OHIO E.P.A.

FEB -8 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Director's Final Findings and Orders

S.H. Bell Company)
Stateline Facility)
2217 Michigan Avenue)
East Liverpool, Ohio 43920)

and

S.H. Bell Company)
Little England Facility)
1 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 ("DFFOs") 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 DFFOs contain both "Findings" and "Orders." The 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 the Orders.

III. DEFINITIONS

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

2. The term "affected materials" shall mean ferromanganese materials and other materials with a manganese content (raw material, intermediate, or finished product) that are processed or otherwise handled on site in such a manner that could

cause the generation of stack or fugitive emissions containing ferromanganese or manganese compounds. Affected materials shall not include materials that contain manganese, such as steel ingots, where the material is not a source of stack or fugitive emissions containing ferromanganese or manganese compounds. Affected materials also shall not include materials that contain chromium, and in this regard this definition of "affected materials" specifically replaces and supersedes the definition of "affected materials" contained in the April 14, 2008 Orders to which S.H. Bell Company is a signatory.

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. Notwithstanding anything else in the DFFOs, 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 makes 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 and other materials. 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(V).

2. At the Ohio side of the Stateline Facility, Respondent operates the following emissions units: roadways (F001), storage piles (F002), material handling (internal 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 incoming materials) (F013), river barge unloading by crane (F014), railcar unloading and loading (F015), straight-sided barge dock unloading (F016), rotary dryer (P901), and truck loadout shed (P902). At the Pennsylvania side of the Stateline Facility, Respondent operates the following emissions units: roadways (P006), storage piles (P007), miscellaneous material handling (including, but not limited to, barge unloading and truck dump unloading) (P005), KUX Crusher (P001), fine-size screener (P002), and portable scalp screen boxes (P003)). 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 (X), and emits particulate matter as defined in OAC Rule 3745-17-01(B)(13). Some of the particulate matter emissions consist of or include affected materials.

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 affected materials from Respondent's Stateline and Little England Facilities cause or significantly contribute to elevated ambient air concentrations of manganese at the Michigan Avenue (Water Plant), Maryland Avenue, and Port Authority ambient monitors in the City of East Liverpool, based upon the following.

The data analyzed to date (i.e., 02/24/2009) 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 ($\mu g/m^3$), with an average concentration for all the 76 samples collected during 2001 through 2009 of 0.25 $\mu g/m^3$. The data analyzed to date (i.e., 02/24/2009) by Ohio EPA for the Port Authority ambient air monitoring site show manganese concentrations for 24-hour periods ranging from 0.02 to 1.9 $\mu g/m^3$, with an average concentration for all the 85 samples collected during 2000 through 2009 of 0.40 $\mu g/m^3$. The data analyzed to date (i.e., 02/24/2009) by Ohio EPA for the Water Plant ambient air monitoring site show manganese concentrations for 24-hour periods ranging from 0.10 to 6.8 $\mu g/m^3$, with an average concentration for all the 86 samples collected during 2000 through 2009 of 1.70 $\mu g/m^3$. These average ambient air concentrations are up to 33 times the U. S. EPA Reference Concentration (RfC) of 0.05 $\mu g/m^3$ at the Michigan Avenue (Water Plant) ambient monitor. (The RfC is an estimate of a continuous inhalation exposure to the human population that is likely to be without appreciable risk of noncancer effects during a lifetime.) Ohio EPA considers these average ambient air concentrations to be unacceptable for protecting public health. The data analyzed for each monitoring site discussed above is based on samples collected from a TSP high-volume sampler.

Based upon this evaluation of the ambient air quality data, Ohio EPA has concluded that emissions from Respondent's Facilities cause or significantly contribute to unacceptable ambient air concentrations of 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(C).

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 affected materials, Respondent shall comply with the requirements of Orders 2 through 37 as expeditiously as practicable, but not later than the deadlines specified therein. Where applicable, Respondent has voluntarily agreed to apply the control measures specified in these Orders to that part of its Stateline Facility located in Pennsylvania. Except for the roads and other surfaces with vehicle traffic, the control measures, work practices standards, and emission limitations specified in these Orders are only applicable during the handling of affected materials or during the conduct of activities that can generate visible emissions of affected materials.

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

2. Respondent shall continue to apply 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 weekly 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 13 through 16 below.

b. Except as provided in Orders 13 through 16 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 scheduled 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 shall ensure the availability of equipment that will facilitate manual applications of the solution to areas not readily accessible by the spray truck. 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 9.

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.

c. Identification of areas where manual spraying was utilized.

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 quarterly to Ohio EPA. In the reports Respondent shall summarize the status of compliance with the requirements of Orders 2 and 3 above and describe any deviations from the control program, the reasons for such deviations, and the corrective actions taken. Respondent shall certify the reports to be accurate and submit each report within thirty (30) days after the end of each calendar quarter.

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

6. Respondent shall continue to employ watering and vacuum sweeping measures on all paved roads and other paved surfaces with vehicle traffic (truck routes and berms) 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 6.a.i., and 13 through 16 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 11 and 12.

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.

7. 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 place any road sweepings within an enclosure equipped with an operational access door for vehicles transporting materials. This door shall be kept closed except when the road sweepings pile is being added to or removed for disposal. Respondent shall comply with a visible particulate emission limitation of no visible emissions from the enclosure except for a three-minute average of 5% opacity during the loading and unloading of materials into or out of the enclosure.

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

9. 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.

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

11. Respondent shall submit quarterly reports to Ohio EPA. In the reports Respondent shall summarize the status of compliance with the requirements of Orders 6 and 9 above and describe any deviations from the control program, the reasons for

such deviations, and the corrective actions taken. Respondent shall certify the reports to be accurate and submit each report within thirty (30) days after the end of each calendar quarter.

12. Respondent shall notify the Director or his representative, in writing, of any noncompliance with Orders 2 and 6. 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

13. 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.

14. 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 use 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.

15. The Director or his representative shall not be precluded from requiring 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.

16. 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, that road or other surface may be treated as a paved surface and cleaned in accordance with the procedures outlined in Order 6.

Handling, Processing, and Storage of Affected Materials at the Stateline Facility: Consolidation

17. Respondent shall consolidate the handling, processing, and storage of all affected materials to the Stateline Facility and shall prohibit the handling, processing, and storage of any affected materials as follows:

a) On or before September 1, 2009, Respondent shall cease handling affected materials at F014 (river barge unloading by crane) that are not packaged.

b) On or before September 1, 2009, Respondent shall cease handling affected materials at F012 (PA screener).

c) On or before October 21, 2009, Respondent shall cease handling affected materials at F004 and F011 (Trico box filling unit and east bag filling station).

d) On or before March 31, 2010, Respondent shall complete the transfer of affected materials operations from the Little England Facility to the Stateline facility and cease the handling, processing, and storage of affected materials at the Little England Facility.

Carmen Palletizing Station (F005) and North Bag Filling Station (F008)

18. On or before October 21, 2009, Respondent shall install loader tunnels around the hopper openings and ramp areas located at the Carmen palletizing station and north bag filling station. The loader tunnel for the Carmen palletizing station shall be approximately 20 feet wide, 16 feet long, and 22 feet tall. The loader tunnel for the north bag filling station shall be approximately 14 feet wide, 16 feet long, and 22 feet tall. PVC strips shall be installed in the open end of each loader tunnel.

19. On or before March 12, 2010, Respondent shall install and operate a capture system and baghouse for the control of fugitive dust generated at the dump hoppers associated with the Carmen palletizing station and the north bag filling station when the hoppers are charged with affected materials. The capture system shall be designed to minimize or eliminate any visible emissions of fugitive dust from the dump hoppers when the hoppers are charged with affected materials; and after installation, the capture system shall be operated and maintained in a manner that will ensure compliance with a 5% opacity (3-minute average) visible emissions limitation for the fugitive dust emissions from the National Drawn Building that are caused by these emissions. The baghouse shall be designed to achieve a controlled emission rate of 0.010 grain of particulate emissions/dscf and no visible particulate emissions from the outlet of the control device.

Area C Crusher - Screener (F006) and Area C Screener (F007)

20. On or before October 21, 2009, Respondent shall install a loader tunnel on the northern side of the central Area C building for the dump hoppers associated with the Area C crusher - screener and the Area C screener. The loader tunnel shall have a roof that is approximately 16 feet by 28 feet in size, with side walls, and PVC strips in the entrance to the loader tunnel.

21. On or before September 15, 2009, Respondent shall enhance the seals on the Area C building enclosures by completing the following modifications:

(a) for the Area C main building, close in the gaps around the conveyors by installing metal on the bottoms and double vinyl strips on the tops, install vinyl around the doors, and install a removable panel next to the moveable conveyor;

(b) for the crusher - screener building, repair and seal the siding, bolt closed and seal the doors on the north side of the building (i.e., make the sliding doors permanent), seal all doors with vinyl strip material, install vinyl strip material on the bottoms of the bin doors, and seal around the conveyor; and

(c) for the screener building, repair and seal the siding, bolt closed and seal the doors on the north side of the building (i.e., make the sliding doors permanent), seal all doors with vinyl strip material, install vinyl strip material on the bottoms of the bin doors, and seal around the conveyor.

22. On or before April 1, 2010, Respondent shall install wet suppression systems with impingement spray nozzles or equivalent emission control technology to control the fugitive dust emissions from the charging of affected materials in the dump hoppers associated with the Area C crusher - screener and the Area C screener. Each emission control system shall be designed to minimize or eliminate the visible emissions of fugitive dust that occur when each hopper is charged with affected materials. The wet suppression systems shall be employed as interim control measures for the dump hoppers until the capture system and baghouse described in paragraph 23 are installed and operational.

23. On or before November 19, 2010, Respondent shall install and operate a capture system and baghouse to control the fugitive dust emissions from the charging of affected materials in the dump hoppers associated with the Area C crusher-screener and the Area C screener and to further control the fugitive dust emissions generated by the handling and processing of affected materials within the buildings serving the Area C crusher - screener and the Area C screener. The emission control system shall be designed to minimize or eliminate the visible emissions of fugitive dust that occur within the buildings during the handling and processing of affected materials. In addition, the baghouse shall be designed to achieve a controlled emission rate of 0.010 grain of

particulate emissions/dscf and no visible particulate emissions from the outlet of the control device. After the installation of this emission control system, Respondent shall operate and maintain the emission control system in a manner that will ensure compliance with a 5% opacity (3-minute average) visible emissions limitation applicable outside the buildings for the fugitive dust emissions created from the handling or processing of affected materials inside the buildings serving the Area C crusher - screener and the Area C screener.

Rotary Dryer (P901)

24. On or before September 15, 2009, Respondent shall enhance the seals on the rotary dryer building enclosure by repairing building siding, installing a door on the large building opening on the eastern side of the building, installing a door on the northern end of the building leading to the rail car hopper pit area, and installing PVC strip material along the bottom of the screener building. After the completion of these building enhancements, Respondent shall limit the visible emissions of fugitive dust from openings in this building to 5% opacity as a 3-minute average.

25. On or before November 19, 2010, Respondent shall either cease processing affected materials in the rotary dryer or install a wet suppression system with fogging nozzles or equivalent emission control technology to further control the fugitive dust emissions generated within the dryer building. Should Respondent cease processing affected materials in the rotary dryer, Respondent shall not resume processing affected materials in the rotary dryer after November 19, 2010 unless it has installed a wet suppression system with fogging nozzles or equivalent emission control technology. The emission control system shall be designed to minimize or eliminate the visible emissions of fugitive dust that occur within the building. Also, if a capture system and baghouse are installed as an equivalent emission control technology, the baghouse shall be designed to achieve a controlled emission rate of 0.010 grain of particulate emissions/dscf and no visible particulate emissions from the outlet of the control device. After the installation of the emission control system, Respondent shall operate and maintain the emission control system in a manner that will ensure compliance with a 5% opacity (3-minute average) visible emissions limitation for the fugitive dust emissions from the dryer building.

Straight-Sided Dock Barge Unloading and Loading, and Truck Loading (F016)

26. Commencing with the first barge load of affected materials arriving after November 10, 2009 to be unloaded at the straight-sided dock, Respondent shall commence a technical and operational feasibility trial of a mobile, wet suppression system with impingement and/or fogging spray nozzles for the control of the fugitive dust emissions from the unloading of river barges and the loading of trucks by a hydraulic excavator. Following this feasibility trial, on or before January 15, 2010,

Respondent shall operate and maintain a wet suppression system in a manner that will minimize or eliminate visible emissions of fugitive dust from affected materials during the barge unloading and loading and truck loading operations and comply with a 10% opacity (3-minute average) visible emission limitation for the fugitive dust emissions during the loading and unloading of affected materials.

Truck Dump Unloading of Incoming Materials (F013)

27. On or before January 22, 2010, Respondent shall install a building enclosure for an affected materials truck dump unloading location connected to the Pennsylvania truck loadout. This enclosure shall be approximately 22 feet wide, 24 feet long, and 30 feet high, and PVC strips shall be installed in the open end of each enclosure.

28. The new building enclosure shall be connected to, and emissions of affected materials from unloading shall be controlled by, the baghouse currently controlling emissions from the Pennsylvania truck loadout. Respondent shall operate and maintain the emission control system in a manner that will ensure compliance with a 5% opacity (3-minute average) visible emission limitation for the fugitive dust emissions during the unloading of affected materials.

Screen Boxes (F009)

29. Respondent shall continue to employ the screen boxes only within full building enclosures.

30. On or before November 16, 2009, Respondent shall commence a technical and operational feasibility trial of a mobile, wet suppression system with impingement and/or fogging spray nozzles to control the fugitive dust emissions from the screen boxes. Respondent shall operate and maintain the wet suppression or equivalent emission control system following completion of the feasibility trial, on or before February 15, 2010 in a manner that will ensure compliance with a 5% opacity (3-minute average) visible emissions limitation for the fugitive dust emissions from the screening of affected materials that are emanating from the full building enclosure(s) housing the screen boxes.

Railcar Unloading and Loading (F015)

31. On or before November 16, 2009, Respondent shall commence a technical and operational feasibility trial of a mobile, wet suppression system with impingement and/or fogging spray nozzles to control the fugitive dust emissions from the loading and unloading of hopper cars. Respondent shall operate and maintain the wet suppression or equivalent emission control system following completion of the feasibility trial, on or

before February 15, 2010 in a manner that will ensure compliance with a 5% opacity (3-minute average) visible emissions limitation for the fugitive dust emissions either from the dryer building (that are due to railcar unloading) or from the building enclosure for the railcar unloading during the loading or unloading of affected materials to hopper cars.

On or before November 16, 2009, Respondent shall neither load nor unload affected materials from gondola cars or boxcars along the railspur adjacent to the hopper pit without operating and maintaining a wet suppression system (either fixed or mobile). Respondent shall operate and maintain the wet suppression system in a manner that will ensure compliance with a 5% opacity (3-minute average) visible emissions limitation for the fugitive dust emissions during the loading or unloading of affected materials from gondola cars or boxcars.

Indoor Storage Piles (F002)

32. Respondent shall continue to store all affected materials at the Stateline Facility in storage buildings whose only openings to the ambient air are through access doors for vehicles transporting materials. These buildings are identified as: MTM1, MTM2, MTM3, MTM4, MTM5, MTM6, MTM9, MTM10, Mays4, the interior of the southern half of Mays3, the interior of the northern half of Mays5, Mays7, Mays10, SHB1, the addition to SHB1, and the Spar building.

33. On or after June 15, 2010, Respondent shall not store affected materials in the stall-type storage buildings identified immediately below unless Respondent first installs wood partitioning or the equivalent from the top of the shared rear bin wall to the building roof to isolate both sides of each stall in these buildings used to store affected materials. Further, each stall-type bin used to store affected materials shall also have a rolling door installed to further isolate the individual bin from the ambient air. After the completion of all of these improvements, there shall be no visible emissions of fugitive dust into the ambient air from any stall-type bin in these identified buildings used for the storage of affected materials except that Respondent shall comply with a 5% opacity (3-minute average) visible emission limitation for the fugitive dust emissions to the ambient air during the loading or unloading of affected materials into or from a stall-type bin. Further, Respondent shall provide written notice to OEPA one week prior to use of a stall-type bin for the storage of affected materials. Stall-type buildings are identified as follows: Umbaugh1, Umbaugh2, Mays1, Mays2, the exterior of the northern half of Mays3, the exterior of the southern half of Mays5, Mays6, Mays8, and Mays9.

Other Material Handling

34. Respondent shall ensure that all bulk affected materials (i.e., excluding packaged materials) loaded out at the Stateline Facility shall only be loaded out at the truck loadout sheds, which are equipped with capture and baghouse control systems.

35. Respondent shall ensure the tarping of each truck containing affected materials that is operated at the Stateline Facility and that is used for transferring any dusty material within, and out of such Facility, 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. In addition Respondent shall use all reasonable measures to ensure incoming trucks are tarped (e.g., notice to the driver, hauling contractor, and/or owner of materials shipped to the facility).

36. Respondent shall promptly replace any missing, defective, or damaged hanging strips at material load-in points at material processing operations at the Stateline Facility to minimize or eliminate emissions of fugitive dust into the ambient air. Such hanging strips shall continue to be maintained in proper condition.

37. Respondent shall not be required to operate a wet suppression system if Respondent demonstrates to the Director's satisfaction that ambient temperatures significantly below freezing conditions and other weather conditions render the operation of the system technically infeasible or inoperable, even with the use of heat tracing for the water supply, pump, and piping. During periods of shutdown, Respondent shall make all reasonable efforts to minimize or eliminate the processing of affected materials at any emissions unit that will not be adequately controlled.

If it is determined that the shutdown of a wet suppression system has caused elevated ambient concentrations of manganese at any of the monitoring sites in East Liverpool, the Director will so notify Respondent; and, thereafter, Respondent shall prohibit the processing of affected materials in any emissions unit that cannot be adequately controlled due to ambient temperature conditions.

Respondent shall maintain records of the dates and durations when a wet suppression system was not operated to control the emissions of affected materials due to extremely low ambient temperatures. These records shall clearly document the reason(s) for the shutdown of the system. In addition, Respondent's efforts to minimize or eliminate the processing of affected materials during periods of shutdown shall also be described in detail in these records.

Respondent also shall maintain a meteorological log that includes average hourly temperature, daily precipitation, and unusual meteorological occurrences. The same log may be used to satisfy the requirements of Orders 3 and 9.

Modifications

38. Respondent may, upon good cause shown, petition the Director to modify the manner, nature or time frame of implementation of Orders 17 through 37 above.

Progress Reports

39. Within fifteen (15) days after each deadline in the above Orders, Respondent shall submit a progress report to Ohio EPA on the progress in achieving compliance with such deadline. Each report 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

40. Compliance with the no visible emission limitations in the above Orders shall be determined using USEPA Method 22. Compliance with the opacity limitations in the above Orders shall be determined using USEPA Method 9.

VI. TERMINATION

Respondent's obligations under these DFFOs shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under the Orders, the control requirements of the Orders have been embodied within a Permit to Install issued by the Ohio EPA, and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these DFFOs. (The sole purpose for specifying the control measures and requirements contained in the Orders in a Permit to Install issued by the Ohio EPA is to cause those control measures and requirements to become State and federal enforceable requirements that can be included in the operating permit(s) issued for the Facilities. It is not the Ohio EPA's intent, in requiring the Permit to Install, to cause the emissions units that must be controlled pursuant to the Orders to be subject to any regulations that are not already applicable to those emissions units.) If Ohio EPA does not agree that all obligations have been performed and/or that the control requirements of the Orders have been embodied within a Permit to Install issued by the Ohio EPA, then Ohio EPA will notify Respondent of the deficiencies, 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 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 DFFOs, a responsible official is the person authorized to sign in OAC Rule 3745-31-04(13).

VII. OTHER CLAIMS

Nothing in these DFFOs 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 DFFOs, for any liability arising from, or related to, the operation of Respondent's facility. Further, nothing in these DFFOs shall be construed to create any rights in or grant any cause of action to any person or entity not a party hereto.

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

These DFFOs 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 DFFOs 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 DFFOs shall be addressed to:

S. H. Bell Company
P.O. Box 11495
644 Alpha Drive
Pittsburgh, PA 15238
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 DFFOs.

XII. WAIVER

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these DFFOs, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these DFFOs either in law or equity. Notwithstanding the preceding, nothing herein constitutes a waiver of Respondent's right to challenge in subsequent matters, except the subsequent enforcement of the specific terms and conditions of the Orders, the identification, application, or appropriateness of any numeric benchmark for establishing exposure risk (i.e., RfC), any finding or determination that emissions or ambient values in excess of such levels constitute a nuisance, or that a nuisance exists.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these DFFOs 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 DFFOs notwithstanding such appeal and intervention unless these DFFOs are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

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

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

Date 2/4/10

AGREED:

S.H. Bell Company

Signature

Date 28 JAN 10

Rex A. Davis
Printed or Typed Name

V.P. of Operations
Title