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2. On July 1, 1999, the United States Environmental Protection Agency ("U.S. EPA") published the Regional Haze Rule ("RHR") to protect visibility in Class I areas. (64 FR 35714)

3. Ohio submitted an initial State Implementation Plan ("SIP") revision under the RHR in 2008. Subsequent SIP revisions under the RHR were submitted in 2012, 2016, and 2018.

4. On June 25, 2019, Ohio submitted an attainment demonstration for the one-hour sulfur dioxide standard in the Steubenville, OH-WV Nonattainment Area. This attainment demonstration included establishing emissions limitations for EUs B001, B002 and B009 at the Facility for the purpose of the sulfur dioxide standard. U.S. EPA approved these emissions limitations into Ohio's sulfur dioxide SIP on October 22, 2019 (84 FR 56385). The emissions limitations are as follows:

- a. Main boiler unit numbers 1 and 2 (OEPA source numbers B001 and B002): a maximum of 1.056 pounds of sulfur dioxide per MM Btu actual heat input from each boiler.
- b. Main boiler unit number 3 (OEPA source number B009): a maximum of 0.66 pounds of sulfur dioxide per MM Btu actual heat input.
- c. Main boiler unit numbers 1, 2 and 3 (OEPA source numbers B001, B002 and B009), combined: a maximum of 4,858.75 pounds of sulfur dioxide per hour as a rolling, thirty-day average.

5. The Respondent's current Title V operating permit, Ohio EPA permit number P0133672 details sulfur dioxide requirements for:

- a. monitoring and recordkeeping in Ohio EPA permit number P0133672, terms C.1.d)(1) through C.1.d)(11) ;
- b. reporting in Ohio EPA permit number P0133672, terms C.1.e)(1) through C.1.e)(5)
- c. testing in Ohio EPA permit number P0133672, terms C.1.f)(1) through C.1.f)(2)

6. On July 30, 2021, Ohio submitted a SIP for the second RHR implementation period.

7. ORC § 3704.03(R) authorizes the Director of Ohio EPA to "issue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of this chapter and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable

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emission standards or other requirements of this chapter and rules adopted thereunder.”

8. The Director has given consideration to, and based her determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. The Cardinal Operating Company or any subsequent owner or operator of the Facility, shall continue to comply with the sulfur dioxide emissions limitations identified in Finding 4 along with the monitoring, testing, recordkeeping and reporting requirements identified in Finding 5. Cardinal Power Plant's continued compliance with the emissions limitations in this Order shall serve, in part, as compliance with Ohio's obligation for addressing reasonable progress under the RHR.

## **VI. TERMINATION**

These Orders shall terminate after both (i) U.S. EPA approves Ohio's SIP for the second RHR implementation period, and (ii) applicability of the emissions limitations to the RHR are subsequently incorporated into Respondent's Title V operating permit.

## **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

## **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

## **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto until submitted to U.S. EPA for incorporation into the SIP, at which point any future modifications of these Orders would only be effective when incorporated into the SIP. Modifications shall be in writing and shall be effective for the State on the date entered in the journal of the Director of Ohio EPA, and will be submitted to U.S. EPA for incorporation into the SIP.

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#### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be submitted through the Ohio EPA's eBusiness Center: Air Services web service.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

#### **XII. WAIVER**

Without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

#### **XIII. EFFECTIVE DATE**

These Orders will be effective the date they are entered into the Ohio EPA Director's journal. Compliance with Section V of these Orders will begin the date these Orders are entered into the Ohio EPA Director's journal or January 1, 2025, whichever date comes later.

#### **XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

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**ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

*Anne M Vogel*

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Anne M. Vogel, Director

7/26/2024

\_\_\_\_\_  
Date

**AGREED:**

**Cardinal Power Plant**

*Tom Alban*

\_\_\_\_\_  
Signature

Tom Alban, VP Generation

\_\_\_\_\_  
Printed or Typed Name and Title

July 15, 2024

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Date