West Virginia Department of
Commerce, Labor & Environmental Resources
Air Pollution Control Commission

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WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
1558 Washington Street, East
Charleston, West Virginia 25311

v. CO-SIP-91-33

INTERNATIONAL MILL SERVICE, INC.
c/o Mr. Mike Connolly
1155 Business Center Dr., Suite 200
Horsham, PA 19044-3454

CONSENT ORDER

Under the authority and direction of the West Virginia Code, Chapter 16, Article 20, Section 5 (17), which reads in pertinent part as follows:

> (17) Whenever the Commission achieves informally, by letter, or otherwise, an agreement with any person that said person will cease and desist in any act resulting in the discharge of pollutants or do any act to reduce or eliminate such discharge, such agreement shall be embodied in a Consent Order and entered as, and shall have the same effect as, an Order entered after a hearing as provided in Section 7 (§16-20-6) of this article,

this Consent Order is hereby entered.

I. FINDINGS OF FACT

1. International Mill Service, Incorporated (hereinafter referred to as the "Company") owns and operates a sinter processing facility located in Follansbee, West Virginia.

2. At the subject facility, there are certain emission sources of total particulate matter which includes PM_{10} (particulate matter with aerodynamic particle size $\leq$ 10 microns).

3. This facility is subject to the Commission's Regulation 7 (45 CSR 7) - "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations".

4. Portions of Follansbee, Brooke County, West Virginia and the Mingo Junction/Steubenville area of Jefferson County, Ohio were identified by USEPA as a Group I area with respect to the National Ambient Air Quality Standards (NAAQS) for PM_{10} in 52 FR 29383 on August 7, 1987. Pursuant to Section 101(a)(4)(B) of the Clean Air Act Amendments of 1990 the aforementioned area was designated as non-attainment with respect to the PM_{10} NAAQS by operation of law on November 15, 1990.

5. The Ohio Environmental Protection Agency and West Virginia Air Pollution Control Commission have undertaken studies and analyses to identify particulate matter, including PM_{10} emission sources which may cause or contribute to violations of the PM_{10} NAAQS, and the West Virginia Air Pollution Control Commission staff has identified sources requiring emission control beyond current regulatory requirements or requiring clarification to current regulatory requirements as herein provided.

6. Title I of the 1990 Clean Air Act Amendment mandates that a plan to attain the PM_{10} NAAQS in Follansbee be submitted by West Virginia to USEPA by November 15, 1991 and that the area must achieve attainment by December 31, 1994.

7. This Consent Order shall be submitted to the USEPA for incorporation into the West Virginia State Implementation Plan under the federal Clean Air Act.

II. CONCLUSIONS OF LAW

1. The Commission is the Agency empowered and authorized to regulate and control pollution of the air in the State of West Virginia as set forth in the Code.

2. The Commission has acted in accordance with the Code.

3. The Commission has given proper notice in accordance with the Commission's rules and in accordance with the federal Clean Air Act.

III. COMPLIANCE PROGRAM

In addition to maintaining compliance with all existing applicable regulations, the Company also agrees to implement and/or comply with source specific control measures, emission standards, recordkeeping and reporting requirements, and approved testing procedures established and/or referenced herein as follows:

1. Sinter Receiving Hopper

A. The Company shall construct a fugitive particulate matter and PM_{10} emissions control system for the sinter receiving hopper. Said construction shall consist, at a minimum, of a three-sided, roofed enclosure equipped with a winterized water spray dust suppression system. The system, including the water sprays, shall be designed and constructed in a manner that achieves a minimum control efficiency of 95% and an emission rate of not more than 0.092 lbs/hr TSP and 0.046 lbs/hr PM_{10}.

B. The sinter receiving hopper fugitive particulate matter and PM_{10} emissions control system construction required under Section III.1.A. shall be accomplished in accordance with the following compliance schedule:

	On or Before
Complete Engineering:	January 30, 1992
Submit Design:	February 15, 1992
Issue Purchase Orders:	March 15, 1992
Initiate Construction:	June 1, 1992
Demonstrate Compliance:	August 1, 1992

C. The Company shall install, operate and maintain a water flow metering device and line pressure gauge located between the water supply and the spray system.

D. There shall be no visible emissions exceeding 5% opacity from any point of the partial enclosure housing the sinter receiving hopper.

E. Compliance with Section III.1.A., C. and D. shall be demonstrated in accordance with the provisions in Section IV and Appendix A(A4) of this Consent Order.

F. Recordkeeping and Reporting:

1. The Company shall maintain records for the program to control emissions from the sinter receiving hopper. These records shall include, at a minimum, the following information:

   a. control equipment maintenance records,
   b. description of all equipment malfunctions and down time,
   c. daily water usage for the spray system, in gallons,
   d. daily material throughput at the receiving hopper in pounds per day,
   e. daily operating hours and
   f. spray system line or header pressure (recorded daily).

2. These records shall be certified to be accurate by the Company Management, retained for no less than 3 years and shall be provided to the Director or his authorized representative upon request.

2. Sinter Hopper Outlet and Sinter Screens:

A. Total particulate matter and PM_{10} emissions from the Sinter Hopper Outlet and Sinter Screens shall not exceed the following:

	Total Particulate Matter (lb/hr)	PM_{10} (lbs/hr)
Sinter Hopper Outlet	0.092	0.046
Sinter Screening	1.84	0.938

B. Particulate matter and PM_{10} emissions from the Sinter Hopper Outlet shall be controlled by full enclosure and a wet dust suppression (spray) system designed for winter operation. Particulate matter emissions from the Sinter Screens shall be controlled, at a minimum, by a wet suppression (water spray) system designed for winter operation. The water spray suppression systems shall be operated and maintained so as to achieve and assure a minimum 95% control efficiency for potential (uncontrolled) emissions of total particulate matter and PM_{10}.

C. The Company shall install, operate and maintain a water flow metering device and line pressure gauge located between the water supply and the spray system. The water flow metering device may be the same as that required under III.1.C.

D. There shall be no visible emissions exceeding 10% opacity from any point of the Sinter Hopper Outlet or Sinter Screens.

E. Compliance with Section III.2.A., B., C. and D. shall be demonstrated on and after the date of entry of this Consent Order.

F. Compliance with Section III.2.A., B., C. and D. shall be demonstrated in accordance with provisions of Section IV and Appendix A(A5) of this Consent Order.

G. Recordkeeping and reporting:

1. The Company shall maintain records for the program to control emissions from the sinter hopper outlet and the sinter screening. These records shall include, at a minimum, the following information for each program:

a. control equipment maintenance records,
b. description of all equipment malfunctions and down time,
c. daily water usage for the spray systems, in gallons,
d. daily material throughput,
e. daily operating hours and
f. spray system line or header pressure (recorded daily).

2. These records shall be certified to be accurate by Company Management, retained for no less than 3 years and shall be provided to the Director, or his representative upon request.

3. Sinter Storage Piles:

A. Total particulate matter and PM_{10} emissions from the Sinter Storage Piles shall not exceed 0.682 lbs/hr and 0.596 lbs/hr respectively.

B. The Company shall utilize a water spray dust suppression system which shall be operated and maintained so as to achieve/assure a minimum of 75% control efficiency for potential (uncontrolled) emissions of particulate matter and PM_{10}.

C. The Company shall comply with the following Sinter Storage Pile dust control measures:

1. The water spray suppression system shall be equipped with nozzles of adequate design and quantity and shall be positioned or installed so as to water the entire active surface area of the sinter pile(s) and achieve the maximum penetration and wetting of the sinter. The system shall be designed for winter operation. The spray system shall be used on inactive areas of the storage piles as necessary to prevent visible emissions.

2. The Company shall operate and maintain a water flow metering device and line pressure gauge located between the water supply and the spray system.

3. Each rainfall of 0.25 inches or more, in the previous 24 hours, may be substituted for one daily treatment provided that compliance with Section III.3.D. is maintained. The spraying program may be suspended when the storage pile surface area is snow covered, frozen, or during periods of heavy rainfall.

D. There shall be no visible emissions exceeding 5% opacity during transfers to and from the sinter storage piles based upon 6 minute averages of opacity observed at 15 second intervals.

E. Compliance with Section III.3.A., B., C. and D. shall be demonstrated on and after the date of entry of this Consent Order.

F. Compliance with Section III.3.A., B., C. and D. shall be demonstrated in accordance with the provisions of Section IV and Appendix A(A6) of this Consent Order.

G. Recordkeeping and reporting:

1. The Company shall maintain records for the program to control emissions from the sinter storage piles. These records shall include, at a minimum, the following information:

   a. control equipment maintenance records,
   b. description of equipment malfunctions and down time,
   c. daily water usage for the spray systems in gallons,
   d. number of sinter storage piles sprayed each day,
   e. days when sinter storage piles not sprayed due to meteorological conditions,
   f. daily material throughput in pounds per day and
   g. daily operating hours.

2. These records shall be certified to be accurate by Company management, retained for no less than 3 years and shall be provided to the Director, or his representative, upon request.

4. Unpaved roads, parking lots and areas:

A. Under the provisions of Consent Order Number CO-SIP-91-29 between Wheeling Pittsburgh Steel Corporation and the West Virginia Air Pollution Control Commission, control of fugitive dust emissions from plant roads, parking lots and vehicular activity areas used by International Mill Service shall be the responsibility of Wheeling-Pittsburgh Steel Corporation. In the event that such control program by Wheeling-Pittsburgh Steel Corporation is discontinued for any reason, International Mill Service shall implement a West Virginia Air Pollution Control Commission approved road dust control plan for all roads and vehicle activity areas that the Company uses.

IV. COMPLIANCE DETERMINATION PROCEDURES

Compliance with all particulate matter emission standards and visible emission standards under Regulation 7 (45 CSR 7) and this Consent Order shall be demonstrated in accordance with test procedures set forth in 45 CSR 7A (TP-4) - "Compliance Test Procedures for Regulation 7" except that the use of any particulate mass emission test procedures other than those under 40 CFR 60, Appendix A, Methods 1-5 must be approved by the Director and USEPA. In determining compliance with the visible emission standards established in this Consent Order, each visible emission observation shall represent a fifteen (15) second period and visible emission observations shall not be averaged except as provided under Section III.3.D.

V. CONTINGENCY MEASURES

1. Upon issuance of a formal determination by USEPA after December 31, 1994 that attainment with the National Ambient Air Quality Standard for PM_{10} has not been achieved, the Company shall implement a PM_{10} emission reduction plan (contingency plan) established in accordance with Section V.2. to achieve an additional actual reduction of 0.10 lb/hr and 0.4 TPY actual of PM_{10} emissions.

2. The Company shall submit a definitive contingency plan for reduction of PM_{10} emissions by the amount specified in Section V.1. on or before July 1, 1992 and such plan shall be embodied in a Consent Order to be approved by the Commission on or before December 31, 1992.

3. The emissions control program required under Section V.1. and 2. shall be achieved in accordance with the following schedule:

Action	Schedule
Initiate engineering design and prepare specifications:	Within 60 days of receipt of EPA notice of nonattainment determination.
Issue purchase orders for equipment and finalize controls for installation:	Within 150 days of receipt of EPA notice of nonattainment determination.
Begin construction (or commence control program):	Within 240 days of receipt of EPA notice of nonattainment determination.
Complete construction and demonstrate compliance:	Within 360 days of receipt of EPA notice of nonattainment determination.

VI. OTHER PROVISIONS

1. The Company agrees to comply with all requirements of this Consent Order and further agrees to waive any and all rights of appeal of this Consent Order.

2. Within fifteen (15) days following any incremental compliance program date under Sections III and V of this Consent Order, the Company shall certify in a written status report to the Director that the increment of progress to be completed by that particular Compliance Program date has been achieved. In the event that the Company fails to achieve any Compliance Program date, the required status reports shall document in full the causes of such failure, shall provide the date that the particular Compliance Program date will be met and shall contain a full explanation of the effect of the missed Compliance Program date upon the Company's ability to comply with all subsequent Compliance Program measures and dates contained under Section III. As further provided herein, failure to comply with any Compliance Program date established under Section III constitutes a violation of this Consent Order and may subject the Company to penalties or other enforcement actions by the Commission.

3. Nothing contained in this Consent Order shall be interpreted in such a manner as to relieve the Company of the responsibility to make all necessary short-term emission reductions as provided and required in Regulation 11 - "Prevention of Air Pollution Emergency Episodes".

4. The provisions of this Consent Order are severable and should any provisions be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

5. This Consent Order shall become effective immediately upon signing by both parties.

6. This Consent Order is binding on the Company, its successors and assigns.

7. The Company agrees that in the event that the Commission promulgates regulations while this Consent Order is in effect which require control of emissions from the subject facility beyond the limitations herein or regulations currently applicable, such additional regulations shall be applicable to the subject facility notwithstanding the provisions of this Consent Order.

8. Violations of this Consent Order may subject the Company to penalties in accordance with Chapter 16, Article 20, Section 8 and/or injunctive relief in accordance with Chapter 16, Article 20, Section 9 of the Code of West Virginia. This Consent Order shall serve as written notice of violation as contemplated in Code 16-20-8(a) for failure to achieve or implement each scheduled provision of Sections III.1.B., III.2.E., III.3.E. and V.2. of this Consent Order.

AND NOW, this 14th day of November, 1991, the WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION agrees to and enters into this Consent Order.

WEST VIRGINIA AIR POLLUTION
CONTROL COMMISSION

L. Newton Thomas Jr
By Its Chairman

INTERNATIONAL MILL SERVICE, INCORPORATED hereby agrees with the provisions and consents to the terms of this Consent Order and agrees to comply with all requirements set forth herein.

AND NOW, this 11th day of November, 1991, INTERNATIONAL MILL SERVICE, INCORPORATED by its duly authorized representative, consents to, agrees to and enters into this Consent Order.

INTERNATIONAL MILL SERVICE, INC.

By Leon C. Heller

Its Vice President + General Counsel

JT/taa

09/13/91

APPENDIX A

A4 Compliance Determination for Partial Enclosures Using Water Sprays as a Control Device

Compliance with the provisions of this Consent Order, specifically Sections III.1.A., C. and D., Sinter Screening Hopper, shall be based on in plant inspections including visible emissions observations by agency personnel in a manner specified herein. Said inspections shall be conducted, at a minimum, once per year and shall consist of the following:

1. The inspector will physically inspect the sinter receiving hopper and related partial enclosure and water spray suppression system while the process is operating. In conjunction with the observations, the inspector will provide the information requested in Form A-4 (attached).

2. The inspector will compile a narrative report attaching Form A-4, opacity observations, pertinent records, include any recommendations and submit such to the Director.

WATER SPRAYS INSPECTION FORM: PARTIAL ENCLOSURES WITH WATER SPRAYS

Form A-4

Name of company :
Mailing address :
Plant address :
Phone number :
Plant contact :
Inspector/Title :
Date : ____/____/____

Process name :
Location :
Description :

INSPECTION/OBSERVATIONS	
1. Is process still in operation?	
2. Are there changes in process?	
3. Does water spray system and partial enclosure still exist?	
4. Are all nozzles operating?	
5. Are spray patterns overlapping?	
6. Is water spray coverage adequate to suppress emissions.	
7. Are there any observable emissions from the process? Describe.	
8. Have repairs been performed on the water spray system or partial enclosure? Describe.	
9. Have there been any changes or alterations to the water sprays or partial enclosure? Describe.	
10. Is the process adjudged to be compliant with the Consent Order?	

11. Additional comments/observations:

Signed :
Title :
Date :

APPENDIX A

A5 Compliance Determination for Water Sprays as a Control Device

Compliance with the provisions of the Consent Order, specifically Sections III.2.A., B., C. and D., Sinter Hopper Outlet and Sinter Screening shall be based on plant inspections by agency personnel including visible emissions observations in the manner specified herein. Said inspections shall be conducted, at a minimum, once per year, and shall consist of the following:

1. The inspector will physically inspect the above cited process operations and related water spray systems. In conjunction with the observations, the inspector will provide the information requested in Form A-5 (attached) for each of the processes.

2. The inspector will compile a narrative report attaching Form A-5 any opacity observation and include any recommendations and submit such to the Director.

WATER SPRAYS INSPECTION FORM

Form A-5

Name of company :
Mailing address :
Plant address :
Phone number :
Plant contact :
Inspector/Title :
Date : _____/_____/_____

Process name :
Location :
Description :

WATER SPRAY INSPECTION/OBSERVATIONS	
1. Is process still in operation?	
2. Are there changes in process?	
3. Does water spray system still exist?	
4. Are all nozzles operating?	
5. Are spray patterns overlapping?	
6. Is water spray coverage adequate to suppress emissions.	
7. Are there any observable emissions from the process? Describe.	
8. Have repairs been performed on the water spray system? Describe.	
9. Have there been any changes or alterations to the water sprays? Describe.	
10. Is the process adjudged to be compliant with the Consent Order?	

11. Additional comments/observations:

Signed :
Title :
Date :

APPENDIX A

A6 Compliance Determination for Storage Piles Using Water Sprays as a Control Device

Information provided herein is from the document Inspection Manual for PM10 Emissions from Paved/Unpaved Roads and Storage Piles authored by Midwest Research Institute for the USEPA, Contract Number 68-02-4463, October 27, 1989.

Compliance with the provision of the Consent Order, specifically Section III.3.A., B., C. and D., Sinter Storage Piles shall be determined by assessment and evaluation of the Company's reports as required by Section III.3.G. of the Consent Order. In addition, compliance shall be determined by a qualitative and/or quantitative assessment of the specified control program by agency personnel as provided herein.

1. Assessment of storage piles using water sprays as a dust suppression control device. Assessment of the storage pile control program shall be based on in plant inspections by agency personnel. Said inspections shall be conducted, at a minimum, once per year and shall consist of the following:

   A. The inspector will complete Form A-6(1) prior to the physical inspection. An affirmative response to any question should be confirmed by the inspector.

   B. The inspector will physically view the storage piles and water spray apparatus. In conjunction with the observations, th inspector will provide the information requested in Form A-6(2).

   C. The inspector will review any operational log or other pertinent records (such as moisture analysis) including reports specified in Section III.3.G. of the Consent Order. The Company will provide copies at the request of the inspector.

   D. If necessary, the inspector will obtain, or require the Company to obtain surface samples for moisture analysis. Moisture analysis results shall be used in the appropriate AP-42 wind erosion and material handling empirical equations.

   E. The inspector shall compile a narrative report including Forms A-6(1) and A-6(2) as well as Opacity Observations and pertinent records along with any recommendations and submit such to the Director.

DUST SUPPRESSION INSPECTION FORM: STORAGE PILES

General Questions (to be completed during inspection)	Yes*	No	N/A	Comments
1. Is moisture evident on active storage pile surface and is exposed material in active area?				
2. Was water spray system observed in operation?				
3. Are nozzles working properly?				
4. Is spray pattern adequate to provide pile coverage?				
5. Is water meter operating?				
6. Were samples taken?				
7. Are there visible emissions observed from either wind erosion or stockpile activity (load-in, load-out)? Describe.				
8. Is facility adjudged to be in compliance at the time of the inspection?				
9. General weather conditions:				

Additional Comments: _____

_____

_____

_____

* If any answer is yes, complete comment section.

Date: _____ Inspection Start Time _____ Inspection Completed Time _____

Inspector: _____ Signature: _____

Business License Name of Corporation, Company, or Individual Owner or Governmental Agency:

Mailing Address:	Plant Address:

Name and Title of Company Representative:

Telephone Number:

Name of Official Conducting Inspection:

General Questions for Plant Personnel	Yes *	No	N/A	Comments
1. Any new storage piles since last inspection?				
2. Have any storage piles been deleted since last inspection?				
3. Have any storage piles been left dormant since last inspection?				
4. Have any of the source extent associated with storage piles changed since last inspection (i.e., reduced transfer operations, material drops heights, material thruput and vehicular traffic on or around piles)?				
Controls				
5. Have any changes been made in control program since last inspection?				
Watering				
6. Any new equipment?				
7. Any equipment downtime since last inspection?				

* If any answer is yes, complete comment section.