



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)**

October 1, 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 response to the correspondence dated September 26, 2008 from Tube City, IMS (TCIMS). Based on the information included with that response, Ohio EPA has the following findings regarding the Mansfield, Ohio facility:

1. TCIMS acquired the facility which had an unpermitted stationary source of air pollution and failed to properly permit the source upon acquisition in the year 2000. The unit in question is an oxyfuel torch, commonly referred to as a "jet torch" in the metals processing industry. TCIMS installed a second torch, identical to the torch identified above, in June of 2008.

Installing and operating air contaminant sources without first obtaining the appropriate permits to install (PTI) and permits to operate (PTO) is a violation of Ohio Administrative Code (OAC) rule 3745-31-02(A). The company also failed to control emissions through the use of best available technology (BAT) which is a violation of OAC rule 3745-31-05(A)(3). BAT for similar units has been identified as a partial enclosure equipped with a baghouse and limiting the visible fugitive emissions escaping the enclosure to 20% opacity as a 3-minute average. Failure to obtain these permits and install BAT are also violations of Ohio Revised Code (ORC) 3704.05.

2. TCIMS has submitted emission calculations; however, based on observations of the unit in operation and comparison to similar operations in Ohio, these calculations are not felt to be accurate. Based on our review of similar units, Ohio EPA does not believe that accurate emissions factors reflective of this type of operation currently exist. Ohio EPA requests that additional research be done into the use of these torches and their emissions

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so more accurate emissions factors may be submitted with the calculations required for the permits identified in item one above.

To remedy the situation above, TCIMS must submit a written response to this notice including a compliance plan for installing proper control equipment, Permit to install/operate (PTIO) applications for the torching operations, including revised calculations.

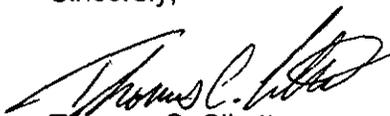
TCIMS is believed to have similar, if not identical, torching operations at other facilities throughout Ohio. In addition to the information identified above, please identify all similar operations in Ohio as well the following information: facility name (and customer if applicable: ex: Nucor Steel, Marion, OH); facility physical address; TCIMS point of contact; TCIMS contact's phone number; the make and model number of each unit at each site; number of units on site; hours of operation for each unit, and; installation date of each piece of equipment.

The company's written response to this letter is requested by November 3, 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](mailto: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~~  
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