

US EPA ARCHIVE DOCUMENT

Summary of Consent Decree¹

United States and Michigan Department of Environmental Quality v. AK Steel Corporation,
Civil Action No. 2:15-cv-11804 (E.D. Mich.)

Scope (¶ 73): The consent decree resolves all claims in the Complaint and any claims that could be brought regarding 42 notices issued by MDEQ and 2 notices issued by EPA listed in Appendix A. All of these alleged violations are related to air emissions from sources at the Dearborn Works (formerly Rouge Steel), such as the blast furnace and the ladle refinery.

Civil Penalties (Section V): AK Steel agrees to pay the United States and MDEQ a total of \$1,353,126; to be divided equally and placed in the general funds of the two governments.

Compliance Requirements (Section VI): To prevent future violations, AK Steel will:
(A) develop a written Environmental Management System for the Dearborn Works designed to achieve compliance with environmental requirements, minimize risks to the environment from unplanned or unauthorized air emissions, and improve environmental performance;
(B) operate its Electrostatic Precipitator (“ESP”), the pollution control device at the Basic Oxygen Furnace, to proactively avoid exceeding emissions limits, continuously monitor the performance of the ESP, and have it annually inspected by a third-party contractor; and
(C) implement a dust control policy to prevent fugitive emissions into nearby neighborhoods.

Supplemental Environmental Project (Section VIII): AK Steel will pay Dearborn Public Schools approximately \$337,000 to install an enhanced air filtration system at the Salina Elementary School and Salina Intermediate School. A Dynamic Air V8 Cleaning System, designed to remove approximately 30% more sub-micron particles and 60% of gaseous odors and volatile organic compounds, will replace the two schools’ existing passive air filtration systems by being retrofitted into the existing air handling units.

Reporting Requirements (Section IX): Every three months, AK Steel must report to EPA and MDEQ about its compliance with the terms of the consent decree. Copies of these reports will be made available to the public upon written request to AK Steel.

Termination (Section XX): AK Steel must comply with the terms of the consent decree for at least five years after it is signed by the judge. Provisions regarding the operation of the ESP and the dust control policy will continue to be enforceable in the facility’s permit.

Future Violations: If AK Steel does not comply with the consent decree, it can be forced to pay monetary penalties for each day it does not comply (Section X). If AK Steel violates the Clean Air Act, the United States and MDEQ can pursue relief under the terms of this consent decree or bring a new lawsuit under the relevant provisions of the Clean Air Act (¶ 74).

Public Participation (Section XXI): The consent decree will not be entered until the public has at least 30 days to comment. The United States may withdraw or withhold its consent to entry if comments indicate that the consent decree is inappropriate, improper or inadequate.

¹ This summary does not modify or alter the meaning of the Consent Decree.