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IN THE COURT OF COMMON PLEAS
OF COUNTYS
SCIOTO COUNTY, OHIO

STATE OF OHIO, ex rel.)
WILLIAM J. BROWN)
ATTORNEY GENERAL OF OHIO,) Case No. CIV-80-16
Plaintiff,)
-vs-)
UNITED STATES STEEL CORPORATION,)
Defendant.)

CONSENT JUDGMENT

The Complaint having been filed herein on
And the Plaintiff and Defendant by their respective attorneys
having consented to the entry of this Consent Judgment;
NOW, THEREFORE, before the taking of any testimony, and upon
the pleadings, it is Ordered, Adjudged, and Decreed as follows:

I.

This Court has jurisdiction of the subject matter herein
and of the parties consenting hereto. The Complaint states a
claim upon which relief can be granted against the Defendant.

II.

The provisions of this Consent Judgment shall apply to
and be binding upon the parties to this action, their officers,
directors, agents, servants, employees, and successors.

III.

The purpose of this Consent Judgment is to avoid the time
and expense of litigation, and to settle all claims and controversy
whatsoever existing between the parties with respect to the Defen-
dant's alleged violations of Ohio Revised Code Sections 3704.05(A)
and (G) and Ohio Administrative Code Sections 3745-17-07, 3745-
17-10, and 3745-35-02(A), by the operation of U.S. Steel Chemical

Division, Haverhill Plant's two coal-fired boilers (herein referred to as the "boilers"). This Consent Judgment does not constitute any admission of culpability or of violation of any law or regulation by Defendant. Defendant's agreement to the conditions of this Consent Judgment and to the schedule set forth herein shall be in full satisfaction of Defendant's liability for any and all violations of State air pollution laws and regulations at its Haverhill Plant caused by the boilers occurring until the time this Consent Judgment is entered. The violations that are hereby satisfied include, but are not limited to: alleged violations of Revised Code Section 3704.05, and Ohio Administrative Code Sections 3745-17-07, 3745-17-10, and 3745-35-02(A).

IV.

The Defendant agrees and is hereby enjoined to install baghouse devices on its boilers, identified by applications nos. 0773000080 B001 and 0773000080 B002, in accordance with the compliance schedule set forth below. Such baghouses shall be designed to enable the boilers to achieve full compliance with O.A.C. Sections 3745-17-07 and 3745-17-10.

COMPLIANCE SCHEDULE

	<u>Dates</u>
Submit Final Control Plans	February 11, 1980
Award Contract(s)	April 18, 1980
Begin Construction	February 1, 1981
Complete Construction	July 7, 1981
Achieve and demonstrate compliance with the final emission limitations in this decree	August 7, 1981

If the Ohio Environmental Protection Agency requires an emission test for the purpose of determining compliance with the emission limitations in this Judgment, particulate emissions shall be determined according to the test method prescribed by applicable Ohio regulations on the date that Defendant conducts its compliance testing.

The Defendant further agrees and is enjoined to: (1) make such adjustments to or replacements of the over-fire air system as may be necessary, in conjunction with the installation of baghouses, to achieve compliance with O.A.C. 3745-17-07 and (2) install in-stack oxygen monitors for each boiler capable of being read and controlled from the control room. The adjustments to and/or replacements of the over-fire air system shall be completed no later than June 30, 1980, and the oxygen monitors shall be installed and operational no later than August 7, 1981.

V.

Pending installation and operation of the baghouses, pursuant to paragraph IV above, Defendant agrees and is hereby enjoined to use the best practicable systems of emission reduction. Such interim measures include:

(a) immediate initiation of an operation and maintenance procedure which will result in the minimization of particulate matter emission from the boilers on a day-to-day basis.

(b) the efficient operation of the existing multiclone collectors.

(c) the quarterly submission to plaintiff of an analysis of a representative sample of coal purchased during that quarter on an as received basis. This representative sample shall be obtained in accordance with the method ASTM D-2234-72 or an equivalent procedure which is acceptable to plaintiff. This analysis shall specify the average BTU content, the fusion temperature, the percent sulfur, the percent ash, the percent moisture, the total tonnage received in the previous quarter from each supplier, and the amount of coal burned.

VI.

No later than thirty (30) days after the end of each quarter, commencing with the January 1 to March 31 quarter of 1980, Defendant shall submit a progress report to the Plaintiff describing the actual progress that the Defendant has made in achieving the milestones in the compliance schedule.

Defendant shall provide Plaintiff twenty (20) days' written notice prior to conducting the performance tests that may be required by or provided for under this Consent Judgment in order to afford Plaintiff an opportunity to approve the test procedure and to have observers present at such tests. A written report of the results of said performance tests shall be submitted to Plaintiff promptly, but no later than sixty (60) days after completion of such tests.

VII.

All reports, notices, control plans, and other information that must be submitted in satisfaction of the requirement of this Consent Judgment shall be submitted to:

Air Pollution Unit
Portsmouth City Health Department
740 Second Street
Portsmouth, Ohio 45662

VIII.

Defendant shall have the right to achieve compliance with any obligation in this Consent Judgment at any time by ceasing to operate any facility governed by said obligation.

IX.

Any condition contained in a future permit or variance issued to U.S. Steel Corporation by the Ohio Environmental Protection Agency that invalidates or otherwise limits any provision of this Consent Judgment shall override and supercede said provision of this Consent Judgment.

X.

Defendant's time for achievement of compliance as set forth in this Consent Judgment may be extended in the occurrence of, and to the extent of any delay caused by circumstances entirely beyond its control.

A. If any event occurs which causes or may cause delays in the achievement of compliance at Defendant's facilities provided in this Consent Judgment, Defendant shall notify the Court and Plaintiff in writing within twenty (20) days of the delay or anticipated delay, as appropriate, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken to minimize any such delays, and a time-table by which those measures will be implemented. The Defendant shall adopt all reasonable measures to avoid or minimize any such delay.

B. If the parties agree that the delay or anticipated delay in compliance with this Consent Judgment has been or will be caused by circumstances entirely beyond the control of Defendant, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time and jointly petition the Court for a modification of this Consent Judgment accordingly. In the event the parties cannot agree, any party may submit the matter to this Court for resolution.

C. The burden of proving that any delay is caused by circumstances beyond the control of Defendant shall rest with Defendant. Increased costs or expenses associated with the implementation of actions called for by this Judgment shall not, in any event, be a basis for changes in this Judgment or extensions of time under paragraph B above. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

XI.

The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Judgment; provided, that this Judgment shall terminate six (6) months following the initial demonstration that compliance with the final emission limitations in this Judgment has been achieved.

XII.

This Judgment is in full settlement and satisfaction of any and all claims or demands that Plaintiff has against Defendant for the operation of the boilers arising out of the Clean Air Act, 42 U.S.C. §§7401 et seq.; Ohio's Air Pollution Control Laws, Ohio Revised Code §§3704.01 et seq., and regulations, including without limitation all claims or demands arising from actions or events prior to the entry of this Judgment.

XIII.

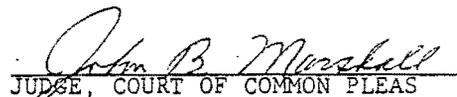
Within ten (10) days after entry of this Judgment, the Defendant shall file a withdrawal of its request for an adjudication hearing before the Ohio Environmental Protection Agency in Case No. 77-AP-129.

XIV.

This Consent Judgment is made in Ohio and shall be governed by Ohio law.

XV.

Defendant shall pay the Court costs.


JUDGE, COURT OF COMMON PLEAS

APPROVED:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

Stephen P. Samuels
STEPHEN P. SAMUELS
Assistant Attorney General
Environmental Law Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466-2766

SQUIRE, SANDERS & DEMPSEY

Van Carson
VAN CARSON
Attorney at Law
1800 Union Commerce Building
Cleveland, Ohio 44115
(216) 696-9200