

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF )  
OMAHA STEEL CASTINGS COMPANY, )  
LLC )

CASE NO. 3291

CONSENT ORDER

FID # 48716

Respondent. )

**I. INTRODUCTION**

1. The Nebraska Department of Environmental Quality (NDEQ) and Omaha Steel Castings Company, LLC (Respondent), voluntarily enter into this Consent Order. The Consent Order requires Respondent to achieve and maintain compliance with the Nebraska Environmental Protection Act (NEPA), Neb. Rev. Stat. § 81-1501 et seq. (Cum. Supp. 2013; Reissue 2014); Title 129, Nebraska Administrative Code, Nebraska Air Quality Regulations; and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources (40 CFR Part 63, Subpart ZZZZZ). This Consent Order also requires Respondent to comply with the activities and schedules specified in Section VI.

**II. JURISDICTION**

2. The NDEQ 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 NEPA. This Consent Order is issued under the authority vested in the Director of the NDEQ by Neb. Rev. Stat. §§ 81-1504(25) and 81-1507(1).

3. The Respondent admits to and agrees not to contest the jurisdictional allegations referenced herein.



4. Respondent 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 (NDEQ) and Omaha Steel Castings Company, LLC (Respondent). This Consent Order is binding on the NDEQ and the Respondent and its successors and assigns.

### **IV. FINDINGS OF FACT**

6. At all times material herein the Respondent has owned and operated a steel foundry located at 921 E 12<sup>th</sup> St, Wahoo, Saunders, County, Nebraska (hereinafter the "Facility").

7. Pursuant to the Nebraska Environmental Quality Council's authority to adopt rules for the issuance of 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, Nebraska Administrative Code, Nebraska Air Quality Regulations.

8. Pursuant to Title 129, the Respondent was issued Air Quality Construction Permit #CP12-014 (hereinafter "Permit"), on March 11, 2013, by the NDEQ and said Permit has, at all times material herein, been in full force and effect.

9. The Respondent's annual metal melt capacity as defined in 40 CFR 63.10906 is greater than 10,000 tons and Respondent meets the definition of a large foundry in accordance with Title 129 and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources (40 CFR Part 63, Subpart ZZZZZ). Such Subpart provides a process for reclassifying a large foundry to a small foundry which may be available to Respondent in the future.

10. The Respondent is a "person" as defined in Neb. Rev. Stat. §81- 1502(10).

11. Neb. Rev. Stat. §81-1508.02 (1) states that it is unlawful for any person to violate any order of the Director or to make any false statements, representations or certifications in any permit application filed with NDEQ, or violate a permit or license condition or limitation and any provision or duty imposed by rules and regulations.

#### **V. STIPULATION**

12. The Respondent admits to the findings of fact and conclusions of law referenced in Section IV, above.

13. The Respondent agrees to undertake all actions required by the terms and conditions of this Consent Order. The Respondent agrees that it will not contest the basis or validity of this Consent Order in any proceedings by the NDEQ to enforce this Consent Order.

14. The Respondent shall be responsible for any noncompliance with this Consent Order by itself, its contractors, sub-contractors, and representatives.

15. The Director of the NDEQ is authorized pursuant to Neb. Rev. Stat. § 81-1504 to enter into this Order requiring Respondent to modify their Facility and emission capture and control equipment as necessary to prevent, control, or abate pollution; to submit an air quality construction permit application showing the design and as-built changes and modifications to the Facility; and to conduct additional performance testing as required by this Order.

#### **VI. COMPLIANCE ORDER**

16. Respondent agrees to perform the following activities:

A. By October 16, 2015, Respondent shall withdraw its current construction permit application and submit a new completed air quality construction permit application including but not limited to:

- i. Updated and correct process flow diagrams, a complete list of emission units with their corresponding emission points, and stack heights and diameters;
- ii. Proposed operational limits for the furnaces' annual metal melt capacity and corresponding methods to demonstrate compliance with the proposed limits;
- iii. Process schematics which detail the plant layout, equipment locations, and a detailed layout of the emission capture, collection and control system as actually built and constructed (*as-built*);
- iv. A statement signed by a Nebraska Professional Engineer that the entire emission capture and control system as designed and proposed in the application meets accepted engineering standards such as those published by the American Conference of Governmental Industrial Hygienists (ACGIH), which is the "*Industrial Ventilation – A Manual of Recommended Practice for Design, 28<sup>th</sup> Edition*", and
- v. Proposed recordkeeping to demonstrate compliance with NESHAP Subpart ZZZZZ requirements.

B. By October 16, 2015, Respondent shall complete Facility-wide Air Dispersion modeling analysis for particulate matter with an aerodynamic diameter of less

than 2.5 microns (PM<sub>2.5</sub>) based on the Facility's maximum metal melt capacity or on the proposed limits in the permit application.

C. Respondent shall respond in writing within ten (10) working days to all requests for information or clarification by NDEQ relating to the application or this Consent Order.

D. Respondent shall complete any construction necessary to comply with the construction permit by the date provided in such Permit. Within 15 days following completion of the above construction, Respondent shall provide the NDEQ with written notification of completion of construction, including a statement signed by a Nebraska Professional Engineer that includes the following language: "The entire metal melt furnaces emissions capture and control system at Omaha Steel Castings Company, LLC located at 921 E. 12th Street, Wahoo, Nebraska, on [insert DATE on or after completion of construction] meets accepted engineering standards such as those published by ACGIH, which is "*Industrial Ventilation – A Manual of Recommended Practice for Design, 28th Edition*" as per NESHAP Subpart ZZZZZ."

E. Respondent shall ensure that any contractors, sub-contractors and representatives implementing any provision of this Consent Order receive a copy of this Consent Order.

17. 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.

18. Information to be submitted under this Order shall be sent to:

Air Quality Division  
Nebraska Dept. of Environmental Quality  
PO Box 98922  
Lincoln, NE 68509-8922  
Telephone: 402-471-2189

#### **VII. SATISFACTION AND COMPLIANCE WITH OTHER LAWS**

19. The Respondent shall perform all actions required by this Consent Order in accordance with all applicable local, state, and federal laws, regulations and permits. Upon satisfactory completion of the activities required by this Consent Order, the NDEQ shall file a Satisfaction of Compliance Order stating the Consent Order has been fully and completely satisfied.

#### **VIII. RESERVATION OF RIGHTS**

20. Nothing in this Consent Order shall be construed to limit the power and authority of the NDEQ to take or order any action necessary to protect public health, welfare, or the environment or to enforce any provision of NEPA and any rules, regulations, orders, or permits issued pursuant to NEPA.

#### **IX. NEGATION OF AGENCY RELATIONSHIP**

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

#### **X. AMENDMENT**

22. This Consent Order may be modified and amended in writing by mutual agreement of the NDEQ and the Respondent.

### **XI. EFFECTIVE DATE**

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

### **XII. SEVERABILITY**

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

### **XIII. SIGNATURES**

For the Respondent: The undersigned representative of the Respondent 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: Kevin O. Bion  
Title: CEO  
Date: 8/14/15

For the NDEQ: IT IS ORDERED and agreed this 28<sup>th</sup> day of August, 2015.

By: Jim Macy  
Jim Macy  
Director  
Department of Environmental Quality