

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE CASE OF)	
NUCOR CORPORATION,)	CASE NO. 3356
A Delaware Corporation,)	
Facility ID 35677,)	CONSENT ORDER
)	
Respondent.)	

I. INTRODUCTION

1. The Nebraska Department of Environmental Quality (Department) and Nucor Corporation (Nucor) voluntarily enter into this Consent Order. The Consent Order establishes a schedule for actions necessary to achieve and maintain compliance with Nucor's Prevention of Significant Deterioration (PSD) permit issued to Nucor on October 7, 2013, in accordance with the Nebraska Environmental Protection Act (Act), Neb. Rev. Stat. §81-1501 et seq. (Reissue 2014 and Supp. 2015) and *Title 129, Neb. Admin. Code, Nebraska Air Quality Regulations*. This Consent Order requires Nucor to comply with the activities and schedules specified in Section VI.

II. JURISDICTION

2. The Department is the agency of the State of Nebraska charged with the duty pursuant to Neb. Rev. Stat. §81-1504(1) of exercising exclusive general supervision, administration, and enforcement of the Act. This Consent Order is issued under the authority vested in the Director of the Department by Neb. Rev. Stat. §§81-1504(25) and 81-1507(1).
3. Nucor admits to and agrees not to contest the jurisdictional allegations referenced herein.



4. Nucor waives its right to receipt of a complaint and all notice and hearing requirements provided in Neb. Rev. Stat. §81-1507 for the violations alleged herein.

III. PARTIES

5. The parties to this Consent Order are the Nebraska Department of Environmental Quality and Nucor Corporation. Nucor is a Delaware Corporation qualified and in good standing to do business in Nebraska. This Consent Order is binding on Nucor, its employees, agents, contractors, consultants, successors and assigns.

IV. FINDINGS OF FACT

6. At all times material herein, Nucor has owned and operated a steel recycling facility that utilizes ferrous metal scrap as the primary raw material in the production of steel billets and various finished steel bar products at 2911 E Nucor Rd., Norfolk, Stanton County, Nebraska.
7. Pursuant to the Nebraska Environmental Quality Council's authority to adopt rules for the issuance of construction and operating permits for the purpose of air pollution control, as expressed in Neb. Rev. Stat. §81-1505(12), the Council adopted a rule codified as *Title 129, Neb. Admin. Code, Nebraska Air Quality Regulations*.
8. According to *Title 129*, Nucor is a major source under both the Prevention of Significant Deterioration (PSD) program and the Title V operating permit program. On October 7, 2013, the Department issued Nucor a PSD construction permit that authorized modification to the existing positive pressure baghouse (EP 8a.1) and construction of a new negative pressure baghouse (EP 8a.2) used to control emissions from the Meltshop, which includes the Electric Arc Furnace (EAF) and two Ladle Metallurgical Furnaces (LMF).

9. The permit establishes emission limitations and monitoring requirements for these emission units, specifically for NO_x at 53.67 lbs/hr and CO at 383.3 lbs/hr as measured by a 3-hour rolling average and determined by a Continuous Emission Monitoring System (CEMS).
10. Nucor notified the Department by letter dated December 1, 2015 that all emission units authorized by the permit were completed and operational. By letter dated December 31, 2015, Nucor requested a shakedown period for the total combined emissions from EP 8a.1 and EP 8a.2 to provide time to meet the permit emission limitations.
11. On January 7, 2016, Nucor reported to the Department that NO_x emissions from EP 8a.1 and EP 8a.2 had exceeded permit limitations 322 times and CO emissions had exceeded permit limitations once between October 23, 2015 and January 6, 2016.
12. The Act at Neb. Rev. Stat. §81-1506(4)(b) makes it unlawful for any person to “violate any term or condition of an air pollution permit or any emission limit set in the permit.”
13. Nucor is a “person” as defined in Neb. Rev. Stat. §81-1502(10) of the Act.
14. Nucor’s failure to comply with permit limitations for NO_x and CO for EP 8a.1 and EP 8a.2 are violations of the Act.

V. STIPULATION

15. Solely for purposes of enforcing this consent order, Nucor admits to the findings of fact and conclusions of law referenced in Section IV above. Nucor reserves the right to contest any of the findings of fact or conclusions of law in any other proceeding.
16. Nucor agrees to undertake all actions required by the terms and conditions of this Consent Order and agrees not to contest the basis or validity of this Consent Order in any proceedings by the Department to enforce this Consent Order.

17. Nucor shall be responsible for any noncompliance with this Consent Order by its employees, contractors, and representatives.
18. The Director of the Department is authorized pursuant to Neb. Rev. Stat. §§81-1504(25) and 81-1507(1) to enter into this Consent Order requiring Nucor to implement the activities necessary to achieve and maintain compliance with their permit as described in Section VI of this Consent Order.

VI. COMPLIANCE ORDER AND SCHEDULE

19. Nucor agrees to perform the following:
 - A. By March 31, 2016, submit a plan to the Department for review and comment describing the operational adjustments and planned actions to be taken and evaluated during a shakedown period for the combined emissions from EP 8a.1 and EP 8a.2. Such shakedown period may commence as soon as practicable but shall not exceed 180 days after submission of the plan.
 - B. Beginning April 15, 2016, through September 15, 2016, Nucor shall submit bimonthly progress reports describing operational adjustments made to the system operation, comparable emission performance data, and an assessment of progress towards compliance with permit emission limitations.
 - C. Not later than October 15, 2016, Nucor shall meet all permit emission limitations or submit to the Department a PSD permit revision application to adjust emission limitations for NO_x and CO if determined not to be achievable.
20. The Department and Nucor acknowledge and agree that Nucor is evaluating various pilot projects at Nucor facilities at several locations in the United States pursuant to a federal consent decree to determine the technical and economic feasibility of reducing emissions

through the use of different control technologies for electric arc furnaces. If a new Best Available Control Technology results from this activity prior to October 15, 2016, the Department and Nucor agree to review and amend this consent order accordingly.

21. All terms and references used in this Consent Order shall have the same meaning as in the Permit. No other terms or conditions of the Permit are affected by this Consent Order including the obligation to submit excess emissions reports.
22. Information to be submitted under this Consent Order should reference the case number and shall be sent to:

Air Quality Division
Nebraska Department of Environmental Quality
P.O. Box 98922 (1200 N St., Suite 400)
Lincoln, NE 68509-8922
Telephone: 402-471-2186

VII. SATISFACTION AND COMPLIANCE WITH OTHER LAWS

23. Nucor shall perform and conduct all actions required by this Consent Order in accordance with all applicable local, state, and federal laws, regulations and permits.

VIII. RESERVATION OF RIGHTS

24. Nothing in this Consent Order shall be construed to sanction any violation of State or Federal law or limit the power and authority of the Department to take or order any action necessary to protect public health, welfare, or the environment or to enforce any provision of the Act and any rules, regulations, orders, or permits issued pursuant to the Act.

IX. NEGATION OF AGENCY RELATIONSHIP

25. Nothing contained in this Consent Order shall be construed to create, either expressly or by implication, the relationship of agency between the Department and Nucor.

X. AMENDMENT

26. This Consent Order may be modified and amended in writing by mutual agreement of the Department and Nucor.

XI. EFFECTIVE DATE


27. This Consent Order shall become effective on the date it is signed by the Director of the Department or his designee.

XII. SEVERABILITY

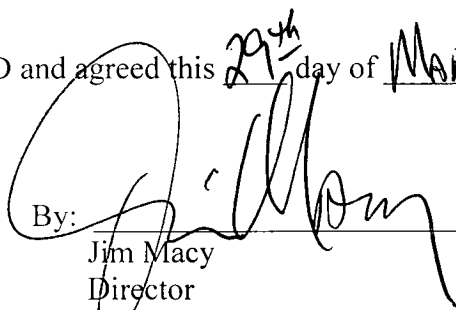
28. If any provision or authority of this Consent Order or the application of this Consent Order to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other party or circumstances and the remainder of the Consent Order shall remain in force and shall not be affected thereby.

XIII. SIGNATURES

29. For the Respondent, Nucor Corporation: The undersigned representative of Nucor Corporation certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to bind the Respondent.

By: 
Title: VP/GM
Date: 3/28/16

30. For the Department: IT IS ORDERED and agreed this 29th day of March, 2016.

By: 
Jim Macy
Director
Department of Environmental Quality