize the status of compliance with the requirements of Orders 2 and 3 above and contain a description of any deviations from the control program, the reasons for such deviations, and the corrective actions taken. The reports shall be certified to be accurate by the Respondent and each report shall be submitted within fifteen (15) days after the end of each calendar month.

6. Within sixty (60) days after the effective date of these Orders, Respondent shall pave with hot mix asphalt the east and west sections of unpaved road approaching the straight-side dock of the Stateline Facility. The east section, consisting of 30 feet by 275 feet (or 8,250 square feet), and the west section, consisting of 30 feet by 220 feet (or 6,600 square feet), shall be graded, covered with compacted #304 limestone base material, and covered with approximately 6 inches of compacted hot mix asphalt.

Paved Roads and Paved Surfaces with Vehicle Traffic at the Stateline and Little England Facilities

7. Within thirty (30) days after the effective date of these Orders, Respondent shall enhance its existing fugitive dust control program by employing watering/vacuum sweeping measures on all paved roads and other paved surfaces with vehicle traffic in accordance with the following program to minimize or eliminate fugitive dust emissions into the ambient air:

- a. All paved roads and other paved surfaces with vehicle traffic shall be cleaned via watering/vacuum sweeping on a daily basis on each day of plant operation, except as provided under Orders 7.a.i., 7.a.ii., and 14 through 17 below.
 - i. Daily sweeping may be suspended only when there is snow, ice cover, or standing water on the surface.
 - ii. All such suspensions shall be reported and verified as required under Orders 12 and 13.
 - iii. Irregular paved surfaces that cannot feasibly or adequately be cleaned by vacuum sweeping shall be chemically sprayed in accordance with the provisions of Order 2.
- b. Respondent shall ensure the availability, required scheduling, and proper maintenance of the watering/vacuum sweeping trucks. Respondent may contract with a third party to supply and/or operate the sweeping trucks required by this section.
- c. Respondent shall comply with a visible particulate emission limitation of no visible emissions, except for a period of one minute in any 60-minute observation period for the paved roads and other paved surfaces with vehicle traffic.
- d. All outdoor paved roads and other outdoor paved surfaces without vehicle traffic that are accessible by a watering or sweeping truck shall be cleaned by watering/vacuum sweeping on a monthly basis.

8. Respondent shall continue to prohibit the practice of placing road sweepings from the Stateline Facility on the ground next to the western edge of the property near the East Liverpool Water Plant, in order to control fugitive dust emissions from the road

sweepings. Respondent shall continue to place any road sweepings within an enclosure equipped with an operational access door for vehicles transporting materials. This door shall be kept in a closed position when the road sweepings pile is not being added to or removed for disposal. Respondent shall limit the visible emissions of fugitive dust into the ambient air from any such enclosure to 5 percent opacity as a 3-minute average.

9. Respondent shall maintain signs throughout the Stateline and Little England Facilities that limit the speed of all vehicles to 5 miles per hour.

10. Respondent shall maintain daily records for the paved road cleaning program. These records shall include, at a minimum, the following information:

- a. A meteorological log to include average daily temperature, daily precipitation, and unusual meteorological occurrences. The same log may be used to satisfy the requirements of this section and the parallel requirements in Order 3.
- b. Qualitative description of the road surface conditions.
- c. Start and stop times and number of passes for each paved road segment.
- d. Identification of areas where chemical treatment was utilized.

11. These records shall be retained by Respondent for five (5) years and shall be made available to Ohio EPA upon request.

12. A calendar quarterly report shall be submitted to Ohio EPA. The reports shall summarize the status of compliance with the requirements of Orders 7 and 10 above and contain a description of any deviations from the control program, the reasons for such deviations, and the corrective actions taken. The report shall be certified to be accurate by Respondent and shall be submitted within thirty (30) days after the end of the quarter.

13. Respondent shall notify the Director or his representative, in writing, of any noncompliance with Orders 7 and 10. Such notice shall be submitted within thirty (30) days of the noncompliance occurrence and shall include a detailed explanation of the cause of such noncompliance, all remedial actions required, and the date by which compliance was or will be reestablished.

Changes to Dust Control Program for Unpaved and Paved Roads and Other Unpaved and Paved Surfaces with Vehicle Traffic

14. Except as provided in Order 2.a., Respondent has the right to petition Ohio EPA for written approval of alternative treatment methods, treatment schedules, and procedures or reporting requirements. No action shall be taken by Respondent in employing the alternative practices until Ohio EPA issues a written approval to Respondent. Such alternative practices must be demonstrated to Ohio EPA to result in equivalent dust control effectiveness.

15. In the event that Respondent certifies that the use of any road segment or other surface has been discontinued, the dust suppression or surface cleaning program for that surface may be terminated or reduced. In such case, Respondent shall immediately notify the Director. If Respondent begins to utilize any new roadway, parking lot or other vehicular activity area, it shall notify the Director and treat or clean the road or other surface in accordance with the procedures contained herein, unless more stringent requirements are specified in any permit to install issued by Ohio EPA for such road or other surface pursuant to OAC Chapter 3745-31.

16. The Director or his representative shall not be precluded from requesting adjustments, including increased chemical suppressant application or cleaning, if on-site inspections reveal that the program contained herein does not prevent significant visible dust surface entrainment and emissions from a particular road segment or other surface.

17. In the event that an unpaved road or other unpaved surface with vehicle traffic that has been chemically treated becomes completely hardened and cemented by such treatment so as to become like a paved road as demonstrated by observation, compaction tests, and silt analyses, or in the event that Respondent paves any unpaved road or other unpaved surface, that road or other surface may be treated as a paved surface and cleaned in accordance with the procedures outlined in Order 7.

Storage Piles at the Stateline and Little England Facilities

18. Within thirty (30) days after the effective date of these Orders, Respondent shall store all affected materials at the Stateline and Little England Facilities in storage buildings whose only openings to the ambient air are through access doors for vehicles transporting materials. Such storage buildings shall minimize or eliminate fugitive dust emissions. After such deadline, Respondent shall limit the visible emissions of fugitive dust into the ambient air from such storage buildings to 5 percent opacity as a 3-minute average.

Material Handling at the Stateline and Little England Facilities

19. Respondent shall continue to ensure that all affected material loaded out at the Stateline Facility shall only be loaded out at a truck load out shed that is equipped with an air pollution control baghouse. Also, within thirty-six (36) weeks after the issuance date of a final Permit to Install, Respondent shall install and operate a truck material load-out building at the Stateline Facility that is equipped with a capture and control system to eliminate emissions of fugitive dust into the ambient air from the dumping of material into trucks.

20. Within ninety (90) days after the effective date of these Orders, Respondent shall ensure the tarping of each truck that is operated at the Stateline and Little England Facilities and that is used for transferring any dusty material within and out of such Facilities, to minimize or eliminate emissions of fugitive dust into the ambient air. There shall be no visible emissions of fugitive dust into the ambient air from the tarped trucks.

Material Processing at the Stateline and Little England Facilities

21. Respondent shall operate and maintain an access door at the large opening to the rotary dryer building at the Stateline Facility to minimize or eliminate emissions of fugitive dust into the ambient air. Respondent shall limit the visible emissions of fugitive dust into the ambient air from such opening to 5 percent opacity as a 3-minute average.

22. Within thirty (30) days after the effective date of these Orders, Respondent shall replace any missing, defective, or damaged hanging strips at material load-in points at material processing operations at the Stateline and Little England Facilities that handle affected materials to minimize or eliminate emissions of fugitive dust into the ambient air. Thereafter, such hanging strips shall continue to be maintained in proper condition. After such deadline, Respondent shall limit the visible emissions of fugitive dust into the ambient air from such load-in points to 10 percent opacity as a 3-minute average.

23. Respondent shall continue to prevent the outdoor use of any portable screen box at the Stateline and Little England Facilities for screening any affected material, in order to minimize or eliminate emissions of fugitive dust into the ambient air. Such screening for any affected material shall only be performed in enclosures whose only openings to the ambient air are through access doors for vehicles transporting materials. Respondent shall limit the visible emissions of fugitive dust into the ambient air from such openings to 10 percent opacity as a 3-minute average.

Progress Reports

24. Within fifteen (15) days after each deadline in the above Orders, Respondent shall submit progress reports to Ohio EPA on the progress in achieving compliance with

such deadline. The reports shall indicate whether or not the project was completed, the date it was completed or the date it is expected to be completed, and the reason(s) for not completing the project by the deadline (if applicable).

Compliance Testing

25. Compliance with the no visible emission limitation set forth in Order 20 shall be determined using USEPA Method 22. Compliance with the opacity limitations in the above Orders shall be determined using USEPA Method 9, except that an averaging period of three minutes shall be used.

Engineering Study of the Emission Sources at the Stateline (Including Pennsylvania Operations) and Little England Facilities

26. To identify possible control measures to reduce the emissions of chromium and manganese that are causing or significantly contributing to the violations of OAC Rule 3745-15-07 in the City of East Liverpool, Respondent shall comply with the requirements of Order 27 as expeditiously as practicable; but not later than the following deadlines:

- a. The requirements of Orders 27.a., 27.e., and 27.f. shall be completed by not later than thirty (30) days after the effective date of these Orders.
- b. The requirements of Orders 27.b., 27.c., and 27.d. shall be completed by not later than sixty (60) days after the effective date of these Orders for the Area C screener and the Area C crusher-screener at the Stateline Facility.
- c. The requirements of Orders 27.b., 27.c., and 27.d. shall be completed by not later than one hundred twenty (120) days after the effective date of these Orders for the following sources:
 - i. the packaging operations (Carmen, Trico, North, and East), PA screener, and indoor material storage at the Stateline Facility; and
 - ii. the Kue-Ken crusher screener, LE bagging/boxing, and indoor material storage at the Little England Facility.
- d. The requirements of Orders 27.b., 27.c., and 27.d. shall be completed by not later than two hundred forty (240) days after the effective date of these Orders for all other sources at the Stateline and Little England Facilities.

27. Respondent shall complete and submit to the Ohio EPA an engineering study of the Stateline (including the Pennsylvania operations) and Little England Facilities in accordance with the following instructions and containing the following information:

- a. Prepare a comprehensive and accurate emission inventory for all the sources of particulate matter, chromium, and manganese emissions (stack and fugitive) at the Stateline (including the Pennsylvania operations) and Little England Facilities. The emission inventory shall include the following information for each source of particulate matter, chromium, and manganese emissions:
- i. a description of the source of emissions;
 - ii. the emissions unit from which the emissions emanate (e.g., P001);
 - iii. whether the emissions are stack or fugitive;
 - iv. the maximum hourly uncontrolled and controlled particulate matter, chromium, and manganese emission rates at the maximum production capacity, and the duration of those emissions over a 24-hour production period;
 - v. the bases for the uncontrolled and controlled particulate matter, chromium, and manganese emission rates (e.g., material balance calculations, emission tests, or emission factors);
 - vi. the calculations for the uncontrolled and controlled particulate matter, chromium, and manganese emission rates;
 - vii. the type of control equipment or control measure employed, and the name of each control equipment manufacturer;
 - viii. the control efficiency for each piece of control equipment and each control measure employed (if a capture efficiency greater than 0% is assumed for any building or enclosure, Respondent shall document the basis for and accuracy of the assumed capture efficiency);
 - ix. for fugitive emissions, the release height of the emissions (in feet above ground level);
 - x. for stack emissions, the height of the stack (in feet above ground level), the diameter of the stack at the top of the stack (in feet), the temperature of the exhaust gases (in degrees F), and the flow rate of the exhaust gases (in acfm and scfm);
 - xi. the dimensions of all nearby buildings (height, width, and length, in feet [see Ohio EPA, DAPC, Engineering Guide 69]); and

- xii. the UTM coordinates for the point(s) at which the emissions are vented into the ambient air.
- b. Identify and describe all the technically feasible, particulate control measures for each source of chromium and manganese emissions (stack and fugitive) identified pursuant to Order 27.a.
- c. For each of the technically feasible, particulate control measures identified pursuant to Order 27.b., determine and report the following:
 - i. the total installed capital cost;
 - ii. the annual operating and maintenance cost;
 - iii. the total annual cost, including the annualized capital cost;
 - iv. the emission reductions of particulate matter, chromium, and manganese to be provided, in tons; and
 - v. the cost-effectiveness, in dollars per ton of particulate matter removed.

Respondent may use the guidance in Ohio EPA, Division of Air Pollution Control's Engineering Guide #46 in calculating the cost-effectiveness for each technically feasible, particulate control measure for each source of chromium and manganese emissions.

- d. For each technically feasible, particulate control measure identified pursuant to Order 27.b., estimate the amount of time that would be required to expeditiously implement the control measure and provide an explanation of the basis for the time estimate.
- e. Provide a process flow diagram for each Facility (including the Pennsylvania portion of the Stateline Facility) that shows all the operations at each Facility and identifies where the particulate matter, chromium, and manganese emissions occur and where visible emissions of particulate matter would occur or likely occur.
- f. Provide a plot plan for each Facility (including the Pennsylvania portion of the Stateline Facility) that shows the locations of the buildings, process equipment, roadways, parking lots, and storage piles at each Facility and specifies the scale for the plot plan.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has

performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above. Ohio EPA reserves the right to request Respondent to enter into subsequent Findings and Orders to the extent that Ohio EPA finds that additional control measures are required to address the elevated chromium and manganese concentrations recorded at the ambient monitoring stations.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate, and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative of Respondent as that term is defined in the above-referenced rule.

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 operation of Respondent's 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 hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

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

Ohio Environmental Protection Agency
Northeast District Office
Division of Air Pollution Control
2110 E. Aurora Rd.
Twinsburg, Ohio 44087
Attention: Pam Korenewych

and

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Thomas Kalman, Manager, Enforcement Section

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

2. All notifications to Respondent pursuant to these Orders shall be addressed to:

S. H. Bell Company
2217 Michigan Avenue
East Liverpool, Ohio 43920
Attention: Rusty Davis

and

Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
Attention: Scott Dismukes, Esq.

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

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.

Director's Final Findings and Orders
S.H. Bell Company
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IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

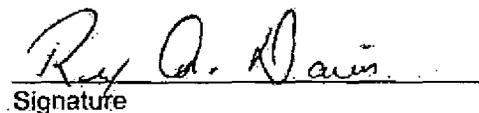


Chris Korleski
Director

4/14/08
Date

IT IS SO AGREED:

S.H. Bell Company


Signature

11-APR-08
Date

Rex A. (Rusty) DAVIS
Printed or Typed Name

VICE PRESIDENT of OPERATIONS
Title

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

Date

IT IS SO AGREED:

S.H. Bell Company

Rex A. Davis
Signature

11-APR-08
Date

Rex A. (Rusty) DAVIS
Printed or Typed Name

VICE PRESIDENT OF OPERATIONS
Title



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April 14, 2008

VIA FEDEX

Marcus J. Glasgow, Esq.
Staff Attorney
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, OH 43215

Re: Director's Final Findings and Orders - S.H. Bell Company

Dear Marcus:

On behalf of the S.H. Bell Company ("the Company"), enclosed please find the Director's Final Findings and Orders with the original signed signature page from the Company.

Very truly yours,

David A. Rockman

Enclosure

cc: Scott R. Dismukes, Esq.

RECEIVED
OHIO EPA
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