



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Seneca County
Tri County Cores
Notice of Violation (NOV)

October 26, 2011

CERTIFIED MAIL

Mr. Louis Arbogast, Property Owner
404 Burnhan Drive
Fostoria, Ohio 44830

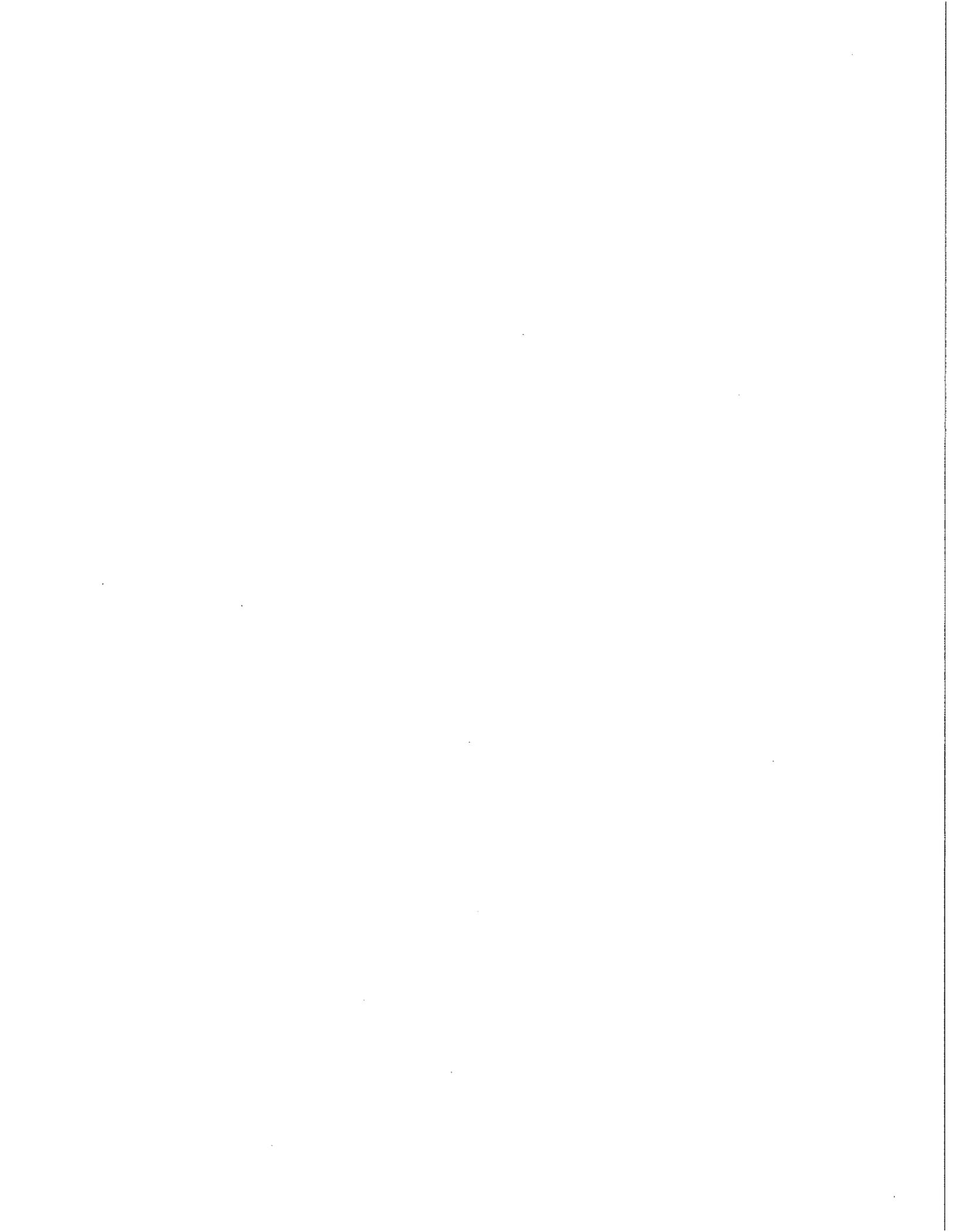
Dear Mr. Arbogast:

This letter shall serve as follow-up to the inspection conducted on September 20, 2011, of a property in Fostoria, Ohio for which you are the registered property owner, via successor trustee, Jeffrey Kelbley. At your request at the time of the inspection, this letter is being addressed to you, not Mr. Kelbley. The property in question is located at 151 Taft Boulevard in Fostoria, Ohio, and is currently occupied by Mr. Chuck Schaffer, who also operates a business called Tri-County Cores (TCC). The inspection was conducted by myself, on behalf of the Division of Air Pollution Control (DAPC), Ms. Amber Hicks and Ms. Sue Hardy of Ohio EPA's Division of Materials Waste Management (DMWM) and Mr. Matt Beckman of the Seneca County Health Department (SCHD). The location above has been identified as both Mr. Schaffer's residence and the operations site of Tri-County Cores (TCC). The purpose of this inspection was to determine the compliance status of all air contaminant emissions units located there as the result of multiple complaints received by this agency and the SCHD.

Based on my discussions, my observations during the inspection, and a review of the company's files, my findings are as follows:

1. On November 1, 2010, Ohio EPA's DAPC received an anonymous complaint indicating that a smelter was being employed on the property identified above. Attempts to contact persons at the site at that time were inconclusive and no further action was taken.
2. On August 30, 2011, Ohio EPA's DMWM received a similar complaint to that received on November 1, 2010, and requested that DAPC also attend the complaint investigation.
3. On September 20, 2011, it was determined that two separate scrap metal smelting operations have been conducted on the property:
 - a. A "small smelter" was obtained some time in 1988 and operated on site until 2011.
 - b. The "large smelter" was obtained at an unknown date and also operated on site.

The units in question were used to condense various scrap metals collected at that location into ingots of various raw metals to improve their scrap recycling value.



Mr. Louis Arbogast, Property Owner
October 26, 2011
Page 2

4. This operation is located in a residential community and no known control measures were employed during the operation of either scrap metal smelting unit.
5. On May 19, 2011, the Fostoria Police Department responded to complaints regarding the operation of the unit and told the operators to discontinue use of the unit.

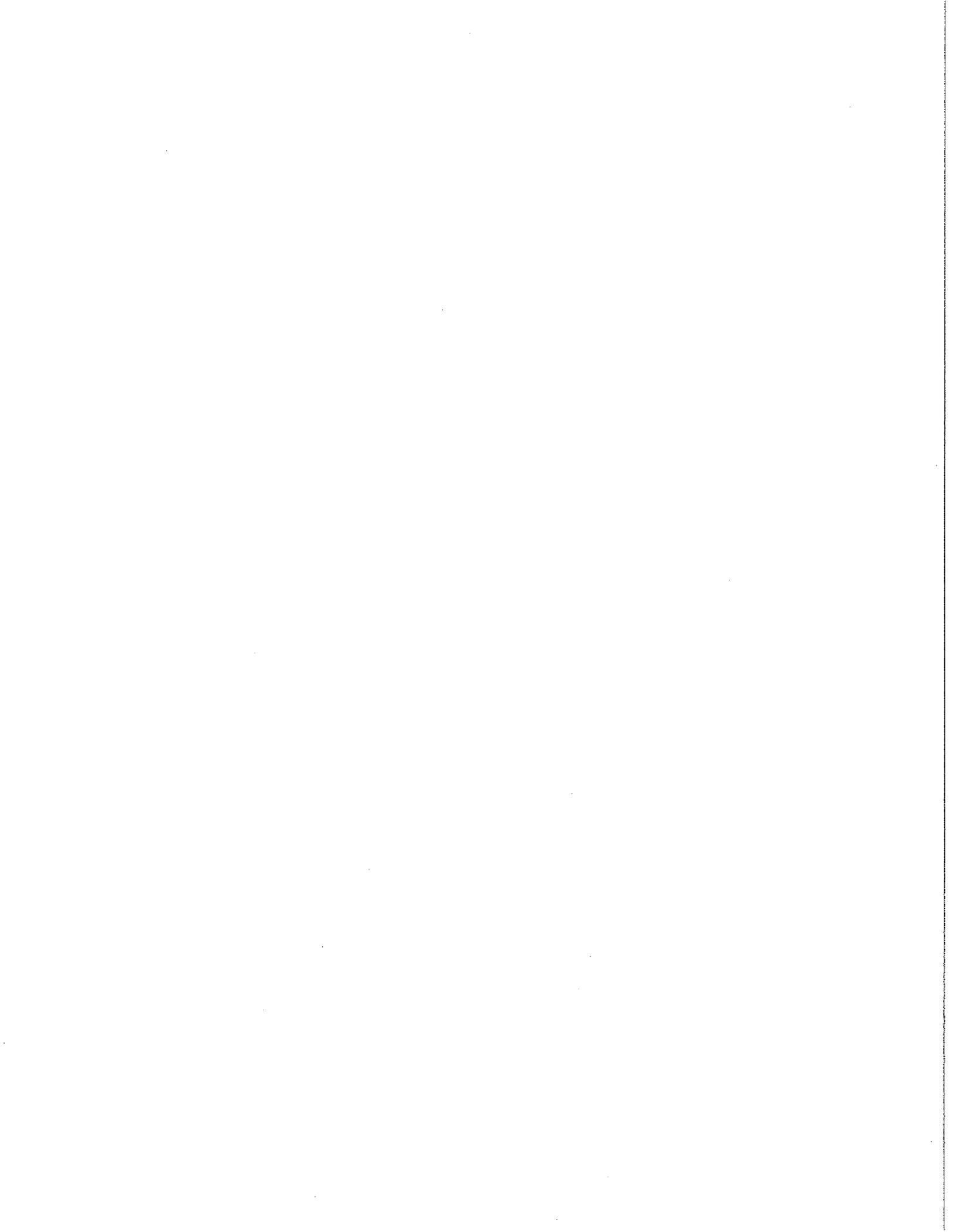
Installation and operation of each smelting operation without first obtaining an Ohio Permit to Install and Operate (PTIO) is a violation of Ohio Administrative Code (OAC) rule 3745-31-02(A). Failure to install Best Available Technology (BAT) to control emissions from each of these units also constitutes a separate violation of OAC rule 3745-31-05(A)(3). Each of the violations of the OAC listed above constitutes a violation of Ohio Revised Code (ORC) 3704.05.

Further review of applicable regulations shows that TCC would be considered a secondary aluminum production facility. TCC is, therefore, subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for Secondary Aluminum Production, found in Title 40 of the Code of Federal Regulations (CFR), Part 63, Subpart RRR (40 CFR 63, Subpart RRR) and these emissions units would each be considered a "Group 1 furnace without add-on control devices". Based on our initial inspection it does not appear that TCC would be able to comply with the requirements of this rule at this time. Based on the inherent operation of these units and the materials processed in each, Ohio EPA also has serious doubt that TCC would be able to comply with the requirements of this rule in the future.

To remedy this situation TCC must immediately stop all secondary aluminum production operations at this, or any other, location. If the TCC wishes to continue operation of the unit(s), they must first obtain a PTIO from the Ohio EPA prior to further operation, which would incorporate all applicable state and federally applicable requirements. Once a permit was obtained, TCC would be required to conduct initial performance testing within 180 days.

The company's written response to this letter is requested by November 28, 2011. The response should be submitted to Ohio EPA, Northwest District Office outline TCC's plan for operating in the future, in light of the federal requirements that will be applicable. Please be aware that you, as the property owner, may be ultimately be held liable for current and future violations.

Please note that Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) is also available to assist qualifying small businesses in achieving and maintaining compliance with Ohio's environmental regulatory programs. OCAPP will be able to help you with the permit requirement determination and the permitting process. More information pertaining to OCAPP is also available on our website at <http://www.epa.state.oh.us/ocapp/ocapp.html> Should you choose to contact OCAPP for assistance with issues pertaining to this letter, please contact Ron Nabors, at (419) 373-3147. If you decide to contact OCAPP for assistance, please inform me of that as soon as possible so that a new deadline for information submission can be determined, if needed.

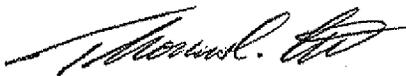


Mr. Louis Arbogast, Property Owner
October 26, 2011
Page 3

Please note that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

If the company has any questions and/or comments concerning this letter, please contact me at the above address, by calling (419) 373-3137, or via e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/llr

pc: Thomas C. Cikotte, DAPC – NWDO
Matt Beckman, Seneca County Health Department
Certified Mail Receipt Number 7009 1410 0001 1834 0975

ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC – CO
Mark Budge, DAPC - NWDO
Jennifer Jolliff, DAPC – NWDO
Amber Hicks, DMWM – NWDO
Sue Hardy, DMWM – NWDO
Ron Nabors, OCAPP – NWDO

