



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: Richland County
Tube City IMS Corp.
Premise # 03.70.01.0294
Notice of Violation (NOV)

August 27, 2008

CERTIFIED MAIL

Tim Carmack – General Manager
Tube City IMS Corp.
1344 Bowman St.
Mansfield, Ohio 44903

Dear Mr. Carmack:

This letter shall serve as follow-up to the site visit on August 26, 2008, of the above-referenced facility by Ms. E. Jay Murphy and myself. The purpose of this visit was to address issues that were observed that day regarding the conditions of the roadways in the area of the plant and issues that have been observed regarding cutting operations at the facility.

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

1. On August 26, 2008, Method 22 visible emission observations were conducted at the facility to determine the compliance status of maintaining visible emissions from plant roadways to no more than one minute per hour for paved roadways and three minutes per hour for unpaved roadways. The paved entrance to the facility and the adjacent section of Old Bowman Road was observed and the one minute standard was violated in the first three minutes of observation. This is a violation of visible emissions limit established in Ohio Permit-to-install (PTI) 03-11416, issued July 15, 1998 for emissions unit F001, OAC rule 3745-31-05 and ORC 3704.05. It should also be noted that the facility stated that the above mentioned area of the roadway had already been swept once that day.
2. The conditions observed on Old Bowman Street were not acceptable regarding earth and other material being drug out from the plant entrance. This, in turn, allows all traffic entering and exiting the facility, as well as all passing traffic, to resuspend earth and other materials deposited on the roadway. This is a violation of term B.7 of PTI 03-11416, issued July 15, 1998, for emissions unit F001 and ORC 3704.05.
3. Method 22 observations were not conducted on roadways inside the plant due to time constraints, however, these roadways were found to be in a similar condition as those at the plant entrance. Plant roadways had been watered that day, however, the frequency

was not adequate to meet the best available control measures, as required by the PTI. A violation is not being issued at this time, however, this issue is being brought to the company's attention.

4. Regarding recordkeeping for the roadways, term C.4 of PTI 03-11416 requires that daily inspections be done at the facility and that records be kept of these inspection. Through comparison to National Weather Service data, it has been determined that there are several instances in which records were either kept inaccurately or falsified. Conditions on several occasions were described for multiple consecutive days as "wet from previous rain" when it had not rained for several days. Road conditions would not have remained wet given the weather conditions for those days. Also, roadway inspections were almost always conducted at approximately the same time, however, fugitive dust inspections and control are required on an "as needed" basis, as described in terms B.3 and B.4 of the PTI. These actions by the company do not reflect adequate control of fugitive dust from plant paved and unpaved roadways and are cause for concern. Roadway inspections, dust control and record keeping procedures need to be reevaluated by the facility and improved immediately. This aspect of the facility's overall compliance will be more closely scrutinized in the future.
5. Past observations and visits to the facility have shown that the facility operates a cutting operation near the western border of the property capable of cutting steel slabs approximately six inches thick. Yard torching operations have been discussed with the facility in the past and the company determined at that time that those operations were "de minimis" in nature. Correspondence indicates that the "de minimis" calculations were made on the basis that the material being cut was a maximum of two inches thick. Based on our observation and recent experience, Ohio EPA believes that emissions from this operation far exceed "de minimis" and that these large torches are what are commonly referred to as a "jet torch" in the metals processing industry. We are requesting the following information at this time:
 - a. A general description of the torching operations at the facility and its maximum capabilities regarding cutting thickness, cutting speed and types of material able to be cut by each torch.
 - b. Number and types of torches employed at the site.
 - c. The installation date of each torch.
 - d. Make and model numbers of each torch.
 - e. Typical hours of operation of the cutting operations and the maximum operating schedule for the unit.
 - f. Potential to emit (PTE) calculations for torching operations.

Mr. Tim Carmack
August 27, 2008
Page Three

The company's written response to this letter is requested by September 17, 2008. It should be submitted to Ohio EPA, Northwest District Office and contain a compliance plan to remedy the observed situations and prevent these, or any similar such situation, from occurring in the future and all requested information described above.

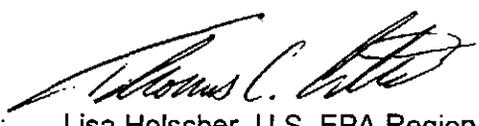
Please note that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at 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 electronically via e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

/lb


pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO

~~Thomas C. Cikotte, DAPC - NWDO~~
7006 0100 0003 7708 6265