

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
MAR 14 2012

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Nucor Steel Marion, Inc.
912 Cheney Avenue
Marion, Ohio 43301

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:
:

Director's Final Findings
and Orders

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.

PREAMBLE

It is agreed by the parties hereto as follows:

By Don Lassiter Date: 3/14/12

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Nucor Steel Marion, 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 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 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 meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a steel manufacturing facility located at 912 Cheney Avenue, in Marion (Marion County), Ohio. This facility is identified by Ohio EPA facility ID number 0351010017. At the facility Respondent produces carbon steel bar stock, angle reinforcing rod, and highway products. The facility is operating under a Title V permit that became effective on July 2, 2008, and it will expire on July 2, 2013. Respondent acquired the facility from Marion Steel, Inc. in June 2005.

2. Ohio Administrative Code ("OAC") Rule 3745-31-02 prohibits a person from allowing the installation or modification of an air contaminant source without first applying for and obtaining a permit to install ("PTI"), except as otherwise provided by rule or law.

3. OAC Rule 3745-31-13(A) states, in part, that no major modification located in an attainment area shall begin actual construction unless the stationary source has obtained a valid PTI.

4. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions.

5. ORC § 3704.05(G) prohibits any person from violating any OAC rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704. OAC Chapter 3745-31 was adopted by the Director pursuant to ORC Chapter 3704.

6. ORC § 3704.05(J)(2), in part, prohibits any person from violating any applicable requirement of a Title V permit.

PSD PTI Violation (EU P903)

7. Emissions unit P903 is a 70 tons per hour ("TPH") electric arc furnace and is described by the company as Electric Arc Furnace #3. Emissions unit P903 was installed on February 1, 1998, and it is used at the facility for scrap metal melting. The emissions from this emissions unit are partially captured by direct evacuation control and a canopy hood and are controlled by a baghouse identified as No. 2 baghouse. Moreover, Respondent plans to install an enclosure around the Melt Shop that includes this emissions unit.

8. During June of 2007, Nucor replaced the transformer serving emissions unit P903. The capacity of the old transformer was 35 megavolt-amperes ("MVA"), and the capacity of the new transformer is 45 MVA. On June 11, 2008, Nucor requested a Director's exemption letter for the installation of a static var compensator ("SVC") on emissions unit P903, which was the final step in the upgrade. This request was granted on August 4, 2008, and continuous operation of the SVC was initiated on August 30, 2008. With the installation of the larger transformer and the SVC, which also provided a further increase in production capacity, Respondent was able to increase efficiencies and production capabilities of the furnace. Stack testing completed on November 5 and 6, 2008, demonstrated that emissions unit P903 exceeded the volatile organic compound ("VOC") emission limitation in the facility's Title V permit. As a result of the installation of the new transformer and SVC, and the corresponding increase in the potential to emit for the facility; the PSD thresholds were exceeded for several pollutants at the facility. The installation of the new transformer and SVC constituted a "major modification" of emissions unit P903, as defined in OAC Rule 3745-31-01(JJJ); and it was completed without obtaining a Prevention of Significant Deterioration ("PSD") permit to install ("PTI"), in violation of OAC Rules 3745-31-02 and 3745-31-13(A) and ORC § 3704.05(G).

9. Respondent reported in its third quarter deviation report (received October 22, 2010) that it operated emissions unit P903 on August 29, 2008 at a daily average production rate of 71 TPH. This is a violation of Respondent's Title V and PTI terms and conditions, which restrict production to no greater than 70 TPH, and ORC § 3704.05(C) and (J). However, in a letter to the Director dated March 30, 2009, Respondent reported that it did not learn that the new transformer had a larger capacity than the old transformer until March 18, 2009. By March 25, 2009, Respondent implemented procedures to ensure that the power level of the new transformer did not exceed the power level of the old transformer. These procedures remain in place until Respondent begins operation under PSD PTI P0105283, issued on December 23, 2010. Respondent also reported in the March 30 letter that the overall production data for emissions unit P903 since the installation of the new transformer does not show an actual increase in production rate, even though the daily average rate on August 29, 2008 for emissions unit P903 was 71 TPH and, as a result, there has not been an increase in actual emissions from the emissions unit, except for that one day.

10. To address the notice of violation ("NOV") letter issued by Ohio EPA, Northwest District Office ("NWDO") on March 26, 2009, Respondent submitted a PSD PTI application for the modification of emissions unit P903 on August 10, 2009. In addition to addressing the transformer and SVC modifications to emissions unit P903, this PSD PTI application also involved the implementation of best available control technology ("BACT") to all emissions units involved for purposes of addressing other possible modifications made to emissions unit P903 and associated emissions units dating back to when the Marion Steel's PTI 03-16353 was issued on August 18, 2005. At the request of NWDO, additional information concerning the application was submitted by Respondent on February 2, 2010, November 4, 2010, and November 12, 2010. Final PSD PTI P0105283 was issued to Respondent by the Ohio EPA on December 23, 2010.

CEMS Violation (EU P009)

11. Emissions unit P009 is a 184 million Btu per hour ("mmBtu/hr") (126 tons of steel per hour) natural gas-fired reheat furnace and rolling mill that was installed at the facility on June 1, 1988.

12. On October 30, 2007, PTI No. 03-17377 was issued to Respondent for emissions unit P009. This PTI required Respondent to submit a schedule within thirty (30) days of PTI issuance for installing and operating a continuous emission monitoring system ("CEMS") for the nitrogen oxides ("NOx") and carbon monoxide ("CO") emissions from emissions unit P009. This requirement also was contained in the Title V renewal permit issued for Respondent's facility, which became effective on July 2, 2008. In a letter dated November 29, 2007, Respondent proposed to install and certify the CEMS by November 28, 2008. To date, Respondent has not installed the CEMS, in violation of the PTI and Title V permit, and ORC § 3704.05(C) and (J).

13. Respondent has demonstrated that employing a CEMS for emissions unit P009 is technically infeasible, and as part of the PSD PTI application referenced in Finding 10, Respondent has proposed an alternative monitoring approach for emissions unit P009 in lieu of employing a CEMS. Respondent's proposed parametric monitoring program consists of the following:

- a. continuous monitoring of zone temperatures of each of the five heat zones, with alarms for unacceptable temperature levels;
- b. once per shift monitoring and recording of hourly excess air percentage and hourly average temperature for each of the five heat zones; and
- c. monthly monitoring of fuel usage.

14. In the supplement to the PSD permit application dated November 1, 2010, Respondent stated that it will reconfigure the reheat furnace and/or rework the controls by February 1, 2012, to allow the implementation of the parametric monitoring system, such that the system is fully operational by June 15, 2012.

15. On December 6, 2011, a conference call between Ohio EPA and Respondent was conducted to discuss the details of the proposed parametric monitoring program. Due to the various operation conditions it was determined that operating the preheat furnace within the established parametric ranges cannot alone guarantee compliance with the mass emission limitations for NOx, CO, and VOC. Alternatively, Ohio EPA requested Respondent to either reconsider the implementation of the CEMS as identified in PSD PTI P0105283 or submit a plan of a combined parametric monitoring and regular testing program for Ohio EPA's approval.

VOC Testing (EU P903)

16. On November 5-6, 2008, Respondent conducted emissions testing on emissions unit P903. The volatile organic compound ("VOC") actual emission rate was 20.5 lbs/hr while the Title V permit allowable is 20.02 lbs/hr. On January 16, 2009, a NOV letter was sent to Respondent to address the violation. NWDO received Respondent's response to the NOV on March 2, 2009. Respondent stated that the second run should be discarded as a result of the "drift" which was experienced during the test.

17. The NOV letter of September 21, 2010, from Ohio EPA stated that Respondent has not yet provided NWDO with any proposed dates or plan for showing compliance with the allowable VOC emissions rate for emissions unit P903. NWDO received Respondent's response to the NOV on October 22, 2010. Respondent stated that it was willing to perform a new compliance test for the VOC emission rate. On April 6, 2011, Respondent stated that it is in the process of submitting an Intent-to-Test notification for VOC from emissions unit P903 to Ohio EPA. On May 24, 2011, Respondent completed a compliance stack test which demonstrated compliance with the VOC emissions limit in Respondent's permit.

Elevated Manganese Concentration Levels in Marion

18. Manganese ("Mn") is a "hazard air pollutant," as identified in Section 112 of Title I of the Clean Air Act Amendments of 1990. Ambient air concentrations of Mn in the Marion area have been at elevated levels that are unacceptable for protecting public health.

19. Ohio EPA has operated three heavy metal monitors since 2002 near the facility. Both the Bellfontaine Avenue and Whitmore Street monitors began operation in January 2002. The Bellfontaine Avenue monitor was shutdown in February 2008, while the Whitmore Street monitor was shutdown in September 2009. Since March 2010, Ohio EPA is operating a monitor at Prospect Avenue. Each of the monitoring sites had or has two samplers identified as left and right.

The heavy metal monitors showed increased concentrations of Mn in the last few years. The results are reported in $\mu\text{g}/\text{m}^3$ as the monthly average of all the samples collected during the month. The months of October, November, and December have the highest averages in 2010. The highest annual average ($0.229 \mu\text{g}/\text{m}^3$) was in 2007 for the Whitmore Street ambient air monitor.

20. The data analyzed for the Prospect Avenue ambient air monitoring site show monthly average Mn concentrations ranging from $0.011 \mu\text{g}/\text{m}^3$ (September 2010) to $0.200 \mu\text{g}/\text{m}^3$ (December 2010), with an average concentration of $0.126 \mu\text{g}/\text{m}^3$ for all the 10 months from March 2010 to December 2010. The data analyzed for the Whitmore Street ambient air monitoring site show monthly average Mn concentrations ranging from $0.024 \mu\text{g}/\text{m}^3$ (June 2005) to $0.930 \mu\text{g}/\text{m}^3$ (December 2007), with an average concentration of $0.161 \mu\text{g}/\text{m}^3$ for all the 92 months from January 2002 to August 2009. The data analyzed for the Bellfontaine Avenue ambient air monitoring site show monthly average Mn concentrations ranging from $0.013 \mu\text{g}/\text{m}^3$ (January 2005) to $0.200 \mu\text{g}/\text{m}^3$ (October 2007), with an average concentration of $0.055 \mu\text{g}/\text{m}^3$ for all the 72 months from January 2002 to December 2008. These average ambient air concentrations are up to 3 times the U.S. EPA Reference Concentration (RfC) of $0.05 \mu\text{g}/\text{m}^3$, as an annual average, at the Whitmore Street ambient air monitoring site. (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.

21. On October 28, 2010, Respondent estimated the total Mn emissions from the facility as 3.11 TPY. This includes 1.32 TPY from the No. 2 baghouse and 1.72 TPY as fugitive emissions from the Melt Shop.

22. Ohio EPA believes any source of Mn emissions in Marion can potentially contribute to this air quality problem and needs to be minimized or eliminated to the extent possible.

23. 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 relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

Monitoring of NOx and CO emissions from the Preheat Furnace

1. Within one hundred and twenty (120) days after the effective date of these Orders, Respondent shall either (a) comply with the CEMS requirements in PTI P0105283 for CO and NOx emissions from emission unit P009, or (b) implement a parametric monitoring and regular testing program approved by Ohio EPA for NOx and CO emissions from emissions unit P009.

2. If Respondent elects to implement a parametric monitoring and regular testing program, within one hundred eighty (180) days of the plan's approval by Ohio EPA, Respondent shall submit a PTI modification application to Ohio EPA to modify PTI P0105283 to remove the CEMS requirements for emissions unit P009 and replace them with Respondent's parametric monitoring and regular testing program, as approved by Ohio EPA.

Melt Shop Enclosure

3. Respondent shall build the enclosure identified in PTI P0105283 to capture the particulate and Mn emissions from the Melt Shop housing emissions units P004, P005, P007, P012, P015, and P903, in accordance with the following schedule:

- a. Within seven (7) days of the effective date of these Orders, Respondent shall perform a structural building analysis of the Melt Shop to determine load capacity of the existing trusses, columns, foundations, and soil loading;
- b. Within ninety (90) days of the effective date of these Orders, Respondent shall:
 - i. design a canopy hood evacuation system for emissions unit P004, including structural members and ductwork with connection points;
 - ii. design a canopy hood evacuation system for emissions unit P903, including structural members and ductwork with connection points;
 - iii. develop equipment specifications for the purchase of ductwork, baghouse, fans, dampers, expansion joints, foundations, and stack; and
 - iv. solicit vendors and obtain quotes for the purchase of all equipment;
- c. Within one hundred fifty (150) days of the effective date of these Orders,

Respondent shall:

- i. Finalize the process of equipment selection and purchase orders issuance; and
 - ii. complete the installation of all equipment, utilities, and accessories;
- d. Within six hundred thirty (630) days of the effective date of these Orders, Respondent shall complete construction of the enclosure system for the Melt Shop and have the Melt Shop fully operational;
 - e. Within six hundred ninety (690) days of the effective date of these Orders, Respondent shall perform stack testing to demonstrate compliance with applicable emission limitations for the Melt Shop (including emissions units P013 and P014) as identified in the testing requirements section for the Melt Shop Operations in PSD PTI P0105283;
 - f. Within six hundred ninety (690) days of the effective date of these Orders, Respondent shall perform stack testing for Mn to determine the level of Mn emissions from the Melt Shop, using USEPA Reference Method 29/Method 0060; and
 - g. Within seven hundred twenty (720) days of the effective date of these Orders, Respondent shall submit a report on the results of the stack testing to Ohio EPA.
 - h. Respondent has represented, and Ohio EPA agrees, that the location where the new baghouse required to allow melt shop enclosure to occur as contemplated in this paragraph is an area subject to corrective action under the supervision of the U.S. EPA, that corrective action in this area is likely to be required prior to installation of the new baghouse, and that completion of corrective action measures in this area is subject to U.S. EPA review and approval and is not solely within the control of Respondent and Ohio EPA. Respondent shall use all reasonable efforts to expedite the completion of corrective action at the site of the future baghouse. In the event that U.S. EPA approvals are delayed and such delay prevents Respondent from meeting some or all of the deadlines established in this paragraph, Respondent shall provide notice to Ohio EPA of the reason for the delay, the expected length of the delay, and evidence of Respondent's reasonable efforts to expedite the corrective action. If such showing is made and Ohio EPA determines (1) that Respondent has made all reasonable efforts and (2) that the delay is due to U.S. EPA's acts or failures to act, Ohio EPA may grant additional time to complete these requirements in the exercise of its reasonable discretion.

Mn Testing

4. Within ninety (90) days of the effective date of these Orders, Respondent shall submit an Intent-to-Test notification to Ohio EPA to test for Mn emissions from the stack of the baghouse associated with emissions unit P903.

5. Within one hundred twenty (120) days of the effective date of these Orders, Respondent shall perform stack testing for Mn to determine the level of Mn emission from emissions unit P903 using USEPA Reference Method 29/Method 0060. Emissions unit P903 shall be operated at or as close as possible to the maximum capacity of the furnace.

6. Within one hundred fifty (150) days of the effective date of these Orders, Respondent shall submit a report on the result of the stack testing for Mn emissions to Ohio EPA.

Slag Processing Operations

7. Respondent shall move the slag processing operations (excluding quenching, ball dropping, and quenched slag load-out operations) offsite in accordance with the following schedule and conditions:

- a. Respondent may contract with a third party firm to handle the slag processing operations (excluding quenching, ball dropping and quenched slag load-out operations);
- b. The proposed offsite location shall not be contiguous to the facility and shall be located outside of the modeling impact area presented in PSD PTI P0105283;
- c. Within ninety (90) days of the effective date of these Orders, Respondent shall identify the offsite location to Ohio EPA for approval;
- d. Upon receiving Ohio EPA approval, but no later than one-hundred twenty (120) days of the effective date of these Orders, Respondent (or its contractor if applicable) shall submit a PTI application for the new slag processing operations to Ohio EPA. The application shall address Best Available Technology ("BAT") and Mn emissions from the new slag processing operations;
- e. Within one hundred-twenty (120) days of the PTI issuance, Respondent shall cease slag processing operations (excluding quenching, ball dropping and quenched slag load-out operations) at the facility;
- f. Within sixty (60) days of the PTI issuance, Respondent shall notify Ohio EPA, in writing, of the date the slag processing operations (excluding quenching, ball dropping, and quench slag load-out operations) ceased at the facility and the date it started at the approved new offsite location;
- g. Within one hundred-twenty (120) days of the effective date of these Orders, Respondent shall construct a partial three-sided, enclosure with an integral watering system surrounding the slag quenching operations at the facility; and
- h. Respondent shall continue to implement the water spray control method for the ball dropping and the quenched slag load-out operations at the facility pursuant to its Title V permit for the facility and in accordance with good air pollution control practices.

Air Quality and Meteorological Monitoring Station

8. Within sixty (60) days of the effective date of these Orders, Respondent shall implement the plans for the on-site air quality and meteorological monitoring station, as approved by Ohio EPA, which were submitted to Ohio EPA from Respondent on February 25, 2011, pursuant to Section B.3. of PSD PTI P0105283. The monitoring station shall include a meteorological tower equipped to measure standard meteorological data (wind direction, wind speed, temperature, and sigma theta). Respondent shall collect the data for a period of time lasting at least one year after complete construction of the enclosure system for the Melt Shop and the Melt Shop is fully operational. Respondent shall submit quarterly reports to Ohio EPA, presenting the collected data for each calendar quarter, within forty-five (45) days of the end of calendar quarter (i.e., by May 15th for the first quarter, August 15th for the second quarter, November 15th for the third quarter, and February 15th for the fourth quarter).

Other Emissions Units

9. Within fifteen days (15) of the effective date of these Orders, Respondent shall begin operating emissions units F001 (Roadways), F002 (Scrap Storage Pile), P010 (Cooling Tower), and P011 (Cooling Tower) under the provisions of PSD PTI P0105283.

Production Rate Limitation

10. Upon the effective date of these Orders, Respondent shall comply with the production rate limitation in Respondent's PTI 03-17377 and the Title V permit issued on June 6, 2008, until Respondent begins operation with the enclosure system and baghouse installed pursuant to Order 3. At that time, Respondent shall be subject to the production rate limitation specified in PSD PTI P0105283.

Progress Report

11. Unless otherwise directed by Ohio EPA, Respondent shall submit a written progress report to Ohio EPA by no later than thirty (30) days after the end of each calendar quarter beginning with the first quarter ending after the effective date of these Orders, and stopping with the quarter ending on June 30, 2014. The reports shall describe the status of the work required pursuant to these Orders and describe any difficulties encountered. Also, the reports shall provide the completion date for the milestones identified in the Orders.

Civil Penalty

12. Respondent shall pay the amount of four hundred sixty-six thousand and nine hundred dollars (\$466,900) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within fourteen (14) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check

made payable to "Treasurer, State of Ohio" for two hundred ninety-five thousand five hundred and twenty dollars (\$295,520) of the total amount. The official check shall be submitted to Akia Smith, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

13. In lieu of paying ninety-three thousand three hundred and eighty dollars (\$93,380) of the civil penalty, Respondent shall, within fourteen (14) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$93,380 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$93,380. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

14. In lieu of paying seventy-eight thousand dollars (\$78,000) of the civil penalty, Respondent shall receive a credit in that amount for costs associated with the testing and ambient air monitoring associated with Orders 4, 5, 6, and 8.

15. A copy of each of the above checks shall be sent to Thomas Kalman, Acting Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

16. Should Respondent fail to fund the SEP within the required time frame set forth in Order 13, Respondent shall immediately pay to Ohio EPA \$93,380 of the civil penalty in accordance with the procedures in Order 12.

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, these obligations have been embedded in operation permits, 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.

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 as defined in OAC Rule 3745-33-03(D)(1) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

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, operations by Respondent.

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

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

Ohio EPA
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: Jennifer Jolliff

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Thomas Kalman, Acting Assistant Chief
SIP Development and Enforcement

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



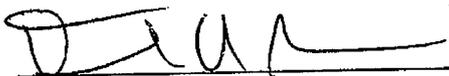
Scott J. Nally
Director

3/9/12

Date

AGREED:

Nucor Steel Marion, Inc.



Signature

3/2/12

Date

David A. Sumoski

Printed or Typed Name

VP/GM Nucor Steel Marion, Inc

Title