

CINDY CARPENTER



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OH,STATE OF  
EX REL. JIM PETRO ATTY GENERAL OF OHIO  
30 3. BROAD ST  
COLUMBUS, OH 43215

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Date: April 13, 2004

Case No.: CV 2004 03 1000

OH,STATE OF vs. A K STEEL CORP

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COURT OF COMMON PLEAS, BUTLER COUNTY, OHIO**

The attached document is a copy of the entry filed with the Butler County Clerk of Courts in the above captioned case.

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Butler County Clerk of Courts

By: HEATHER L. SNADER  
Deputy Clerk

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IN THE COURT OF COMMON PLEAS  
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STATE OF OHIO EX REL.  
JIM PETRO,  
ATTORNEY GENERAL OF OHIO,

CASE NO.

Plaintiff,

IMAGED

vs.

AK STEEL CORPORATION,

Defendant.

JUDGE

CONSENT ORDER AND  
FINAL JUDGMENT ENTRY

MAR 31 2004  
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Plaintiff State of Ohio ("Plaintiff"), by its Attorney General Jim Petro, at the written request of Christopher Jones, the Director of Environmental Protection ("the Director"), having filed a Complaint seeking injunctive relief and civil penalties from Defendant AK Steel Corporation ("Defendant" or "AK Steel"), for violations of R.C. Chapter 3704 and the regulations promulgated thereunder, and the parties having consented to the entry of this Consent Order ("the Consent Order"),

NOW, THEREFORE, without trial, admission, or determination of any issue of fact or law, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

**I. JURISDICTION AND VENUE**

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim for which relief can be granted pursuant to R.C. Chapter 3704. Venue is proper in this Court.

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**II. PERSONS BOUND**

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and, in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure, upon their officers, agents, servants, employees, attorneys, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Consent Order, whether by personal service or otherwise.

3. All of the provisions of the consent order entered between the parties in the environmental enforcement action captioned *State of Ohio v. AK Steel Corporation*, Butler County Case No. CV95 12 2003, shall remain in full force and effect, except to the extent that the implementation of the provisions of the instant Consent Order conflict with, or make the requirements of the prior consent order unnecessary.

**III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

4. Plaintiff alleges in its Complaint that Defendant has owned and operated an integrated iron and steel-making plant, at 703 Curtis Street, Middletown, Butler County, Ohio, in such a manner as to result in violations of the air pollution control laws and regulations of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to Plaintiff for the claims alleged in Plaintiff's Complaint and for the allegations and requirements of the Findings and Orders issued by the Director on October 17, 2001. This Consent Order shall not be construed to limit the authority of Plaintiff to seek relief for violations not alleged in the Complaint, nor shall this Consent Order bar the State of Ohio from bringing any action against Defendant for any violations that occur after the effective date of this Consent Order. This Consent Order shall not bar Defendant from raising any and all available

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defenses in any such action brought by Plaintiff. Nothing in this Consent Order shall be construed to relieve Defendant of its obligations to comply with applicable federal, state, or local statutes, regulations, or ordinances.

5. Notwithstanding the provisions of Paragraph 2 of this Consent Order, the United States is not a party to this Consent Order, and Defendant and Plaintiff agree that nothing in this Consent Order shall be construed to limit any right of the United States under the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and other applicable laws.

6. Within seven (7) days of effective date of this Consent Order, Defendant agrees to file with the Court of Common Pleas for Butler County, Ohio, in the case captioned *AK Steel Corporation v. State of Ohio*, Case No. CV-0-06-1335, a Notice or Stipulation of Dismissal. Defendant agrees to pay whatever costs are due to the court in that case and in any associated appeals; otherwise, each party to that case or to associated appeals, shall bear its own costs and attorneys fees.

7. No later than seven (7) days after effective date of this Consent Order, Defendant agrees to file with the Twelfth District Court of Appeals in the appeal captioned *AK Steel Corporation v. Christopher Jones, Director of Environmental Protection*, Butler County Court of Appeals Case No. CA2003-03-072, the Agreement of Dismissal that is attached to this Consent Order as Exhibit A. Case No. CA2003-03-072 is an appeal of the decision and order of the Environmental Review Appeals Commission (ERAC), in *AK Steel Corporation v. Christopher Jones, Director of Environmental Protection*, Case No. ERAC 095026. No later than seven (7) days after the effective date of this Consent Order, Defendant agrees to file a notice of dismissal of the ERAC case, *AK Steel Corporation v. Christopher Jones, Director of Environmental Protection*, Case No. ERAC 095026. By dismissing the appeal to the court of appeals (Case No. CA2003-03-072)

and the appeal to the ERAC (Case No. 095026), Defendant does not admit to any of the allegations in the underlying October 17, 2001 Findings and Orders of the Director. Defendant agrees to pay whatever court costs are due in its aforementioned appeal to the Twelfth District Court of Appeals and in the underlying action; otherwise, each party to that appeal, and to the underlying action from which the appeal was taken, shall bear its own costs and attorneys fees in the appeal and underlying action.

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8. This Consent Order is effective upon the occurrence of all of the following: Execution of the Consent Order by the parties; approval and entry of the Consent Order by and with the Court; and rescission of the Findings and Orders issued by the Director to Defendant on October 17, 2001. It is the expectation of the parties to this Consent Order that the measures required by this Consent Order will, once installed and operated, eliminate existing conditions alleged by Plaintiff to cause a nuisance (an allegation which Defendant disputes). Plaintiff acknowledges that installation of the measures will take time, as reflected in the construction schedules contained in this Consent Order. During that time, Defendant agrees that it will comply with this Consent Order and will not operate No. 3 Blast Furnace (source P925), and Basic Oxygen Furnace Vessels 15 and 16 (sources P926 and P927), so as to increase fugitive dust emissions from sources P925, P926 and P927 as represented over the last five years. Plaintiff agrees that as long as Defendant is in material compliance with this Consent Order and all of the conditions as set forth in this paragraph, Plaintiff does not intend to file an additional court action or issue an additional order of the Director requiring the conditions to be addressed further, provided further that Plaintiff also does not discover new information which causes Plaintiff to conclude the existing emissions endanger the health, safety or welfare of the public.

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Nothing in this Consent Order shall be construed as allowing Defendant to cause a nuisance or violation of Ohio Adm. Code 3745-15-07.

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**IV. INJUNCTIVE RELIEF**

9. Defendant is hereby enjoined and ordered to maintain compliance with all terms and conditions of this Order.

**P925 – No. 3 Blast Furnace**

10. Defendant is enjoined and ordered to install a casthouse particulate emission control system for the No. 3 Blast Furnace (Source P925) in accordance with the schedule and specifications in this Paragraph and shall maintain compliance with such requirements thereafter.

The casthouse particulate emission control system shall consist of separate capture hoods over the tap hole in each casthouse and over each tilting runner (for loading torpedo cars with molten metal) in each casthouse. Such hoods shall be vented to a new common baghouse. The new baghouse shall have a design flow rate of at least 450,000 actual cubic feet per minute, and the particulate emissions (front-half filterable catch only) from the baghouse shall not exceed 0.01 grain per dry standard cubic foot (“gr/dscf”) of exhaust gases. Visible particulate emissions of fugitive dust escaping any opening in either of the casthouses shall not exceed an opacity of 20 percent as a 6-minute average. The casthouse particulate emission control system shall be installed as expeditiously as practicable, but not later than the following DATE1 deadlines, unless Defendant does not install the “Early MACT” penalty credit project as fully proposed, in which case the casthouse particulate emission control system shall be installed as expeditiously as practicable, but not later than the following DATE2 deadlines:

**TASK**

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**DATE1**

**DATE2**

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- (a) Submit to the Ohio Environmental Protection Agency ("Ohio EPA") and the Hamilton County Department of Environmental Services ("HCDES") final control plans (i.e., Scope of Work) for the casthouse particulate emission control system by
- (b) Award contracts or issue purchase orders for the casthouse particulate emission control system by 9/01/04 9/01/04
- (c) Initiate on-site construction or installation of the casthouse particulate emission control system by 10/01/04 10/1/04
- (d) Submit progress report to Ohio EPA and HCDES by 2/01/05 2/1/05
- (e) Functionally complete on-site construction or installation of the casthouse particulate emission control system and comply with each emission limitation and operation and maintenance requirement in Subpart FFFFF of 40 CFR, Chapter I, Subchapter C, Part 63 ("MACT"), that applies to AK Steel's operation of source P925 by 5/22/05 5/22/06
- (f) Demonstrate (by testing pursuant to paragraph 13 of this Consent Order) final compliance by 11/18/05 11/18/06

For purposes of this Consent Order, "functionally complete" means complete to the extent that the installation is physically and legally operational and may only lack cosmetic or secondary items such as paint or locks or similar items which do not prevent its operation.

**P926 and P927, Basic Oxygen Furnace Vessels 15 and 16**

11. Defendant is ordered and enjoined to upgrade the primary particulate emission control systems for Basic Oxygen Furnace Vessels 15 and 16 (sources P926 and 927), which vessels are operated as a closed hood system, and to install a secondary particulate emission control system for both sources in accordance with the schedule in this Paragraph, and shall

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maintain such compliance thereafter. The existing primary particulate emission control systems shall be upgraded to comply with a particulate emission [front-half filterable catch only] limitation of 0.03 gr/dscf of exhaust gases from each scrubber. Each secondary particulate emission control system shall consist of separate capture hoods over the charging and tapping areas of each furnace that vent to a new common baghouse. The new baghouse shall have a design flow rate of at least 550,000 actual cubic feet per minute, and the particulate emissions [front-half filterable catch only] from the baghouse shall not exceed 0.01 gr/dscf of exhaust gases. Visible particulate emissions of fugitive dust escaping from any opening in the basic oxygen furnace shop shall not exceed an opacity of 20 percent as a three-minute average. The primary and secondary particulate emission control systems shall be installed as expeditiously as practicable, but not later than the deadlines in the following schedule:

TASK	DEADLINE
(a) Submit final control plans (i.e., Scope of Work) to Ohio EPA and HCDES for the primary particulate emission control systems by	10/01/04
(b) Submit progress report to Ohio EPA and HCDES by	01/01/05
(c) Submit final control plans (i.e., Scope of Work) to Ohio EPA and HCDES for the secondary particulate emission control systems by	05/01/05
(d) Submit progress report to Ohio EPA and HCDES by	06/01/05
(e) Award contracts or issue purchase orders for the primary and secondary particulate emission control systems by	06/01/05
(f) Initiate on-site construction or installation of the primary and secondary particulate	

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- (g) Submit progress report to Ohio EPA and HCDES by
- (h) Functionally complete on-site construction or installation of the primary and secondary particulate emission control systems and comply with each emission limitation and operation and maintenance requirement in MACT, that applies to AK Steel's operation of sources P926 and P927 by
- (i) Demonstrate (by testing pursuant to paragraph 14 of this Consent Order) final compliance by

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11/18/06

12. The parties acknowledge that the specifications set forth in Paragraphs 10 and 11 above may change as design and engineering work proceeds. Any such changes shall not be deemed a violation of this Consent Order so long as compliance with Ohio Adm. Code 3745-15-07, 3745-17-07(B)(1) and 3745-17-08(B) and with the requirements of Sections (e) and (f) of Paragraph 10 is achieved within the time frames set forth in the DATE2 column of Sections (e) and (f) of Paragraph 10 and compliance with Ohio Adm. Code 3745-15-07, 3745-17-07(B)(1) and 3745-17-08(B) and Sections (h) and (i) of Paragraph 11 is achieved within the time frames set forth in Sections (h) and (i) of Paragraph 11. The exemption set forth in Ohio Adm. Code 3745-17-08(A)(3)(b)(i) shall expire on the date set forth in the DATE2 column of Section (e) of Paragraph 10 and the exemption set forth in Ohio Adm. Code 3745-17-08(A)(3)(b)(ii) and (iii) shall expire on the date set forth in Section (h) of Paragraph 11. On and after these dates set forth in the preceding sentence, Defendant agrees it will not challenge the amendment of Ohio Adm. Code 3745-17-08(A)(3)(b) to eliminate such exemptions. The parties also acknowledge that the interim milestone dates set forth in Paragraphs 10(a) to (c) and 11(a) to (f) may change as design

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and engineering work proceeds. Any such changes shall not be deemed a violation of this

Consent Order so long as the final milestone dates set forth in the DATE2 column of Sections (e) and (f) of Paragraph 10 and Sections (h) and (i) of Paragraph 11 are met and provided that AK

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Steel is able to demonstrate to the Director prior to changes in interim milestone dates that work is reasonably progressing and that the rate of work is such that final deadlines are reasonably achievable. Failure to meet milestone dates set forth in the DATE1 column of Sections (e) and (f) of Paragraph 10 of this Consent Order will result in reductions in the corresponding penalty credit, as set forth in Paragraph 18(c) of this Consent Order.

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**Testing, Monitoring, and Recordkeeping**

13. Defendant is enjoined and ordered to conduct the performance testing for source number P925 as expeditiously as practicable, but no later than DATE2 in Paragraph 10(f) or within 180 days after completion of the construction described in Paragraph 10(e), whichever is earlier, and in accordance with the requirements of this paragraph and Ohio Adm. Code 3745-15-04. The testing shall be conducted to determine compliance with the particulate emission (front-half filterable catch only) limitation of 0.01 gr/dscf of exhaust gases and with the visible particulate emission limitation of 20 percent opacity (as a 6-minute average) for fugitive dust escaping from any opening in either of the casthouses, and shall be conducted as expeditiously as practicable and in accordance with all of the following requirements:

- (a) Method 5 of 40 C.F.R., Part 60, Appendix A shall be employed to measure the particulate emission concentration, in gr/dscf, from the baghouse serving the casthouses. Method 9 of 40 C.F.R., Part 60, Appendix A shall be employed to measure the visible particulate emissions of fugitive dust, in percent opacity, as a 6-minute average, from the casthouse openings. Alternative USEPA-approved

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test methods in 40 C.F.R. 63.7822 though 63.7824 may be used with Ohio EPA approval, provided that the test methods do not conflict with Ohio Adm. Code 3745-17-03.

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- (b) The sampling of the particulate emissions shall be performed for a number of complete cycles of furnace tapping operations sufficient to obtain at least one hour of sampling for each run. A furnace tapping operation begins with the opening of the furnace tap hole to release the molten iron and ends when the tap hole is plugged.
- (c) The tests shall be conducted when source number P925 is operating under conditions that are representative of normal operation unless, before the test is conducted, Ohio EPA or HCDES authorize otherwise.
- (d) The visible particulate emission performance tests shall be performed concurrently with the performance test for particulate emissions.
- (e) As expeditiously as practicable, Defendant shall submit an Intent to Test ("ITT") notification to both the HCDES and Ohio EPA. The ITT notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the tests, and the person(s) who will be conducting the tests.
- (f) Ohio EPA and/or HCDES may reject the results of the emission tests if AK Steel fails to submit the ITT to Ohio EPA and HCDES at least thirty (30) days prior to the tests or if Ohio EPA or HCDES fails to approve the test methods and procedures, provided that Ohio EPA or HCDES notifies Defendant of a disapproval ten (10) or more days before testing occurs.

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- (g) Personnel from Ohio EPA and HCDES shall be permitted to witness the tests, examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.
- (h) Defendant shall conduct the emission tests in accordance with both the ITT and Ohio Adm. Code 3745-15-04.
- (i) On or before DATE2 in Paragraph 10(f) or within 180 days after completion of the construction described in Paragraph 10(e), whichever is earlier, Defendant shall submit to HCDES and Ohio EPA a comprehensive written report on the results of the emissions tests, which shall be signed by the person or persons responsible for conducting and performing the tests. Defendant may request additional time for the submittal of the written report, where warranted, with prior written approval from HCDES and/or Ohio EPA.

14. Defendant is enjoined and ordered to conduct the performance testing for source numbers P926 and P927 as expeditiously as practicable, but no later than November 18, 2006 and in accordance with the requirements of this paragraph and Ohio Adm. Code 3745-15-04. The testing shall be conducted to determine compliance with the particulate emission [front-half filterable catch only] limitations of 0.03 gr/dscf of exhaust gases from each scrubber and 0.01 gr/dscf of exhaust gases from the new baghouse, and with the visible particulate emission limitation of 20 percent opacity (as a 3-minute average) for fugitive dust escaping from any opening in the basic oxygen furnace shop and shall be conducted as expeditiously as practicable and in accordance with all of the following requirements:

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(a) Method 5 of 40 C.F.R., Part 60, Appendix A shall be employed to measure the particulate emission [front-half filterable catch only] concentrations in gr/dscf, from each scrubber serving the primary emissions and the baghouse serving the secondary emissions. Method 9 of 40 C.F.R., Part 60, Appendix A, with a data reduction period of three minutes rather than six minutes, shall be employed to measure the visible particulate emissions of fugitive dust, in percent opacity, as a 3-minute average, from the basic oxygen furnace shop openings. Alternative USEPA-approved test methods in 40 C.F.R. 63.7822 through 63.7824 may be used with Ohio EPA approval, provided that the test methods do not conflict with Ohio Adm. Code 3745-17-03.

(b) The sampling of the particulate emissions from each of the scrubbers shall be performed only during the primary oxygen blow and shall not be performed during any subsequent reblows, and shall ensure collection of a minimum sample volume of 60 dscf of gas during each particulate emission test run.

(c) Sampling of the particulate emissions (front-half filterable catch only) from the baghouse shall be performed only during the steel production cycle and sampling shall be discontinued during periods of abnormal operations. The start and end times of each steel production cycle and each period of abnormal operation shall be recorded. Sampling shall be performed for a whole number of steel production cycles. The steel production cycle begins when the scrap or hot metal is charged to the furnace (whichever operation occurs first) and ends 3 minutes after the slag is emptied from the vessel into the slag pot.

(d) The testing of each scrubber shall be conducted while its corresponding basic

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oxygen furnace is operating under conditions that are representative of normal operations unless otherwise approved by Ohio EPA and/or HCDES. The testing of the baghouse shall be conducted while source number P926 and P927 are operating under conditions that are representative of normal operations, unless, before the test is conducted, Ohio EPA or HCDES authorize otherwise.

- (e) The visible particulate emission performance tests shall be performed concurrently with the performance tests for particulate emissions from the scrubbers and baghouse.
- (f) As expeditiously as practicable, Defendant shall submit an Intent to Test ("ITT") notification to both HCDES and Ohio EPA. The ITT notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the tests, and the person(s) who will be conducting the tests.
- (g) Ohio EPA and/or HCDES may reject the results of the emission tests if AK Steel fails to submit the ITT to Ohio EPA and HCDES at least thirty (30) days prior to the tests or if Ohio EPA or HCDES fails to approve the test methods and procedures, provided that Ohio EPA or HCDES notifies Defendant of a disapproval ten (10) or more days before testing occurs. Personnel from HCDES and/or Ohio EPA shall be permitted to witness the tests, examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions units and the testing procedures provide a valid characterization of the emissions from the emissions units and/or the performance of the control equipment.

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- (h) On or before November 18, 2006, Defendant shall conduct the emission tests in accordance with both the ITT and Ohio Adm. Code 3745-15-04
- (i) On or before December 18, 2006, Defendant shall submit to HCDES and Ohio EPA a comprehensive written report on the results of the emissions tests, which shall be signed by the person or persons responsible for conducting and performing the tests. Defendant may request additional time for the submittal of the written report, where additional time is both warranted and allowed under MACT regulations, with prior written approval from HCDES and/or Ohio EPA.

15. (a) Defendant is enjoined and ordered to submit to Ohio EPA and HCDES written progress reports describing the progress made in completing tasks (b), (c), and (e) of Paragraph 10 of this Consent Order and tasks (e), (f), and (h) of Paragraph 11 of this Consent Order. The reports shall identify the date by which the task was completed or, if not completed, the reason for not completing the task by the required deadline and a schedule for completion of the task. The reports shall be submitted to Ohio EPA and HCDES within thirty (30) days after the respective deadline or within thirty (30) days of completion of the task, whichever is earlier.

(b) (1) With respect to operation of source P925, and as soon as Defendant has completed task (e) of Paragraph 10 of this Consent Order, Defendant is enjoined and ordered to comply with the monitoring and reporting requirements of 40 C.F.R 63.7830 through 63.7843 and any amendments thereto.

(2) With respect to operation of sources P926 and P927, and as soon as Defendant has completed task (h) of Paragraph 11 of this Consent Order, Defendant is enjoined and ordered to comply with the monitoring and reporting requirements of 40 C.F.R 63.7830 through 63.7843 and any amendments thereto.

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16. Until such time as Defendant complies with the requirements of Paragraphs 10 through 15 of this Consent Order and the blast furnace and basic oxygen furnaces achieve compliance with Ohio Adm. Code 3745-15-07, 3745-17-07(B)(1) and 3745-17-08(B), Defendant is enjoined and ordered to implement and maintain, for the residents of Middletown, Ohio, a motor vehicle and home exterior cleaning program that shall include, at a minimum:

(1) Washing of any motor vehicle owned, leased or rented by residents living near the facility, which motor vehicle, upon inspection, is determined to be affected by the deposition of particulate matter, as defined by Ohio Adm. Code 3745-17-01(B)(12), as a result of Defendant's operation of sources P925, P926, and/or P927. Upon request by a resident as provided in Exhibit B, Defendant is enjoined and ordered to provide the resident, within a reasonable time, either: (i) a voucher or coupon for a free wash from a third party, or (ii) full monetary reimbursement for wash services rendered upon proof of payment; and

(2) Annual power washing of the exterior of any house owned, leased or rented by residents living near the facility, which house, upon inspection, is determined to be affected by the deposition of particulate matter, as defined by Ohio Adm. Code 3745-17-01(B)(12), as a result of Defendant's operation of sources P925, P926, and/or P927. Upon request by an owner as provided in Exhibit B, Defendant is enjoined and ordered to provide the resident, within a reasonable time, either: (i) the wash service directly, (ii) a voucher or coupon for a free wash from a third party, or (iii) full monetary reimbursement for wash services rendered upon proof of payment.

(3) Defendant shall submit, in writing, quarterly reports within twenty (20) days after the end of each calendar quarter (i.e., March 31, June 30, September 30, and December 31) of each calendar year to HCDES and Ohio EPA. The first report due from Defendant is for



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the quarter ending June 30, 2004. Each report shall include the number of requests filed, the date(s) of each request, Defendant's determination of whether or not each request is justified, a description of how Defendant reached its conclusion, the amount paid or services rendered for each justified request, and the time it took for Defendant to first respond and to resolve each request. A written report is required even for the periods during which no claims were filed.

(4) Defendant shall immediately commence and continue a complaint response system with defined corrective action procedures and having the minimum elements as set forth in Exhibit B. The parties acknowledge that the complaint response system described in Exhibit B may be subject to modifications from time-to-time due to presently unforeseen concerns. Defendant agrees to meet with Ohio EPA as necessary, by telephone conference or otherwise, to discuss any concerns that may be identified by Ohio EPA or HCDES. Any modifications to the complaint response system may be subject to input from Ohio EPA or HCDES and shall be subject to the written mutual consent of the parties, which mutual consent shall in good faith not be unreasonably withheld by either party. Defendant agrees to make agreed modifications promptly. If the parties do not mutually consent to modify the complaint response system within five (5) days after either party is notified of the other party's concern about the system, then either party may petition this Court to review the complaint response system to determine whether the system provides reasonably prompt and effective service to affected residents with legitimate concerns, and to order Defendant to modify the complaint response system as the Court in its discretion believes is necessary to achieve such service.

(5) Defendant shall, within five days after making such determination, notify a resident in writing of any determination that Defendant is not going to wash, give a voucher or coupon, or reimburse in accordance with Paragraph 16 in response to a resident's request.

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V. SUBMITTALS

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17. All submittals and progress reports required of Defendant under this Consent

Order shall be sent to the following offices and persons:

Ohio Environmental Protection Agency  
Attn: Tom Kalman (or his successor)  
Lazarus Government Center  
Division of Air Pollution Control  
122 South Front Street  
P.O. Box 1049  
Columbus, Ohio 43216-1049

and

Hamilton County Department of Environmental Services  
Attn: Brad Miller (or his successor)  
250 William Howard Taft Road  
Cincinnati, Ohio 45219

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VI. CIVIL PENALTY

18. Pursuant to R.C. 3704.06, the Defendant shall be assessed a total civil penalty of One Million Seven Hundred Twenty-Five Thousand Two Hundred Sixty Dollars (\$1,725,260) ("the Civil Penalty"). Payment of the Civil Penalty to the State of Ohio shall be satisfied in accordance with all of the following:

(a) Defendant shall pay Two Hundred Sixty Thousand Thirty-Four Dollars (\$260,034) of the Civil Penalty by delivering a certified check payable to the Order of "Treasurer, State of Ohio," to Lyndia Jennings or her successor, Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, within thirty (30) days after the effective date of this Consent Order.

(b)(1) In lieu of paying One Million Two Hundred Eight-Four Thousand Three Hundred

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Forty-Nine Dollars (\$1,284,349) of the Civil Penalty, Defendant shall, as a Supplemental Environmental Project, install "early MACT" by meeting the deadlines set forth in the DATE column of Paragraph 10 of this Consent Order.

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(b)(2) In lieu of paying Sixty-Two Thousand Seventy-Seven Dollars (\$62,077) of the Civil Penalty, Defendant shall, as a Supplemental Environmental Project, in the manner and in accordance with the deadlines set forth in the project description attached to this Consent Order as Exhibit C, install the Coke Plant Green Belt project. The Coke Plant Green Belt project shall also ensure that tree-planting methods and overall care and maintenance conform to industry standards that are reasonable and customary, including the standard practices specified in ANSI A300 Standards for Tree Care Operations - Tree, Shrub, and Other Woody Plant Maintenance. For information concerning industry standards, Defendant may contact Drew Todd, State Urban Forestry Coordinator, Ohio Department of Natural Resources, Division of Forestry, 1855 Fountain Square Court, H-1, Columbus, Ohio 43224-1383. No significant changes to the project description set forth in Exhibit C shall be made without prior approval of Plaintiff.

(b)(3) In lieu of paying One Hundred Eighteen Thousand Eight Hundred Dollars (\$118,800) of the Civil Penalty, Defendant:

(i) shall, as a Supplemental Environmental Project, continue busing as described in Exhibit D; and

(ii) shall control fugitive dust emissions from the iron ore unloading and conveying operations (emissions unit F010) and from the iron ore storage piles (a portion of emissions unit F002):

(A) as described in Exhibit E, until the issuance of a final Title V permit

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*[Signature]* Deputy

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containing provisions governing control of fugitive dust emissions from emissions units F010 and F002; and

(B) in accordance with the Title V permit, after the issuance of a final or revised final Title V permit containing provisions governing control of fugitive dust emissions from emissions units F010 and F002.

The emissions units F010 and F002 fugitive-dust-control requirements of this paragraph are represented to achieve emission reductions that go beyond that provided by the State Implementation Plan ("SIP") and OAC Rule 3745-17-08(B), which specify the use of wet suppression only. Consequently, the busing program is not necessary in order to comply with the SIP or with OAC Rule 3745-17-08(B), and continuation of the busing program constitutes a voluntary emission reduction which is acceptable to Ohio EPA as a penalty credit project.

(c) Plaintiff acknowledges that circumstances may arise where Defendant is not able to complete the Supplemental Environmental Project(s) within the time frame or to the extent set forth above. Under such circumstances, the amount of the penalty credit attributable to each of the Supplemental Environmental Projects will be reduced as follows:

(1) For each calendar day after the DATE1 deadline set forth in Paragraph 10(e) by which Defendant does not complete the task set forth in Paragraph 10(e) of this Consent Order (i.e., the one-year-early installation of MACT), the penalty credit described in Paragraph 18(b)(1) of this Consent Order shall be immediately reduced by Three Thousand Five Hundred Eighteen Dollars and Seventy-Six Cents (\$3,518.76) [the equivalent of 1/365<sup>th</sup> of the \$1,284,349 penalty credit.]

(2) For the Coke Plant Green Belt Project referred to in Paragraph 18(b)(2), for each calendar day after the deadline set forth in Exhibit C by which Defendant does not complete the

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Coke Plant Green Belt Project as described in Exhibit C, the penalty credit described in Paragraph 18(b)(2) of this Consent Order shall be immediately reduced by Two Thousand Sixty-Nine Dollars and Twenty-Three Cents (\$2,069.23) [the equivalent of 1/30<sup>th</sup> of the \$62,077 penalty credit.]

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(3) For the project referred to in Paragraph 18(b)(3), if Defendant fails to continue busing without the prior written consent of Plaintiff, or if Defendant fails to continue to conduct emissions unit F010 or F002 fugitive dust control as stated in paragraph 18(b)(3), the penalty credit described in Paragraph 18(b)(3) of this Consent Order shall be immediately reduced by One Hundred Eighteen Thousand Eight Hundred Dollars (\$118,800).

(4) If at any time Ohio EPA determines that Defendant is not going to complete a Supplemental Environmental Project described in Paragraph 18(b)(1), 18(b)(2) or 18(b)(3) at all, the penalty credit for that Project or Projects shall be reduced by the full amount immediately upon Ohio EPA's notification to Defendant of Ohio EPA's determination.

If a penalty credit is reduced in accordance with Paragraphs 18(c)(1), 18(c)(2), 18(c)(3) or 18(c)(4), Defendant shall pay the amount of the penalty credit for that project as a Civil Penalty by delivering a certified check in that amount, payable to the Order of "Treasurer, State of Ohio," to Lyndia Jennings or her successor, Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, within thirty (30) days after the date of the penalty reduction.

(d) Defendant shall also pay interest at the rate of ten percent per annum, the rate applicable to judgments as specified in R.C. 1343.03, upon any late payment of any part of the Civil Penalty or upon the delayed payment of any part of the Civil Penalty as a result of failure to complete the Supplemental Environmental Project(s). Interest shall be computed beginning on

CV

the thirty-first day after the effective date of this Consent Order. Payment of all interest shall be paid by Defendant by its delivering to the Plaintiff, c/o Lyndia Jennings, Administrative Assistant, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a certified check in that amount, payable to the Order of "Treasurer, State of Ohio."

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**VII. STIPULATED PENALTIES**

19. Defendant shall also be liable for and shall pay stipulated penalties in accordance with the following schedule:

(a) For each day after DATE2 in Paragraph 10(e) or completion of the construction described in Paragraph 10(e), whichever is earlier, for which emissions from the new baghouse, referenced in Paragraph 10 of this Consent Order, do not comply with an applicable particulate emission limitation or visible particulate emission limitation of paragraph 10, Defendant shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00) per day per applicable particulate emission limitation or visible particulate emission limitation that is not met;

(b) For each day after May 22, 2006 for which emissions from the new baghouse referenced in paragraph 11 of this Consent Order do not comply with an applicable particulate emission limitation or visible particulate emission limitation of paragraph 11, Defendant shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00) per day per applicable particulate emission limitation or visible particulate emission limitation that is not met;

(c) For each day after May 22, 2006 for which emissions from the upgraded primary emission control systems referenced in paragraph 11 of this Consent Order do not comply with an applicable particulate emission limitation or visible particulate emission limitation of paragraph 11, Defendant shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00) per

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day per applicable particulate emission limitation or visible particulate emission limitation that is 000  
not met;

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(d) For each day after DATE2 in Paragraph 10(e) or completion of the construction described in Paragraph 10(e), whichever is earlier, for which visible particulate emissions escaping any opening in the casthouses exceed the six-minute average opacity limit of paragraph 10, Defendant shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00);

(e) For each day after May 22, 2006, for which visible particulate emissions escaping any opening in the basic oxygen furnace shop exceed the three-minute average opacity limit of paragraph 11, Defendant shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00).

20 For purposes of calculating stipulated penalties that may accrue under Paragraphs 19(a) through 19(e) of this Consent Order, Defendant will be considered be in noncompliance with an applicable particulate emission and/or visible particulate emission limitation referenced in those paragraphs until Defendant conducts the applicable particulate emission or visible particulate emission test required in paragraphs 13 and 14, and such tests demonstrate compliance with the applicable particulate emission and visible particulate emission limitations, or until Defendant demonstrates compliance by other means acceptable to Ohio EPA.

21. Payment of all stipulated penalties shall be paid by Defendant by its delivering to the Plaintiff, c/o Lyndia Jennings, Administrative Assistant, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a certified check in that amount, payable to the Order of "Treasurer, State of Ohio," within thirty (30) days after the occurrence giving rise to the stipulated penalty.

22. Nothing in Section VII shall prevent Plaintiff from bringing an action in contempt

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against Defendant for noncompliance with this Consent Order. Subject to the provisions of Section III of this Consent Order, nothing in Section VII shall prevent Plaintiff from seeking civil penalties pursuant to R.C. Chapter 3704 for violations of that Chapter or rules adopted thereunder. Plaintiff agrees that if it files an action for a civil penalty for a violation of R.C. Chapter 3704 or rules adopted thereunder, Plaintiff will return the amount of any Section VII stipulated penalty tendered pursuant to and/or deposited for the same violation.

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**VIII. POTENTIAL FORCE MAJEURE**

23. If any event occurs that causes or may cause a delay of any requirement of this Consent Order, Defendant shall notify Ohio EPA in writing within ten (10) days of Defendant's actual or constructive knowledge of the event, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Defendant to prevent or minimize the delay and the timetable by which measures will be implemented. Defendant will adopt all reasonable measures to avoid or minimize any such delay.

24. In any action by the Plaintiff to enforce any of the provisions of this Consent Order against Defendant, Defendant may raise that it is entitled to a defense that its conduct was caused by reasons beyond its control such as, by way of example and not limitation, acts of God, unusually severe weather conditions, strikes, acts of war or civil disturbances. While the Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by Defendant and the Plaintiff that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time that an action to enforce the terms and conditions of this Consent Order, if any, is commenced by the Plaintiff. At that time, the burden of proving that any delay was or will be caused by



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circumstances beyond the control of Defendant shall rest with Defendant. Unanticipated or increased costs associated with the implementation of any action required by this Consent Order, or changed financial circumstances, shall not constitute circumstances beyond the control of Defendant or serve as a basis for an extension of time under this Consent Order. Failure by Defendant to comply with the notice requirements of Paragraph 23, without justification, shall render this paragraph void and of no force and effect as to the particular incident involved and shall constitute a waiver of Defendant's right to request an extension of its obligations under this Consent Order based on such incident. An extension of one compliance date based on a particular incident does not mean that Defendant qualifies for an extension of a subsequent compliance date or dates. Defendant must make an individual showing of proof regarding each incremental step or other requirement for which an extension is sought. The parties agree that if and only if the State or Court approves a request for an extension of a compliance date pursuant to this paragraph of the Consent Order, accrual of stipulated penalties under this Order shall toll from the time that the request for extension is made until the extension is approved.

**IX. TERMINATION**

25. Defendant may move the Court, pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure, to terminate this Consent Order, other than the provisions of Paragraphs 18(b)(2) and 18(b)(3), provided that all of the following are satisfied:

- (a) The motion is filed no earlier than two years after Defendant has completed all the tasks specified in Paragraphs 10 through 17 of this Consent Order;
- (b) Defendant has paid all stipulated penalties that may be due and owing

under this Consent Order at the time Defendant moves the Court for termination;

- (c) Defendant has paid all parts of the Civil Penalty, interest, and or costs that are due and owing under this Consent Order at the time Defendant moves the Court for termination;
- (d) Defendant has completed, or remained on schedule for completing, the Supplemental Environmental Projects described in Paragraph 18 of this Consent Order.
- (e) Defendant has complied for two consecutive years with Ohio Adm. Code 3745-15-07, 3745-17-07, 3745-17-08 and 3745-17-11 and the requirements set forth in Paragraphs 6 though 15 of this Consent Order;

Termination or modification of this Consent Order or any portions thereof may also be granted upon joint motion of the parties.

**X. RETENTION OF JURISDICTION**

26. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order until this Consent Order is terminated.

**XI. COURT COSTS**

27. Defendant is hereby ordered to pay all court costs of this action.

**XII. ATTORNEYS' FEES AND LITIGATION COSTS**

28. Each party agrees that it will not seek reimbursement of its attorneys fees or any other costs of litigation (other than court costs) from the other party, in any case currently

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pending before any court of law or administrative tribunal where they are both parties thereto.

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**XIII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**

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29. Upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

**XIV. AUTHORITY TO ENTER INTO THE CONSENT ORDER**

30. Each signatory for Defendant represents and warrants that he/she has been duly

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authorized to sign this document and so bind the corporation to all terms and conditions thereof

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IT IS SO ORDERED

2004 03 1000

3/31/04

*[Signature]*  
CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

DATE

JUDGE, COURT OF COMMON PLEAS,  
BUTLER COUNTY

APPROVED BY:

JIM PETRO  
ATTORNEY GENERAL OF OHIO

*[Signature]*

John K. McManus (0037140)  
Assistant Attorney General  
Environmental Enforcement Section  
30 E. Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215-3428  
Telephone: 614-466-2766  
Telecopier: 614-644-1926  
*Attorneys for Plaintiff State of Ohio*

AK Steel Corporation

*[Signature]*

David C. Horn (0011275)  
John J. Kuzman, Jr. (0033146)  
703 Curtis Street  
Middletown, Ohio 45043-0001  
Telephone: 513-425-5000  
Telecopier: 513-425-5607  
*Attorneys for Defendant  
AK Steel Corporation*

*[Signature]*

James L. Wainscott  
President and Chief Executive Officer  
Defendant AK Steel Corporation

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Exhibit A

Agreement of Dismissal : *AK Steel Corporation v. Christopher Jones, Director of Environmental Protection*, Butler County Court of Appeals Case No. CA2003-03-072

Exhibit B

Citizen complaint response system

Exhibit C

Supplemental Environmental Project: Coke Plant Green Belt project

Exhibit D

Supplemental Environmental Project: Busing

Exhibit E

Foam Suppression Controls

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# Exhibit A

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Exhibit A to Consent Order  
State of Ohio ex rel. Jim Petro v. AK Steel Corporation 004 03 1000

IN THE COURT OF APPEALS  
FOR THE TWELFTH APPELLATE DISTRICT  
BUTLER COUNTY, OHIO

CINDY CARPENTER  
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AK STEEL CORPORATION,

CASE NO. CA2003-03-072

Appellant,

vs.

CHRISTOPHER JONES,  
DIRECTOR OF  
ENVIRONMENTAL PROTECTION,

AGREEMENT OF DISMISSAL

Appellee.

Appellant AK Steel Corporation and Appellee Christopher Jones, the Director of Environmental Protection, through Attorney General Jim Petro, hereby agree and request that this Court issue an Order stating that the instant appeal shall be dismissed. Defendant agrees to bear all court costs. The parties are to bear their own attorneys' fees and other costs.

Respectfully Submitted by,

JIM PETRO  
ATTORNEY GENERAL OF OHIO

John K. McManus (0037140)  
Assistant Attorney General  
Environmental Enforcement Section  
30 E. Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215-3428  
Telephone: 614-466-2766  
Telecopier: 614-644-1926

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*Cindy Carpenter*

*Attorneys for Plaintiff State of Ohio*

FROST BROWN TODD LLC

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Paul W. Casper, Jr. (0010412)  
Stephen N. Haughey (0010459)  
Terrance M. Fay (0022935)  
David A. Meyer (0066970)  
2200 PNC Center  
201 E. Fifth Street  
Cincinnati, Ohio 45202  
Telephone: 513-651-6800  
Telecopier: 513-651-6981  
*Attorneys for Defendant  
AK Steel Corporation*

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# Exhibit B

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Exhibit B to Consent Order  
State of Ohio ex rel. Jim Petro v. AK Steel Corporation

2004 03 1000

COMPLAINT RESPONSE SYSTEM

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1. Residents of Middletown, Ohio, who believe that they have been affected by fugitive dust emissions as a result of AK Steel's operations may call toll-free at 1-888-215-1955 and leave a recorded message.
2. A representative will make all reasonable efforts to establish initial contact with the resident within one (1) business day.
3. During the initial contact, an inspection appointment with the representative and the resident will be scheduled at a mutually convenient time, typically within seventy-two (72) hours of the initial contact.
4. Within a reasonable time period, following the inspection appointment, the representative will make a determination whether the complaint is justified and immediately make all arrangements with the resident for reimbursement or the providing of services.

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*Debra J. [Signature]* Deputy

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# Exhibit C

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Exhibit C to Consent Order  
State of Ohio ex rel. Jim Petro v. AK Steel Corporation

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Scope of Work

It is proposed to extend the existing Coke Plant Green Belt to cover a currently unscreened area along the northern border of the Oneida Neighborhood. The current separation between AK Steel Corporation property and the bordering private neighborhood properties in this area is an eight foot high chain link fence. There is an unimproved security road and miscellaneous vegetation for the entire 1,600 foot length of the north or AK Steel Corporation side of said fence.

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AK Steel stores coke on the north side of the noted security road. The existing topography beneath the coke piles is such that for approximately half of the security road's 1,600 foot length, the base of the coke piles is approximately 5 feet below roadway elevation. In order to extend the greenbelt through this area, while at the same time maintaining the existing security road, this grade elevation will have to be improved in this area and all of the coke piles in the proposed work area will have to be moved or removed through normal consumption of coke.

It is proposed that the coke piles in the area of the proposed greenbelt extension be moved or removed to accommodate the required 30' width necessary for the plantings. This relocation is anticipated to last approximately 2 weeks.

As noted above, upon relocation / removal of the coke material, the grade must be increased by approximately 5 feet for the full 30' width of the planting area, and for approximately 800' of the 1,600' proposed planting area. This improvement requires that approximately 4,500 cubic yards of fill material be brought to that location, placed, compacted and prepared for planting. There is currently a stockpile of available material located south of the EGL. Assuming the volume of the stockpile is at least as great as that required for the planting area, it should take approximately four weeks to move the material to the coke plant area, place it and compact it. It should take approximately one more week to prep the remaining 800' for planting.

It is proposed to plant 100 Norway Spruce, 80 White Pine and 46 Aristocrat Pear in the entire 1,600 foot long prepared area. The planting area will be covered with a thick mat of hardwood mulch. Planting and mulching will require and additional three weeks.

A draft milestone schedule for the above noted work is delineated below. This schedule assumes no weather delays, an adequately sized borrow source and all plantings are still readily available from Berns Landscaping.

Description	Duration	Start	Finish
Remove / Relocate Coke	2 weeks	4/19/2004	4/30/2004
Raise grade for 800' of planting area	4 weeks	5/03/2004	5/28/2004
Prep 1,600' area for planting	1 week	5/31/2004	6/04/2004
Plant and mulch	3 weeks	6/07/2004	6/25/2004
Demobilize	1 week	6/28/2004	7/02/2004

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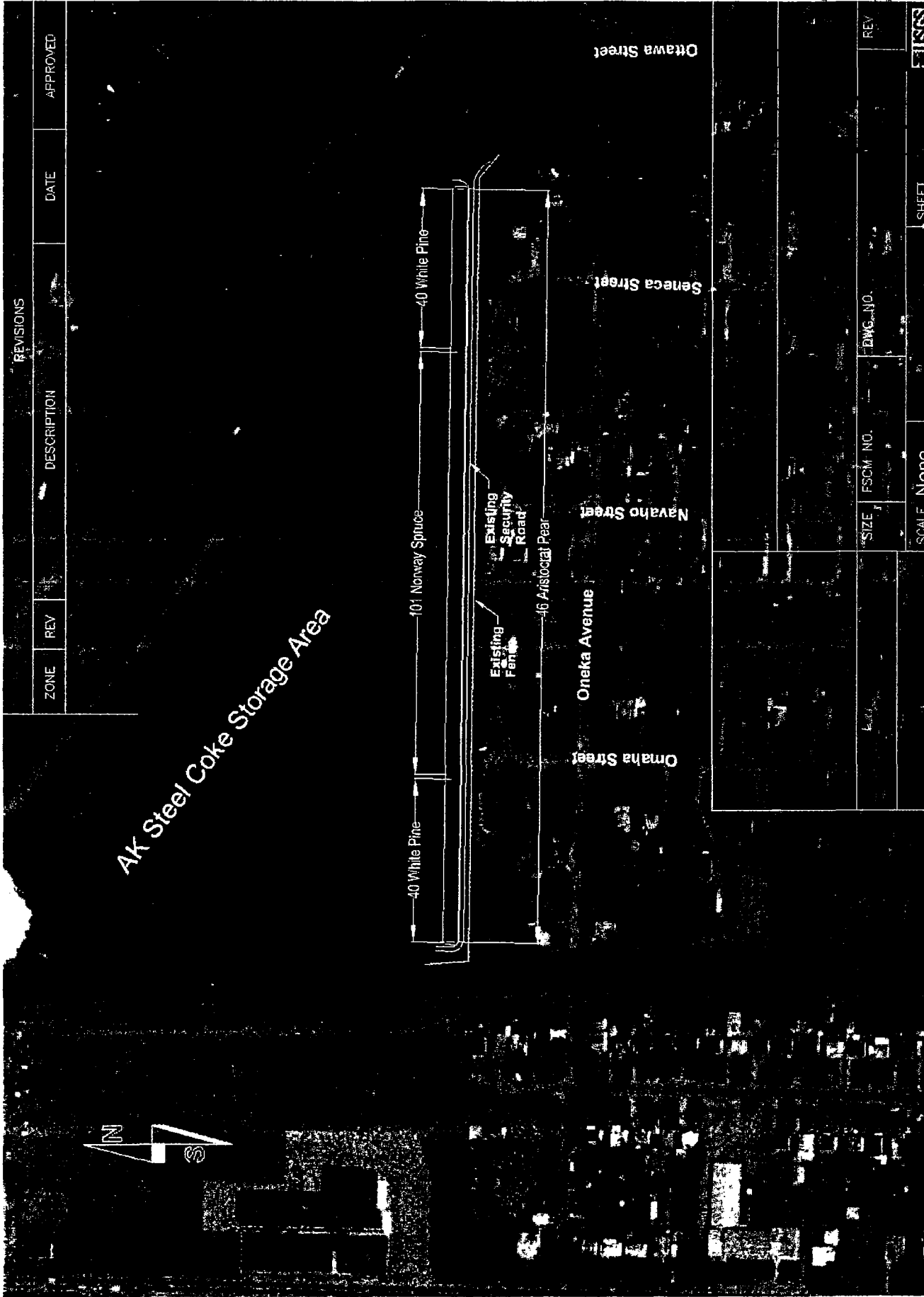
March 31 2004

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(Butler County Clerk of Courts)

Deputy

00



AK Steel Coke Storage Area



REVISIONS		DATE	APPROVED
ZONE	REV	DESCRIPTION	

SIZE	FSCM NO.	DWG. NO.	REV
SCALE: None			SHEET
			00

USGS

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# Exhibit D

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*[Signature]* Deputy

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Exhibit D to Consent Order  
State of Ohio ex rel. Jim Petro v. AK Steel Corporation

2004 03 1000

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BUTLER COUNTY  
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MIDDLETOWN WORKS EMPLOYEE BUSING

AK Steel will continue to maintain the intra-plant employee bus service at the Middletown Works along bus routes as designated by AK Steel and at times as specified by AK Steel. Subject to changing routes and times, the bus service will be maintained consistent with AK Steel's 1981 Attainment Demonstration and State Implementation Plan Revision as represented by Attachment "A" and Attachment "B" incorporated herein.

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*Brooke Smith* Deputy

ATTACHMENT "A"

RED RUN

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SERVICING THESE STOPS

LEFFERSON GATE

781 MACHINE SHOP

600A ENERGY & OFFICES

600C ELECTRIC POWER

505 MOLD YARD

REED YARD BEHIND MASONRY

341C MASONRY

512 CONCAST & BOF

THEN REVERSE

BOTH REDS 1 & 2

(revised October 17, 2002)

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*Mark Sullivan* Deputy



RED

#2 LEAD RED RUN - MN NIGHT RUN 1:30

LEFFERSON ROAD

BOF

9.20 p.m.	9.30 p.m.
9.40 p.m.	9.50 p.m.
10.00 p.m.	10.10 p.m.
10.20 p.m.	10.30 p.m.
10.40 p.m.	10.50 p.m.

#2 RED MN - MINI RUN - LEAD 1:50

LEFFERSON ROAD

BOF

9.10 p.m.	9.20 p.m.
9.30 p.m.	9.40 p.m.
9.50 p.m.	10.00 p.m.
10.10 p.m.	10.20 p.m.
10.30 p.m.	10.40 p.m.
10.50 p.m.	11.00 p.m.

(revised October 17, 2002)

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#1 RED RUN - A.M. 1:10

LEFFERSON ROAD

BOF

5.30 a.m.  
5.50 a.m.  
6.10 a.m.  
6.30 a.m.  
6.50 a.m.  
7.10 a.m.  
7.30 a.m.

5.40 a.m.  
6.00 a.m.  
6.20 a.m.  
6.40 a.m.  
7.00 a.m.  
7.20 a.m.  
7.40 a.m.

#3 RED RUN - AFTERNOON (P.M.) 1:50

1.10 p.m.  
1.30 p.m.  
1.50 p.m.  
2.10 p.m.  
2.30 p.m.  
2.50 p.m.

1.20 p.m.  
1.40 p.m.  
2.00 p.m.  
2.20 p.m.  
2.40 p.m.  
3.00 p.m.

(revised October 17, 2002 )

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CINDY CARPENTER  
Butler County Clerk of Courts  
*Cindy Carpenter*  
Deputy

CV

2004 03 1000

CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

RED

#2 RED RUN - A.M. 1:40

LEFFERSON	BOF
5.40 a.m.	5.50 a.m.
6.00 a.m.	6.10 a.m.
6.20 a.m.	6.30 a.m.
6.40 a.m.	6.50 a.m.
7.00 a.m.	7.10 a.m.
7.20 a.m.	

#2 RED RUN - AFTERNOON (P.M.) 2:05

LEFFERSON	BOF
1.20 p.m.	1.30 p.m.
1.40 p.m.	1.50 p.m.
2.00 p.m.	2.10 p.m.
2.20 p.m.	2.30 p.m.
2.40 p.m.	2.50 p.m.
3.00 p.m.	3.10 p.m.
3.20 p.m.	3.25 p.m.

(revised October 17, 2002)

RED

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*Brooke S. ...*  
 Deputy

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BUTLER COUNTY  
CLERK OF COURTS

GREEN RUN

SERVICING THESE STOPS:

LEFFERSON GATE

56 TRACK MAINTAINENCE

351 TRUCKS

352 SCRAP PREP

412 BOILER HOUSE

411 BLAST FURNACE

490 TR SHOP

427 RECYCLE PLANT

THEN REVERSE

(revised October 17, 2002)

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*Brooke Smith*  
Deputy

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CLERK OF COURTS

GREEN

GREEN RUN - A.M. 1:30

5.30 a.m. Lefferson Rd	5.45 a.m. Recycle
6.00 a.m. Lefferson Rd	6.15 a.m. Recycle
6.30 a.m. Lefferson Rd	6.45 a.m. Recycle
7.00 a.m. Lefferson Rd	

GREEN RUN - AFTERNOON (P.M.) 1:15

1.45 p.m. Lefferson Rd	2.00 p.m. Recycle
2.15 p.m. Lefferson Rd	2.30 p.m. Recycle
2.45 p.m. Lefferson Rd	3.00 p.m. Recycle

2 X A.M. - GREEN MINI 1:15

5.45 a.m. Lefferson Rd	6.00 a.m. Recycle
6.15 a.m. Lefferson Rd	6.30 a.m. Recycle
6.45 a.m. Lefferson Rd	7.00 a.m. Recycle

GREEN MN MINI 1:15

9.45 p.m. Lefferson Rd	10.00 p.m. Recycle
10.15 p.m. Lefferson Rd	10.30 p.m. Recycle
10.45 p.m. Lefferson Rd	11.00 p.m. Recycle

(revised October 17, 2002)

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Butler County Clerk of Courts  
*Cindy Carpenter* Deputy

CV

2004 03 1000

CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

YELLOW RUN

SERVICING THESE STOPS:

START AT CLOCK HOUSE BEHIND 617

507C TOWER COMPUTER MAINTAINANCE BUILDING

480 BOF LOCKER ROOM BUILDING

THEN REVERSE

(revised October 17, 2002)

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Butler County Clerk of Courts  
*Brooke Sullivan* Deputy

YELLOW

CV

YELLOW RUN - A.M. 2:00

2004 03 1000

LEAVE LEFFERSON ROAD BUS STOP 4.52 a.m.

HOT STRIP CLOCKHOUSE

BOF LOCKER ROOM

5.00 a.m.  
5.16 a.m.  
5.32 a.m.  
5.48 a.m.  
6.04 a.m.  
6.20 a.m.  
6.36 a.m.  
6.52 a.m.

5.08 a.m.  
5.24 a.m.  
5.40 a.m.  
5.56 a.m.  
6.12 a.m.  
6.28 a.m.  
6.44 a.m.  
7.00 a.m.

CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

YELLOW RUN - AFTERNOON (P.M.) 2:00

LEAVE LEFFERSON ROAD BUS STOP 12.36 p.m.

HOT STRIP CLOCK HOUSE

BOF LOCKER ROOM

1.00 p.m.  
1.16 p.m.  
1.32 p.m.  
1.48 p.m.  
2.04 p.m.  
2.20 p.m.  
2.36 p.m.  
2.52 p.m.

1.08 p.m.  
1.24 p.m.  
1.40 p.m.  
1.56 p.m.  
2.12 p.m.  
2.28 p.m.  
2.44 p.m.  
3.00 p.m.

YELLOW MN MINI 11:45

HOT STRIP CLOCKHOUSE

BOF LOCKER ROOM

9.01 p.m.  
9.17 p.m.  
9.33 p.m.  
9.49 p.m.  
10.05 p.m.  
10.21 p.m.  
10.37 p.m.

9.09 p.m.  
9.25 p.m.  
9.41 p.m.  
9.57 p.m.  
10.13 p.m.  
10.29 p.m.  
10.45 p.m.

(revised October 17, 2002)

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Butler County Clerk of Courts

*Brook Bennett*  
Deputy

BLUE RUN

CV

2004 03 1000

CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

SERVICING THESE STOPS:

COLD MILL LOCKER BUILDING

663 E.G.L. #2

695A E.G.L. #2

694 E.G.L. #2

691 E.G.L. #2

697 E.G.L. #2

4 ANELLING

650 ACID PLANT

666 HOT ROLL PROCESSING

THEN REVERSE

(revised October 17, 2002)

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CINDY CARPENTER  
Butler County Clerk of Courts

Debbie Smith  
Deputy



CV

2004-03-1000

BLUE

BLUE RUN - A.M. 1:06

LEAVING LEFFERSON ROAD GATE AT 5:20 a.m. COURTS

CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

COLD MILL LOCKER ROOM

94 ANELLING

DOOR 666

5.54 a.m.  
6.10 a.m.  
6.26 a.m.  
6.40 a.m.  
6.50 a.m.

6.20 a.m.  
  
6.54 a.m.

6.05 a.m.  
6.21 a.m.  
6.37 a.m.  
6.48 a.m.  
7.00 a.m.

BLUE RUN - AFTERNOON (P.M.) 1:06

LEAVING LEFFERSON ROAD GATE AT 1.20 p.m.

COLD MILL LOCKER ROOM

94 ANNELING

DOOR 666

2.05 p.m.  
2.10 p.m.  
2.26 p.m.  
2.40 p.m.  
2.52 p.m.

2.15 p.m.  
2.38 p.m.  
2.50 p.m.

2.05 p.m.  
2.21 p.m.  
2.37 p.m.  
2.48 p.m.  
3.00 p.m.

BLUE RUN - MN 1:06

LEAVING LEFFERSON ROAD GATE AT 9.20 p.m.

COLD MILL LOCKER ROOM

94 ANNELING

DOOR 666

9.54 p.m.  
10.10 p.m.  
10.26 p.m.  
10.40 p.m.  
10.52 p.m.

10.20 p.m.  
  
10.50 p.m.

10.05 p.m.  
10.21 p.m.  
10.37 p.m.  
10.48 p.m.  
11.00 p.m.

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Deputy

ORANGE RUN

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2004 03 1000

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SERVICING THESE STOPS:

LEFFERSON GATE

168 & 178B TEMPER MILL

154A CRANE TRAINING

34 OLD STORES

MAIN LOCKER ROOM BUILDING

82 WEST PROCESSING

VICOFF LOCKER

191 EAST PROCESSING

182 TEMPER MILL SHIPPING

CONTINUOUS RUN AFTER LEAVES LEFFERSON

(revised October 17, 2002)

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Butler County Clerk of Courts

*Cindy Carpenter*  
Deputy

ORANGE

CV  
2004 03 1000

CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

ORANGE RUN - A.M.: <sup>1:21</sup> LEAVES LEFFERSON ROAD GATE AT 5.30 a.m.

<u>MAIN GATE</u>	<u>WICOFF</u>	<u>N &amp; S</u>	<u>DR 56 &amp; 351</u>	<u>DOOR 309</u>	<u>ROUNDHOUSE</u>
					5.42 a.m.
5.45 a.m.	5.48 a.m.	5.50 a.m.	5.52 a.m.	5.54 a.m.	5.56 a.m.
6.00 a.m.	6.03 a.m.	6.05 a.m.	6.08 a.m.	6.10 a.m.	6.12 a.m.
6.15 a.m.	6.18 a.m.	6.20 a.m.	6.23 a.m.	6.25 a.m.	6.27 a.m.
6.30 a.m.	6.33 a.m.	6.35 a.m.	6.38 a.m.	6.40 a.m.	6.42 a.m.
6.45 a.m.	6.48 a.m.	6.50 a.m.			
7.00 a.m.	7.03 a.m.				

ORANGE RUN - P.M.: <sup>1:23</sup> LEAVES LEFFERSON ROAD GATE AT 1.30 p.m.

<u>MAIN GATE</u>	<u>WICOFF</u>	<u>N &amp; S</u>	<u>DR 56 &amp; 351</u>	<u>DOOR 309</u>	<u>ROUNDHOUSE</u>
				1.40 p.m.	1.42 p.m.
1.45 p.m.	1.48 p.m.	1.50 p.m.	1.53 p.m.	1.55 p.m.	1.57 p.m.
2.00 p.m.	2.03 p.m.	2.05 p.m.	2.08 p.m.	2.10 p.m.	2.12 p.m.
2.15 p.m.	2.18 p.m.	2.20 p.m.	2.23 p.m.	2.25 p.m.	2.27 p.m.
2.30 p.m.	2.33 p.m.	2.35 p.m.	2.38 p.m.	2.40 p.m.	2.42 p.m.
2.45 p.m.	2.48 p.m.	2.50 p.m.	2.53 p.m.	2.55 p.m.	2.57 p.m.
3.00 p.m.	3.03 p.m.				

ORANGE RUN - NIGHT RUN <sup>1:24</sup> LEAVES LEFFERSON ROAD GATE AT 9.30 p.m.

<u>MAIN GATE</u>	<u>WICOFF</u>	<u>N &amp; S</u>	<u>DR 56 &amp; 351</u>	<u>DOOR 309</u>	<u>ROUNDHOUSE</u>
				9.39 p.m.	9.40 p.m.
9.45 p.m.	9.48 p.m.	9.50 p.m.	9.53 p.m.	9.55 p.m.	9.57 p.m.
10.00 p.m.	10.03 p.m.	10.05 p.m.	10.08 p.m.	10.10 p.m.	10.12 p.m.
10.15 p.m.	10.18 p.m.	10.20 p.m.	10.23 p.m.	10.25 p.m.	10.27 p.m.
10.30 p.m.	10.33 p.m.	10.35 p.m.	10.38 p.m.	10.40 p.m.	10.42 p.m.
10.45 p.m.	10.48 p.m.	10.50 p.m.			
11.00 p.m.	11.03 p.m.				

(revised October 17, 2002)

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Brooke Smith Deputy

CV

2004 03 1000

CINDY CARPENTER  
BUTLER COUNTY  
CLERK OF COURTS

EXPRESS

LEFFERSON      BOF      HOT STRIP LOCKER ROOM      COLD MILL LOCKER

EXPRESS A.M.      2:04

5.00 a.m.	5.07 a.m.	5.17 a.m.	5.20 a.m.
5.29 a.m.	5.36 a.m.	5.46 a.m.	5.53 a.m.
6.00 a.m.	6.07 a.m.	6.14 a.m.	6.17 a.m.
6.25 a.m.	6.32 a.m.	6.39 a.m.	6.42 a.m.
6.50 a.m.	6.57 a.m.	7.04 a.m.	

EXPRESS P.M.      2:15

1.00 p.m.	1.07 p.m.	1.14 p.m.	1.17 p.m.
1.25 p.m.	1.32 p.m.	1.39 p.m.	1.42 p.m.
2.00 p.m.	1.56 p.m.	2.03 p.m.	2.06 p.m.
2.25 p.m.	2.20 p.m.	2.27 p.m.	2.30 p.m.
	2.44 p.m.	2.51 p.m.	2.54 p.m.
	3.08 p.m.	3.15 p.m.	

EXPRESS - MINI      1:52

9.00 p.m.	9.00 p.m.	9.07 p.m.	9.10 p.m.
9.25 p.m.	9.25 p.m.	9.32 p.m.	9.35 p.m.
	9.50 p.m.	9.57 p.m.	10.00 p.m.
10.00 p.m.	10.14 p.m.	10.21 p.m.	10.24 p.m.
10.25 p.m.	10.38 p.m.	10.45 p.m.	10.52 p.m.

(revised October 17, 2002)

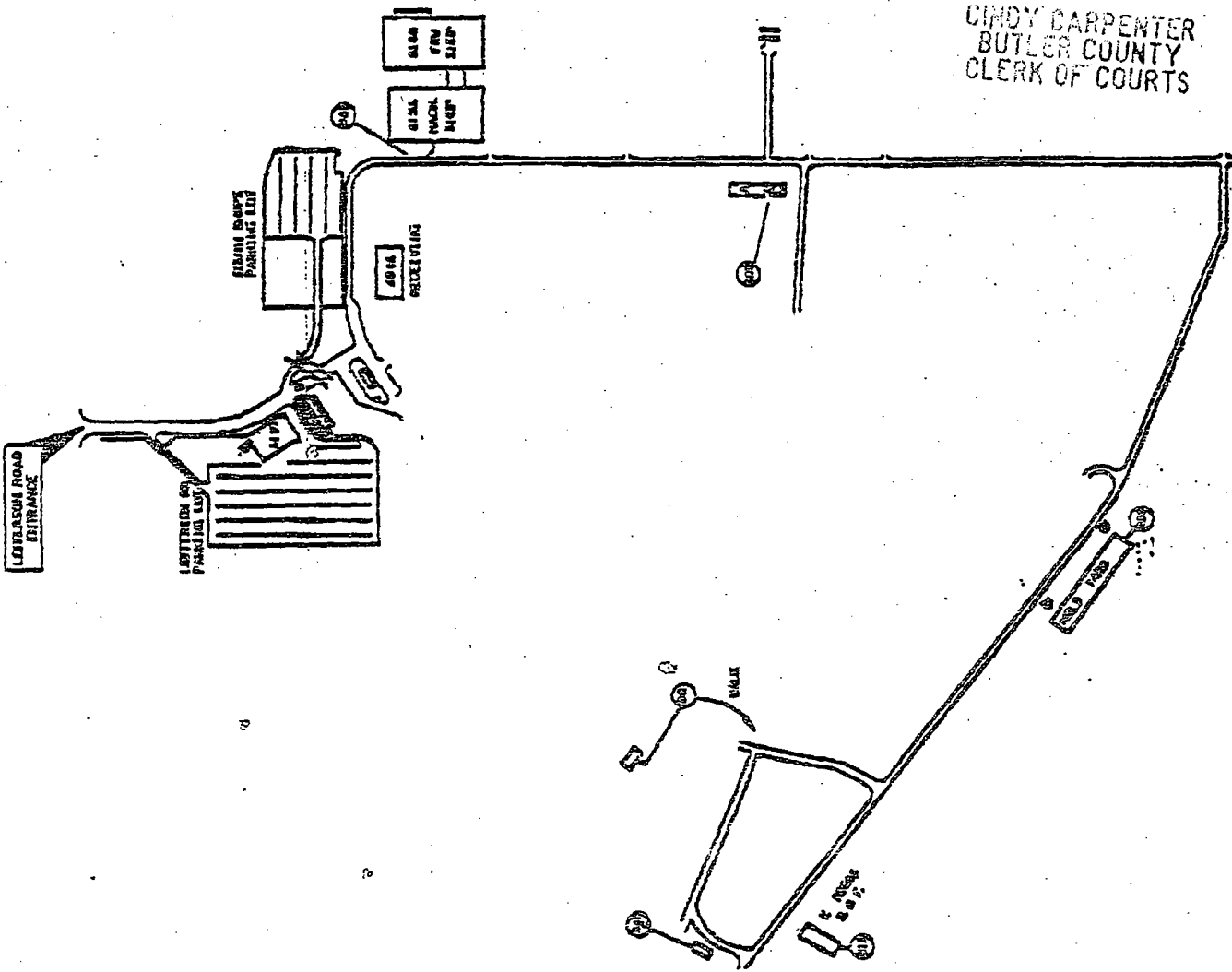
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 Butler County Clerk of Courts  
 Deputy

ATTACHMENT "B"

CV

2004 03 1000

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CLERK OF COURTS



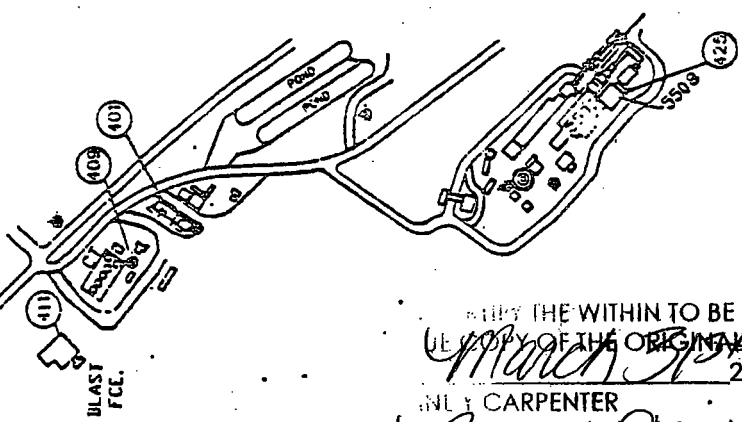
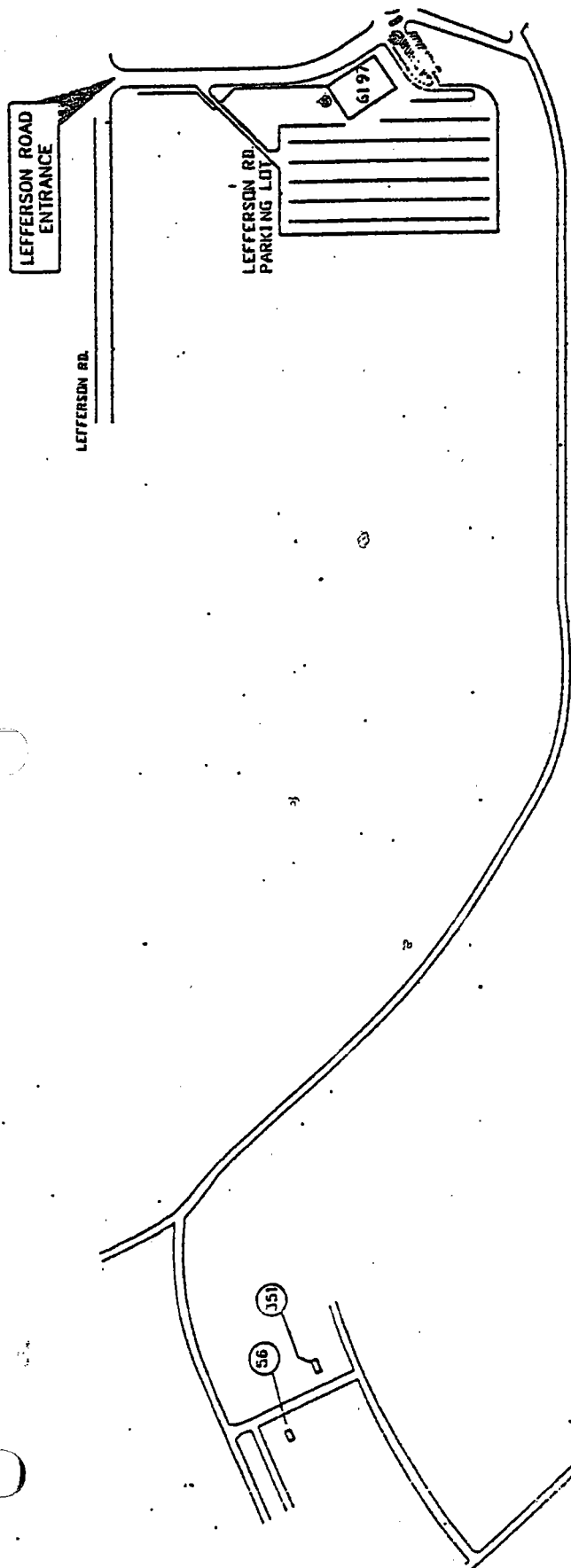
RED RUN

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*Cindy Carpenter*  
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*March 10 2004*

CINDY CARPENTER  
Outler County Clerk of Courts

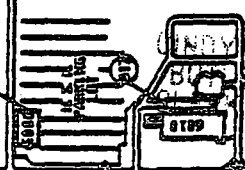
*Chick Smith*  
Deputy

GREEN RUN

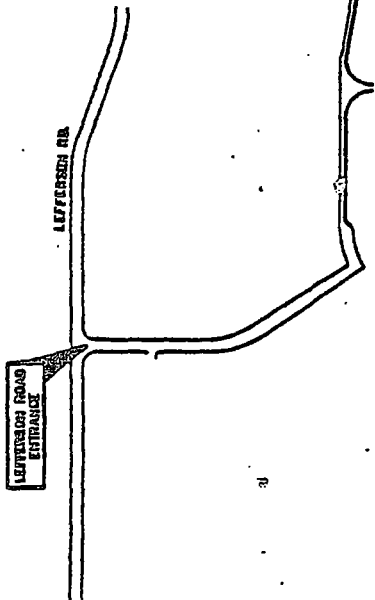
CV

2004 03 1000

145 LEICHER  
BUDEN BUILDING



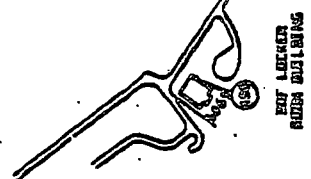
CINDY CARPENTER  
Butler COUNTY  
CLERK OF COURTS



LEITCHFIELD RD

JEFFERSON RD

145 LEICHER  
BUDEN BUILDING

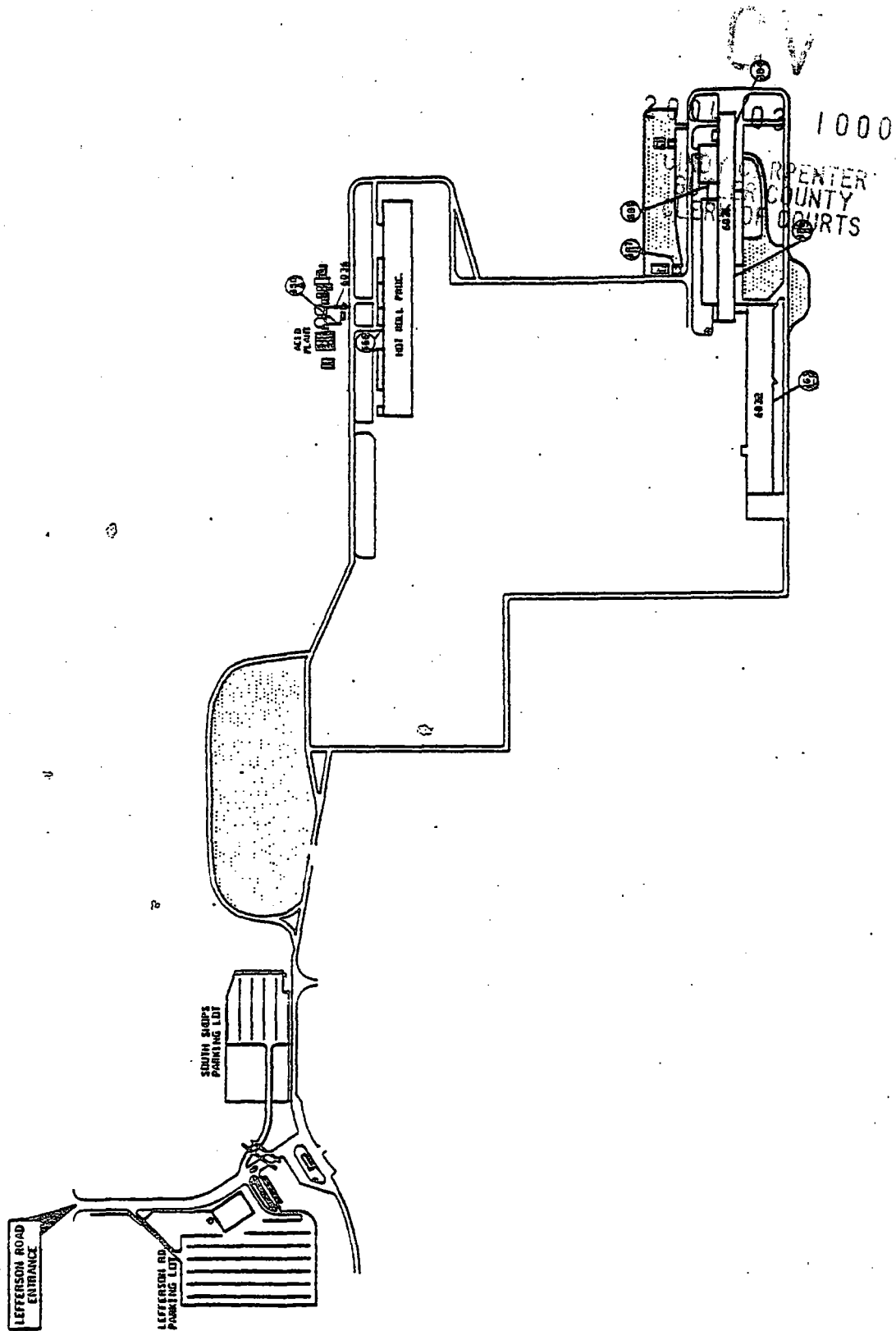


145 LEICHER  
BUDEN BUILDING

YELLOW RUN

I CERTIFY THE WITHIN TO BE A TRUE COPY OF THE ORIGINAL FILED

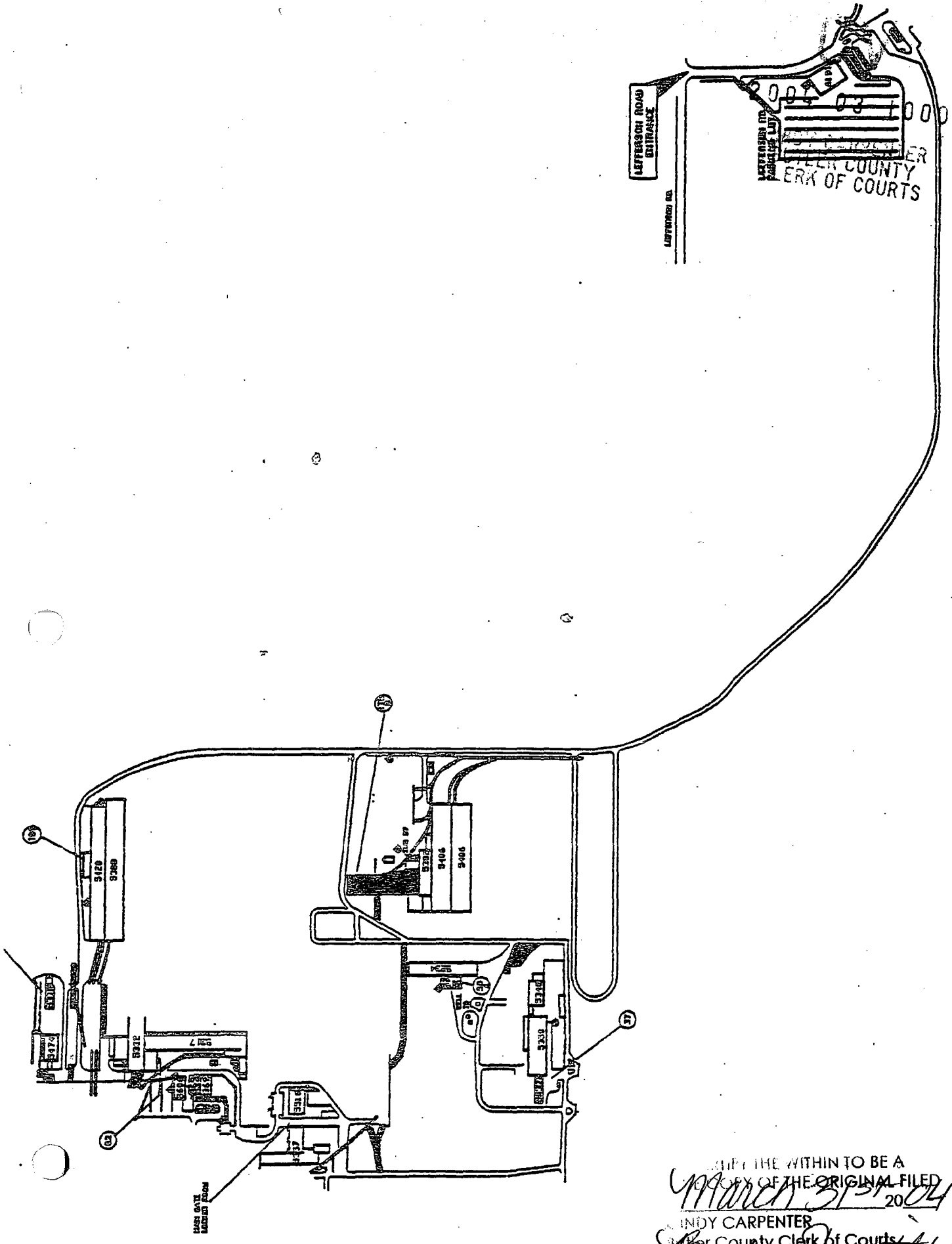
March 31 2004  
CINDY CARPENTER  
Butler County Clerk of Courts  
Deputy



I HEREBY CERTIFY THAT THE WITHIN TO BE A  
 TRUE AND CORRECT COPY OF THE ORIGINAL FILED  
 MARCH 21 2004  
 CARPENTER  
 County Clerk of Courts  
 (Signature) Deputy

BLUE RUN





LETTERSCH ROAD ENTRANCE

WESTERN TO PUBLIC LOT  
 ORANGE COUNTY  
 CLERK OF COURTS

LETTERSCH RD

EAST GATE

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 ANDY CARPENTER  
 Orange County Clerk of Courts  
 Brooke Smith Deputy

ORANGE RUN

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BUTLER COUNTY  
CLERK OF COURTS

# Exhibit E

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Butler County Clerk of Courts  
*Charles Smith* Deputy

Exhibit E to Consent Order  
State of Ohio ex rel. Jim Petro v. AK Steel Corporation

CV  
2004 03 1000

Defendant shall employ a chemical wet suppression (foam) system, as needed to control fugitive dust emissions from the iron ore unloading and conveying operations (emissions unit F010) and from the iron ore storage piles (a portion of emissions unit F002). This system shall be capable of applying sufficient amounts of chemical dust suppressant to minimize or eliminate visible fugitive dust emissions from all of the emission points associated with iron ore in these emissions units. Also, the system shall be capable of maintaining compliance with the visible fugitive dust emission limitations as specified in OAC Rule 3745-17-07(B)(1) for emissions unit F010 and in OAC Rule 3745-17-07(B)(6) for emissions unit F002.

This substantive requirement shall become immediately effective as a condition of qualifying for the civil penalty credit. Inspection, recordkeeping, monitoring and reporting requirements that will facilitate enforcement of this substantive requirement and that are required by the Title V permitting requirements, shall be addressed in the Title V permit for Defendant's Middletown facility. Nothing in this Consent Order or Exhibit shall be construed as a waiver of such inspection, recordkeeping, monitoring or reporting requirements.

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March 31 2004  
LINDY CARPENTER  
County Clerk of Courts  
Broke Smith Deputy