



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

April 25, 2007

CERTIFIED MAIL
7005 1160 0002 4566 2386

Mr. Joseph N. Pasion, Manager
OmniSource - St. Marys Division
P. O. Box 127
4575 CR 33A
St. Marys, OH 45885

Dear Mr. Pasion:

This letter is in response to the fire incident at the facility during my visit on April 20, 2007. You stated that the torches were being used to cut through a mobile home roof (or similar object) and combustibles apparently ignited. You also pointed out that the electro-magnet cranes were attempting to pull apart and disperse the parts of the roof in order to extinguish the fire.

In the July 14, 2004 correspondence sent to the company, the agency spoke of likely classification of these fires as 'open burning' that would be prohibited under OAC 3745-19. At that time, it was discussed how, with regard to metal parts that are very dirty or oily or otherwise with combustible materials attached, the company would have to take more care with, or perhaps even reject, such parts in the future.

Upon further consideration of this situation and the provisions of OAC 3745-19, it is determined that these fires in fact constitute open burning; specifically, OAC 3745-19-01(H) states that "...the burning of any refuse or salvageable material in any device not ... designed specifically [as an incinerator or a boiler]" is open burning. OAC 3745-19 makes no provisions for such burning; therefore these fires constitute (a) violation(s) of OAC 3745-19.

The company indicated that these types of salvage parts can be up to 10 percent of the company's overall total material throughput. Based on our observations, the agency believes the company needs to develop and submit a plan to manage these parts in a manner that will prevent future fires. The plan should address the removal of combustible material before the cutting, the wetting of combustible material if /where removal is infeasible, and the procurement of adequate equipment to immediately extinguish a fire should one still occur. This plan should be submitted to this office not later than May 25, 2007.

Mr. Joseph Pasion
April 25, 2007
Page 2

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 THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: MR JOSEPH N PASION MGR OMNISOURCE -ST MARYS DIV PO BOX 127 4575 CR 33A ST MARYS OH 45885 DAPC/Paul C./csl	B. Received by (Printed Name) Janiece Mann C. Date of Delivery 4-27-07 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7005 1160 0002 4566 2386	

