



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 14 2006

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harry L. Page, President
Wheeling Pittsburgh Steel Corporation
1134 Market Street
Wheeling, West Virginia 26003

Re: Notice of Violation and Finding of Violation, Wheeling
Pittsburgh Steel Corporation, Steubenville, and Mingo
Junction, Ohio

Dear Mr. Page:

The enclosed Notice of Violation and Finding of Violation (NOV/FOV) is issued this date pursuant to Sections 113(a)(1) and (3) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(1) and (3). This NOV/FOV is issued to notify Wheeling Pittsburgh Steel Corporation (WPSC) that the Administrator of the United States Environmental Protection Agency (U.S. EPA) finds WPSC to be in violation of the federally approved Ohio State Implementation Plan (Ohio SIP), and of the U.S. EPA's Administrative Order effective August 6, 2004.

Section 113 of the Act, 42 U.S.C. § 7413, provides the U.S. EPA with several enforcement options. These options include:

1. The issuance of an administrative order,
2. The issuance of an administrative penalty order, or
3. The commencement of civil or criminal actions.

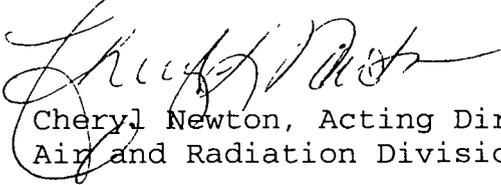
In addition, Section 120 of the Act, 42 U.S.C. § 7420, provides for the assessment and collection of noncompliance penalties. Section 306 of the Act, 42 U.S.C. § 7606, as implemented by Executive Order 11738 and 40 C.F.R. Part 15, provides that facilities in noncompliance with the Act may become ineligible for Federal contracts, grants and loans. The enforcement options elected may be dependent on, among other things, the length of time required to achieve and demonstrate continuous compliance with the applicable rules cited in the enclosed NOV/FOV.

We are offering you an opportunity for a conference to discuss the violations which are the subject of this NOV/FOV.

The conference will afford you an opportunity to present information bearing on the specific findings of violation, on the nature of the violation, on any efforts you have taken to achieve compliance, as well as the steps you propose to take to prevent future violations of this nature. Appropriate technical and management personnel should be available at the conference to meaningfully discuss compliance measures and commitments. You may wish to be represented by counsel at this conference.

The U.S. EPA contact in this matter is Brian Dickens, of my staff. Please contact Mr. Dickens at (312) 886-6073 to request a conference. Such request should be made as soon as possible, but in no event later than ten (10) calendar days after your receipt of this letter. Any conference must be held within thirty (30) calendar days of your receipt of this letter.

Sincerely yours,



Cheryl Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Ohio Environmental Protection Agency (OEPA)

APC Supervisor
OEPA Southeast District Office

Pamela Lee
U.S. Department of Justice

Kenneth Komoroski, Esq.
Kirkpatrick & Lockhart Nicholson Graham, LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Wheeling-Pittsburgh Steel Corporation)	NOTICE OF VIOLATION AND FINDING OF VIOLATION
Wheeling, West Virginia)	EPA-5-06-WV-09
)	
PROCEEDINGS PURSUANT TO SECTION 113(a)(1) OF THE CLEAN AIR ACT 42 U.S.C. § 7413(a)(1))	
_____)	

NOTICE OF VIOLATION

STATUTORY AUTHORITY

This Notice of Violation is issued pursuant to Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, finds Wheeling-Pittsburgh Steel Corporation (WPSC) in violation of the federally approved Ohio State Implementation Plan (Ohio SIP) as promulgated pursuant to Section 110 of the Act, 42 U.S.C. § 7410.

REGULATORY BACKGROUND

1. Section 110 of the Act, 42 U.S.C. § 7410, requires States to adopt, and submit to the U.S. EPA for approval, SIP's providing for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by U.S. EPA pursuant to Section 109 of the Act, 42 U.S.C. § 7409. U.S. EPA has promulgated NAAQS for, among other pollutants, particulate matter and sulfur dioxide (SO₂).
2. Pursuant to 40 C.F.R. § 52.23, failure to comply with any approved regulatory provision of a SIP, or with any permit condition issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, renders the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Act, 42 U.S.C. § 7413.

3. On February 26, 1981, the Administrator of U.S. EPA approved Ohio Administrative Code (OAC) Rule 3745-18 as part of the federally enforceable SIP for the State of Ohio. 46 Fed. Reg. 8490. OAC Rule 3745-18 regulates the emission of sulfur dioxide from stationary sources.
4. OAC Rule 3745-18-47(C) requires that no owner or operator of a by-product coke oven for a facility which utilizes by-product coke oven gas shall cause or permit the combustion of by-product coke oven gas containing hydrogen sulfide (H₂S) in excess of fifty grains of hydrogen sulfide per one hundred dry standard cubic feet of coke oven gas.
5. On May 27, 1994, the Administrator of U.S. EPA approved OAC Rule 3745-17 as part of the federally enforceable SIP for the State of Ohio. 59 Fed. Reg. 27464. OAC Rule 3745-17 regulates the emission of particulate matter from stationary sources.
6. OAC Rule 3745-17-07(A)(1) prohibits visible particulate emissions from any stack in excess of 20 percent opacity as a six-minute average, for more than six consecutive minutes in any sixty minutes.
7. OAC Rule 3745-17-07(B)(1) prohibits visible particulate emissions from any fugitive dust source in excess of 20 percent opacity as a three-minute average.
8. OAC 3745-31-02(A) states that no person shall cause, permit, or allow the installation of a new source of air pollutants or allow the modification of an air contaminant source without first obtaining a permit to install (PTI) from the director of the Ohio Environmental Protection Agency (Ohio EPA).
9. OAC Rule 3745-31-05(D) states that the director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.
10. Ohio EPA issued PTI permit 06-07034 to WPSC on August 27, 2003. This permit at Part III.A.I.2.a.ii for the electric arc furnace (Unit ID 913) limits the opacity from the electric arc furnace meltshop to 0% opacity. This permit at Part III.A.IV.2 requires that this opacity limit be evaluated on a six-minute average.

FACTUAL BACKGROUND

11. WPSC owns and operates steel making processes in the cities of Steubenville and Mingo Junction, Ohio, and Follansbee, West Virginia. The Ohio facilities consist of, among other things, blast furnaces, an electric arc furnace, and a basic oxygen furnace shop (BOF shop).
12. On October 31, 1995, the Ohio EPA issued a Director's Final Findings and Orders to WPSC. Among other things, it requires WPSC to conduct visible emission observations on the BOF shop processes on a regular basis and submit monthly or quarterly reports compiling this information.
13. An October 10, 1991, Consent Order issued by the Ohio EPA, a January 21, 1992 Administrative Order issued by the U.S. EPA Region 5, and a January 30, 1996 Consent Decree issued by U.S. EPA Region 3, required WPSC to, among other things, modify the desulfurization unit at the Follansbee facility and install, calibrate, and operate a continuous hydrogen sulfide monitor at the desulfurization plant.
14. On March 17, 2006, U.S. EPA issued an information request requiring WPSC to provide document pertaining to visible emissions from the electric arc furnace. WPSC responded to that request on April 10, 2006.

VIOLATIONS

H₂S Violations:

15. WPSC combusts coke oven gases (COG) in various processes at the Mingo Junction, Steubenville and Follansbee Plants. The H₂S concentration of this COG is continually monitored at the outlet of the desulfurization unit at the Follansbee coke oven by-products plant and reported to Ohio EPA on a quarterly basis.
16. Quarterly reports from October 1, 2003 through March 31, 2006, show at least 19 days when the concentration of H₂S in the COG combusted exceeded 50 Grains of H₂S per 100 dry standard cubic feet of COG.
17. In violation of OAC Rule 3745-18-47, WPSC has combusted COG with a H₂S concentration greater than the allowable limit established in the Ohio SIP on at least 19 separate occasions.

BOF Shop Violations:

18. WPSC submits quarterly reports to Ohio EPA summarizing the following information:
 - a. The opacity from the Basic Oxygen Furnace (BOF) Shop; and
 - b. The opacity from the BOF Shop scrubber stack.
19. Quarterly reports from October 1, 2003 through March 31, 2006, show at least:
 - a. 61 instances when the opacity from WPSC's BOF Shop exceeded 20 percent; and
 - b. 13 instances when the opacity from WPSC's BOF Shop scrubber stack exceeded 20 percent, on a six minute average, for more than six consecutive minutes in any sixty minutes.
20. In violation of:
 - a. OAC Rule 3745-17-07(B)(1), WPSC exceeded the opacity limit established for the BOF Shop on 61 separate occasions; and
 - b. OAC Rule 3745-17-07(A)(1)(a-b), WPSC exceeded the opacity limit established for the BOF Shop scrubber stack on 13 separate occasions.

Electric Arc Furnace Violations:

21. Opacity readings and WPSC observations from May 3, 2005 to March 8, 2006, show at least:
 - a. 46 instances when the opacity from WPSC's EAF meltshop exceeded 0 percent as a six minute average.
22. In violation of:
 - a. OAC Rule 3745-31-05, WPSC exceeded the opacity limit established for the EAF meltshop on 46 separate occasions.

FINDING OF VIOLATION

STATUTORY AUTHORITY

The United States Environmental Protection Agency (U.S. EPA) has found Wheeling-Pittsburgh Steel Company (WPSC) in violation of Administrative Consent Order (Order) EPA-5-WV-113(a)-02 effective August 6, 2004. U.S. EPA is taking enforcement action under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3). Although not required by the Act, U.S. EPA is providing notice to WPSC of these violations.

REGULATORY AND FACTUAL BACKGROUND

1. On August 6, 2004, U.S. EPA made effective an Administrative Consent Order by signature of the Director of Air and Radiation Division, Region 5. WPSC consented to this Order on July 14, 2004, by signature of the Vice President of Engineering, Technology and Metallurgy.
2. Section 113(a)(3) of the Act allows U.S. EPA to bring civil litigation for violation of an Order.
3. Paragraph 18 of the Order requires that within 3 months after the date this Order becomes effective, which is November 6, 2004, the duration of the initial hot metal charge of each heat into a BOF vessel shall not be less than 3 minutes.
4. Paragraph 19 of the Order requires that within 3 months after the date this Order becomes effective, which is November 6, 2004, WPSC shall monitor and record the duration of each hot metal charge. Within 45 days after the close of the calendar quarter in which WPSC begins monitoring and recording this information, and after the close of each of the three subsequent quarters, WPSC shall report to U.S. EPA the dates and times during each respective quarter that the duration of initial hot metal charge of each heat was less than 3 minutes.

VIOLATIONS

5. WPSC failed to record the duration of each initial hot metal charge, in violation of the Order, during at least:
 - a. 8 days in November 2004,
 - b. 18 days in December 2004,
 - c. 7 days in January 2005,
 - d. 5 days in February 2005,
 - e. 22 days in the 2nd quarter of 2005,
 - f. 10 days in the 3rd quarter of 2005,
 - g. 8 days in the 4th quarter of 2005, and
 - h. 15 days in the 1st quarter of 2006.

WPSC provided this information to U.S. EPA in response to the reporting requirements of paragraph 19 of the Order.

6. WPSC failed to charge the BOF vessel for a duration of more than 3 minutes, in violation of the Order, during:
 - a. 24 days in November 2004,
 - b. 14 days in December 2004,
 - c. 31 days in January 2005, and
 - d. 10 days in February 2005.

WPSC provided this information to U.S. EPA in response to the reporting requirements of paragraph 19 of the Order.

7. WPSC failed to charge the BOF vessel for a duration of more than 3 minutes, in violation of the Order, during:
 - a. 6 days in April 2005,
 - b. 5 days in May 2005, and
 - c. 7 days in June 2005.

WPSC provided this information to U.S. EPA in response to the reporting requirements of paragraph 19 of the Order.

8. WPSC failed to charge the BOF vessel for a duration of more than 3 minutes, in violation of the Order, during:
 - a. 9 days in July 2005,
 - b. 2 days in August 2005, and
 - c. 1 day in September 2005.

WPSC provided this information to U.S. EPA in response to the reporting requirements of paragraph 19 of the Order.

9. WPSC failed to charge the BOF vessel for a duration of more than 3 minutes, in violation of the Order, during:
 - a. 4 days in October 2005,
 - b. 1 days in November 2005, and
 - c. 2 days in December 2005.

WPSC provided this information to U.S. EPA in response to the reporting requirements of paragraph 19 of the Order.

10. WPSC failed to charge the BOF vessel for a duration of more than 3 minutes, in violation of the Order, during:
 - a. 3 days in January 2006,
 - b. 3 days in February 2006, and
 - c. 3 day in March 2006.

WPSC provided this information to U.S. EPA in response to the reporting requirements of paragraph 19 of the Order.

Date: _____

6/14/06



Cheryl Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, do hereby certify that a Notice of Violation/Finding of Violation, issued to the Wheeling Pittsburgh Steel Corporation, pursuant to the Clean Air Act, was sent by Certified Mail, Return Receipt Requested, to:

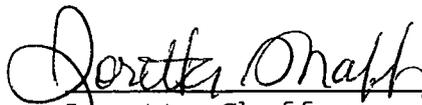
Harry L. Page, Vice President
Wheeling-Pittsburgh Steel Corporation
1134 Market Street
Wheeling, West Virginia 26003

I also certify that copies of the Notice/Finding of Violation were sent by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049

APC Supervisor
Southeast District Office
2195 Front Street
Logan, Ohio 43138

on the 15th day of June, 2006.



Loretta Shaffer
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 3284