

# Air Enforcement: U.S. Department of Justice and Beverly, Ohio, Ferroalloy Production Facility Enter into Consent Decree



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The United States Department of Justice (“DOJ”) and Globe Metallurgical, Inc. (“GMI”) entered into a Consent Decree (“CD”) in the United States District Court (Southern District of Ohio) addressing alleged Clean Air Act violations. See Civil Action No. 2:23-cv-02368.

The CD provides that GMI operates a ferroalloy production facility (“Facility”) in Beverly, Ohio.

DOJ on behalf of the United States Environmental Protection Agency filed a Complaint in the previously referenced United States District Court concurrently with the CD seeking injunctive relief and penalties pursuant to Section 113(b) and 167 of the Clean Air Act.

The Complaint alleged violations of:

1. The Clean Air Act’s Prevention of Significant Deterioration of Air Quality (PSD) provisions and Ohio Administrative Code (OAC) Rule 3745- 31;
2. the Clean Air Act’s New Source Performance Standards general provisions, 40 C.F.R. §§ 60.1-60.19, and the New Source Performance Standards regulations for ferroalloy production facilities (Subpart Z), 40 C.F.R. §§ 60.260-60.266; and
3. the Ohio State Implementation Plan’s opacity limits, OAC Rule 3745-17-08, as incorporated into GMI’s Title V permit, and Ohio’s Title V Permit Program.

The GMI Facility is stated to operate five electric arc furnaces. Further, it is alleged that GMI modified an electric arc furnace in order to increase its capacity (among other reasons) which resulted in a significant net emissions increase of SO<sub>2</sub>.

Such modification is alleged to have been undertaken without first obtaining the proper permits authorizing the modification and operation of the unit and without employing the Best Available Control Technology. Such modification is also alleged to have resulted in an increased emission rate of particulate matter and carbon monoxide subjecting this electric arc furnace to New Source Performance Standard Subpart Z. In addition, the Complaint alleged that the Facility at times exceeded opacity limitations.

The CD provides that GMI does not admit any liability to the United States arising out of the transactions or occurrences alleged in the Complaint and/or the Notices of Violation.

The CD assesses a civil penalty of \$2.6 million. Further, it requires the implementation of what are described as new and improved air pollutant emission controls that limit the sulfur content of inputs in the metal production process at an estimated cost of \$6.5 million.

A copy of the CD can be downloaded [here](#).