

# CITY OF TOLEDO

## DEPARTMENT OF PUBLIC UTILITIES

*file folder*

September 18, 2008

CERTIFIED MAIL

James Shollenberger  
OmniSource Corp., Toledo  
5000 N. Detroit Ave.  
Toledo, Ohio 43612

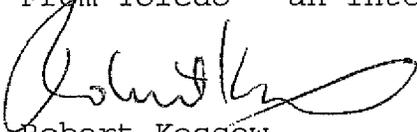
Re: Notice of Violation, non-HPV

Dear Mr. Shollenberger:

Enclosed, please find a "Notice of Violation". Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions, please feel free to contact me at 419-936-3941.

From Toledo - an International Award Winning City!



Robert Kossow  
Staff Professional Engineer

RFK/rfk

Enclosure

cc: John Paulian, OEPA  
Lisa Holscher, USEPA Region V  
Timothy D. Murphy, Commissioner, TDOES  
Karen Granata, Chief, Air Resources, TDOES  
Joyce Anagnos, Senior Attorney, City of Toledo  
Marilyn DuFour, Environmental Specialist, TDOES  
Lynn Pedro, Senior Specialist, TDOES

NOTICE OF VIOLATION

September 18, 2008

The City of Toledo Division of Environmental Services hereby serves notice that:

OmniSource, Northern Ohio Division  
1320 Lagrange St.  
Toledo, Ohio 43608

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

<u>Regulation(s) violated</u>	<u>Description of Source(s) and Violations(s)</u>
OAC rule 3745-17-07(B) (1) - visible particulate emissions from any fugitive dust source shall not exceed twenty per cent opacity as a three-minute average.	The emissions of fugitive dust from scrap metal torching operations averaged 42% opacity for a three-minute period of time during an observation period beginning at 10:35 A.M. and ending 10:38 A.M. on August 22, 2008, and averaged 38% opacity for a three-minute period of time during an observation period beginning at 10:47 A.M. and ending 10:50 A.M. on August 29, 2008.
OAC rule 3745-17-08(B), (B) (3) - No person shall cause or permit any fugitive dust source to be operated ... without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne.	

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:

- a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
- b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
- c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

#### Recommended Actions

1. Complete and submit the attached application to install and operate an air pollution source; or
2. demonstrate to the satisfaction of this office that the torching operation operates in compliance with the permitting exemptions of OAC rule 3745-15-05(D). We will accept as an adequate demonstration of compliance, the operation of this emissions unit at all times at a visible emissions opacity of 20%, or less, as a 3-minute average. Other acceptable demonstrations are possible.

Your written response and any questions regarding this Notice of Violation should be directed to Robert Kossow at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

