



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: Auglaize County  
Open Burning

**Notice of Violation**

June 27, 2007

**CERTIFIED MAIL**

7006 0100 0003 7708 5404

Mr. Brian Winters, Environmental Manager  
OmniSource - St. Marys Division  
1610 N. Calhoun St.  
Fort Wayne, IN 46808

Dear Mr. Winters:

This letter provides our response to the company's May 23, 2007 letter addressing the agency's April 25, 2007 Notice of Violation (NOV). The company's interpretation of the open burning rules is incorrect. Although OAC 3745-19-03(B)(2) exempts the smoke emissions from an acetylene torch, it in no way exempts any fire that is started by such torch cutting operations.

The company's description of the specific subject fire incident, and further discussion of how this type of incident is generally handled, compels us to comment that these procedures can't help but contribute to open burning. The agency sees little distinction between: intentionally starting a fire on an object covered with oil / grease / rubber / etc; and, using a cutting torch on an object covered in oil / grease / rubber / etc realizing that the resultant fire is all but inevitable.

The company's letter also indicates that the crane was used to "extinguish the fire by smothering it", contrasting with what appeared to me, and what was told to me at the time, as "attempting to pull apart and disperse" the burning debris (as mentioned in the NOV). Although "smothering" is a means of extinguishing a fire, we are skeptical that a crane is effective in doing so. We believe there are more efficient and expeditious methods that could be employed.

Regarding having water available to extinguish future fires, the agency notes, as the company does in the letter, that water cannot be used effectively to extinguish fires from burning oil / grease / rubber / etc. Regarding Attachment A, the agency concludes it unlikely that the third 'bulleted' item, i.e. rejecting parts containing "excessive amounts of hydraulic fluids, oils, coolants, etc." is being adhered to closely enough by the company based on what we observed. Additionally, "synthetic rubber or similar materials" probably should be added to this list.

Mr. Brian Winters  
June 27, 2007  
Page 2

In summary, the agency finds the company's plan to be the beginning steps of what needs to be a much more comprehensive plan. We also recommend that you enlist the expertise of the local fire department in developing the plan. Please submit a written response by July 15 indicating when development of the plan will be completed.

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

Should the company have any questions and/or comments, I may be reached at (419) 373-3117. I may also be contacted electronically by E-mail at: paul.chad@epa.state.oh.us

Sincerely,



Paul Chad  
Division of Air Pollution Control

/csl

pc: Don Waltermeyer, DAPC, NWDO  
Tom Kalman, DAPC, CO  
Lisa Holscher, US EPA - Region V  
Auglaize County Health Department  
DAPC, NWDO File  
Follow-up File

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired so that we can return the card to you.
- Print your name and address on the back of the card so that we can return the card to you.
- Attach this card to the back of the envelope or on the front if space permits.

1. Article Addressed to:

MR BRIAN WINTERS EN  
OMNISOURCE ST MARYS  
1610 N CALHOUN ST  
FORT WAYNE IN 46808

DAPC/P. Chad/csl

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

MR BRIAN WINTERS EN  
ENVS MGR

Postage	\$ .41
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21

Postmark Here  
BOWLING GREEN OH 43403  
JUN 27 2007  
DAPC/P. Ch.

Sent To: csl  
OMNISOURCE ST MARYS DIV  
Street, Apt. No., or PO Box No. 1610 N CALHOUN ST  
City, State, ZIP+4 FORT WAYNE IN 46808

7006 0100 0003 7708 5404