

OHIO E.P.A.

NOV 12 2013

ENTERED DIRECTOR'S JOURNAL

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

By: [Signature]

Date: 11-12-13

BEFORE THE

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Superior Forge and Steel Corporation :  
1820 McClain Road :  
Lima, Ohio 45804 :  
Respondent :

Director's Expedited  
Settlement Agreement and Orders

**I. JURISDICTION**

This Expedited Settlement Agreement and Order (ESA) is issued to Superior Forge and Steel Corporation ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") 6111.03 and 3745.01.

**II. FINDINGS**

1. Respondent owns and operates Superior Forge and Steel Corporation which is located at 1820 McClain Rd., Lima, Ohio 45804.
2. Respondent holds a valid, unexpired National Pollutant Discharge Elimination System ("NPDES") permit, number 2ID00012\*FD, for the discharges to the unnamed tributary of the Ottawa River.
3. The unnamed tributary of the Ottawa River is considered a "waters of the state" as defined by R.C. Section 6111.01
4. This document does not modify NPDES Permit Number 2ID00012. The purpose of this document is to correct a condition of noncompliance with NPDES Permit Number 2ID00012 and not to alter said permit.
5. Pursuant to R.C. Section 6111.07(A), no person shall violate or fail to perform any duty imposed by R.C. Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.

6. The NPDES permit Part III. 4. C requires that Discharge Monitoring Reports (“DMRs”) submitted using e-DMR shall be submitted to Ohio EPA by the 20<sup>th</sup> day of the month following the month-of-interest.
7. The following table shows the dates Respondent submitted every monthly DMR from January 2010 through May 2013. Respondent submitted 28 reports late and has failed to submit reports for April 2010 and November 2010.

Required Report Period	DMR Received	Required Report Period	DMR Received
1/1/2010	2/5/2010	10/1/2011	3/16/2012
2/1/2010	5/19/2010	11/1/2011	3/16/2012
3/1/2010	5/19/2010	12/1/2011	3/16/2012
4/1/2010		1/1/2012	3/16/2012
5/1/2010	6/16/2010	2/1/2012	3/16/2012
6/1/2010	7/16/2010	3/1/2012	6/1/2012
7/1/2010	8/16/2010	4/1/2012	5/8/2012
8/1/2010	9/22/2010	5/1/2012	5/8/2012
9/1/2010	10/18/2010	6/1/2012	7/23/2012
10/1/2010	11/24/2010	7/1/2012	10/17/2012
11/1/2010		8/1/2012	10/17/2012
12/1/2010	3/15/2011	9/1/2012	4/24/2013
1/1/2011	3/15/2011	10/1/2012	4/30/2013
2/1/2011	3/15/2011	11/1/2012	12/10/2012
3/1/2011	3/16/2012	12/1/2012	4/30/2013
4/1/2011	3/16/2012	1/1/2013	4/30/2013
5/1/2011	3/16/2012	2/1/2013	4/30/2013
6/1/2011	3/16/2012	3/1/2013	4/23/2013
7/1/2011	3/16/2012	4/1/2013	5/22/2013
8/1/2011	3/16/2012	5/1/2013	6/20/2013
9/1/2011	3/16/2012		

8. Based on the above, Respondent has and continues to violate R.C. 6111.07.
9. On February 7, 2012, Ohio EPA sent Respondent a Notice of Violation Letter (“NOV”) informing Respondent that Ohio EPA was missing the discharge monitoring reports for March 2011, April 2011, May 2011, June 2011, July 2011, August 2011, September 2011, October 2011, November 2011 and December 2011.
10. On March 11, 2013, Ohio EPA sent Respondent a second NOV informing Respondent that Ohio EPA was missing the discharge monitoring reports for September 2012, October 2012 and December 2012.

11. On June 7, 2013, Ohio EPA sent Respondent a third NOV informing Respondent that the discharge monitoring reports from January 2013, February 2013 and March 2013 were submitted late. Attachment I is Respondent's NOV letters. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
12. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of R.C. Chapter 6111.
13. In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in the Findings of this ESA.

### III. ORDERS

1. Within thirty (30) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall submit the missing DMRs from April 2011 and November 2011 and begin submitting all required monthly DMRs on time.
2. Within sixty (60) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of two thousand five hundred dollars (\$ 2,500) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111.09 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the location of the noncompliance detailed in the Findings of this ESA

A photocopy of the check shall be sent to Ohio EPA at the address listed below:

Ohio Environmental Protection Agency  
Northwest District Office  
347 N. Dunbridge Road  
Bowling Green, Ohio 434102  
Attn: Division of Surface Water Enforcement Supervisor

#### **IV. TERMINATION**

Respondent's obligations under this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and completion of Order number 1.

#### **V. RESERVATION OF RIGHTS AND WAIVER**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

#### **VI. EFFECTIVE DATE**

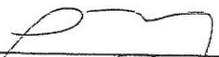
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Scott J. Nally, Director

NOV 12 2013

\_\_\_\_\_  
Date

IT IS SO AGREED:

Superior Forge and Steel Corporation

  
\_\_\_\_\_  
Signature

10/21/2013  
\_\_\_\_\_  
Date

MICHAEL NIGH  
\_\_\_\_\_  
Printed or Typed Name

EHS MANAGER  
\_\_\_\_\_  
Title

Attachment I



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

RE: **Notice of Violation**  
Allen County  
Superior Forge and Steel Corporation  
Ohio EPA Permit No. 21D00012  
NPDES Permit No. OH0095346

February 7, 2012

Mr. Michael Nigh  
EHS Manager  
Superior Forge and Steel Corporation  
1820 McClain Road  
Lima, Ohio 45804

Dear Mr. Nigh:

This letter serves as a Notice of Violation to inform you that we are missing the discharge monitoring reports listed on the enclosed sheet of paper. As a reminder, hard copy self-monitoring report submissions are due on the 15<sup>th</sup> day of the following month and electronic submissions are due on the 20<sup>th</sup> day of the following month. Submit the missing reports **within 10 days** of the date of this letter. Even if no discharge occurs, as long as the permit is in place, a report must be submitted.

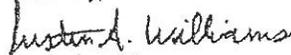
Please inform this office in writing, **within 10 days**, as to the reasons for the above referenced violations, as well as a description of the actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed, for completion of the actions.

Please be advised that failure to comply with the effluent limitations and/or monitoring requirements, including adequate laboratory controls, appropriate quality assurance procedures, and records retention, as specified in your Part III-General conditions of your NPDES permit may be cause for enforcement action pursuant to Ohio Revised Code, Chapter 6111. If these violations continue to occur and if satisfactory progress is not made, it may be necessary to initiate enforcement action to achieve compliance.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. Information about Ohio EPA's Office of Compliance Assistance & Pollution Prevention can be found on Ohio EPA's Website at <http://epa.ohio.gov/ocapp> or by calling (614) 644 – 3469.

If there are any questions, please contact me at (419) 373 – 3022.

Sincerely,

  
Justin A. Williams  
Division of Surface Water

/jlm

Enclosure

pc: Mr. Mike Icenogle, Plant Manager  
ec: Inspection Tracking

Northwest District Office  
347 North Dunbridge Road  
Bowling Green, OH 43402-9396

419 | 352 8461  
419 | 352 8468 (fax)  
[www.epa.ohio.gov](http://www.epa.ohio.gov)



### MORs not submitted

Period: Jul-11 Dec-11

Company	Plant	Entity Name	Major	Status Code	Month
Allen	21D00012	Superior Forge & Steel Corp		1	3/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	4/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	5/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	6/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	7/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	8/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	9/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	10/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	11/1/2011
Allen	21D00012	Superior Forge & Steel Corp		1	12/1/2011



John R. Kasch, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: **Notice of Violation**  
Allen County  
Superior Forge and Steel Corporation  
Ohio EPA Permit No. 21D00012  
NPDES Permit No. OH0095346

March 11, 2013

Mr. Michael Nigh  
EHS Manager  
Superior Forge and Steel Corporation  
1820 McClain Road  
Lima, Ohio 45804

Dear Mr. Nigh:

This letter serves as a Notice of Violation (NOV) to inform you that we are missing the discharge monitoring reports listed on the enclosed sheet of paper. As a reminder, hard copy self-monitoring report submissions are due on the 15<sup>th</sup> day of the following month and electronic submissions are due on the 20<sup>th</sup> day of the following month. Submit the missing reports **within 10 days** of the date of this letter. Even if no discharge occurs, as long as the permit is in place, a report must be submitted.

Please inform this office in writing, **within 10 days**, as to the reasons for the above referenced violations, as well as a description of the actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed, for completion of the actions.

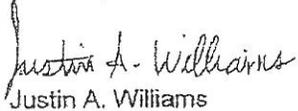
Please be advised that failure to comply with the effluent limitations and/or monitoring requirements, including adequate laboratory controls, appropriate quality assurance procedures, and records retention, as specified in your Part III-General Conditions of your National Pollutant Discharge Elimination System (NPDES) permit may be cause for enforcement action pursuant to Ohio Revised Code (ORC) Chapter 6111. If these violations continue to occur and if satisfactory progress is not made, it may be necessary to initiate enforcement action to achieve compliance.

Mr. Michael Nigh  
March 11, 2013  
Page Two

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. Information about Ohio EPA's Office of Compliance Assistance & Pollution Prevention can be found on Ohio EPA's Website at <http://epa.ohio.gov/ocapp> or by calling (614) 644 - 3469.

If there are any questions, please contact me at (419) 373 - 3022.

Sincerely,



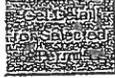
Justin A. Williams  
Environmental Specialist II  
Division of Surface Water

/jlm

Enclosure

pc: Mr. Mike Icenogle, Plant Manager

ec: NOV Tracking



### MORs not submitted

Period: Jul-12 Dec-12

Combi	Remark	Facility Name	Major	Station Code	Month Missing
Allen	2ID00012	Superior Forge & Steel Corp		1	9/1/2012
Allen	2ID00012	Superior Forge & Steel Corp		1	10/1/2012
Allen	2ID00012	Superior Forge & Steel Corp		1	12/1/2012



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: **Notice of Violation**  
Allen County  
Superior Forge and Steel Corporation  
Ohio EPA Permit No. 2ID00012  
NPDES Permit No. OH0095346

June 7, 2013

Mr. Michael Nigh  
EHS Manager  
Superior Forge and Steel Corporation  
1820 McClain Road  
Lima, Ohio 45804

Dear Mr. Nigh:

This letter serves as a Notice of Violation (NOV) to inform you that the discharge monitoring reports listed on the enclosed sheet of paper were submitted late. As a reminder, hard copy self-monitoring report submissions are due on the 15<sup>th</sup> day of the following month and electronic submissions are due on the 20<sup>th</sup> day of the following month. Even if no discharge occurs, as long as the permit is in place, a report must be submitted.

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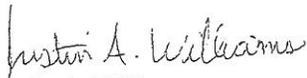
Please be advised that failure to comply with the effluent limitations and/or monitoring requirements, including adequate laboratory controls, appropriate quality assurance procedures, and records retention, as specified in your Part III-General Conditions of your National Pollutant Discharge Elimination System (NPDES) permit may be cause for enforcement action pursuant to Ohio Revised Code (ORC) Chapter 6111. If these violations continue to occur and if satisfactory progress is not made, it may be necessary to initiate enforcement action to achieve compliance.

Mr. Michael Nigh  
June 7, 2013  
Page Two

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If there are any questions, please contact me at (419) 373 – 3022.

Sincerely,



Justin A. Williams  
Environmental Specialist II  
Division of Surface Water

/jlm

Enclosure

pc: Mr. Mike Icenogle, Plant Manager

ec: NOV Tracking

Get New Data

Facility	Order Number	Lead	Station	Rec. (Yr/Mo)	Period	Order Date	Order Qty	Order Status	Order Type	Order Description
Superior Forge & Sht	ZID00012*FD	OH0095346		1/1/2013	4/30/2013	4/30/2013	0			ZID00012*FD 001 2013-01 Original E 323818
Superior Forge & Sht	ZID00012*FD	OH0095346		1/1/2013	4/30/2013	4/30/2013	0			ZID00012*FD 001 2013-02 Original E 323819
Superior Forge & Sht	ZID00012*FD	OH0095346		1/1/2013	4/23/2013	4/23/2013	0			ZID00012*FD 001 2013-03 Original E 323503