



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

FEB 19 2008

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay Lawniczak, Environmental Affairs Manager
Republic Engineered Products, Inc.
1807 East 28th Street
Lorain, Ohio 44055

Re: Notice of Violation and Finding of Violation
Republic Engineered Products, Inc. Lorain, Ohio

Dear Mr. Lawniczak:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) and Finding of Violation (FOV) to Republic Engineered Products, Inc. ("REP" or "you") pursuant to Section 113(a)(1) and (3) of the Clean Air Act (the Act), 42 U.S.C. §7413(a)(1) and (3). We find that you have violated the Ohio State Implementation Plan and your Title V permit at the Lorain, Ohio facility.

We have several enforcement options under Section 113(a)(1) and (3) of the Act, 42 U.S.C. §7413(a)(1) and (3). These options include issuing an administrative compliance order, issuing an administrative penalty order, or bringing a civil or criminal action. The options we select may depend on, among other things, the length of time it takes to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

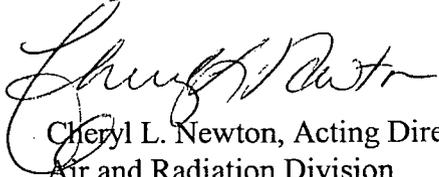
We are offering REP an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give REP the opportunity to present information on the specific findings of violation, any efforts REP has taken to comply, and the steps it will take to prevent future violations of this nature.

Please plan for your facility's technical and management personnel to attend the conference to discuss meaningfully compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Reza Bagherian. You may call him at (312) 886-0674 to request a conference. You should make this request as soon as possible, but no later than 10 calendar days after you receive this letter.

We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, APC Supervisor
Northeast District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Republic Engineered Products, Inc.) **NOTICE OF VIOLATION AND**
Lorain, Ohio) **FINDING OF VIOLATION**
) **EPA-5-08-OH-03**
)
Proceedings Pursuant to Section 113(a)(1))
and (3) of the Clean Air Act,)
42 U.S.C. §§7413(a)(1) and (3))

Notice and Finding of Violation

The United States Environmental Protection Agency EPA is issuing the enclosed Notice of Violation (NOV) and Finding of Violation (FOV) to Republic Engineered Products, Inc. (REP) pursuant to Section 113(a)(1) and (3) of the Clean Air Act (the Act), 42 U.S.C. §7413(a)(1) and (3). The EPA finds that REP has violated the Ohio State Implementation Plan and its Title V permit at the facility at 1807 East 28th Street, Lorain, Ohio (the facility).

SIP Regulatory Authority

1. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17-07(B)(1) as part of the federally enforceable Ohio SIP on June 27, 1994 (59 Fed. Reg. 27464).
2. OAC 3745-17-07(B)(1) states that visible particulate emissions from any fugitive dust source shall not exceed twenty percent opacity as a three-minute average.
3. 40 C.F.R. §52.23 provides that failure to comply with any approved regulatory provision of a SIP or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP, shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act.

Title V Permit Authority

6. Section 502(a) of the Act, 42 U.S.C. §7661(a), requires a major source to operate with a permit issued pursuant to an approved 40 C.F.R. Part 70 ("Title V") operating permit program.
7. The State of Ohio operating permit program was granted approval on August 15, 1995, with an effective date of October 1, 1995 (60 Fed. Reg. 42045; 40 C.F.R. Part. 70, App. A).

8. The regulation at 40 C.F.R. §70.6(b)(1) specifies that all terms and conditions in a permit issued under Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by the EPA under the Act.

Factual Background

9. REP owns and operates an integrated iron and steel facility at 1807 East 28th Street in Lorain, Ohio. The facility produces finished steel pipes and bars and semi-finished steel billets.
10. The Ohio Environmental Protection Agency issued a Title V permit for the facility on May 30, 2003.
11. REP operates two basic oxygen process (BOP) vessels identified in its approved Title V permit as BOP vessels L and N at its facility.
12. Pursuant to REP's Title V permit, visible particulate emissions of fugitive dust from the BOP vessel L shall not exceed 20 percent opacity as a three-minute average, except as otherwise provided by rule.
13. Pursuant to REP's Title V permit, visible particulate emissions of fugitive dust from the BOP vessel N shall not exceed 20 percent opacity as a three-minute average, except as otherwise provided by rule.
14. Visible particulate emissions of fugitive dust from REP's BOP vessel L are subject to the visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the opacity limit in the Title V permit.
15. Visible particulate emissions of fugitive dust from REP's BOP vessel N are subject to the visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the opacity limit in the Title V permit.

Violations

20. Based on REP's observations of the visible particulate emissions of fugitive dust from the BOP vessel L roof monitor for the period of June 3, 2006 through October 16, 2007, REP reported the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
August 22, 2006	1048 - 1051	55.4
February 1, 2007	12:46 – 12:49	22.5
April 19, 2007	12:13 – 12:16	27.5
June 9, 2007	1036 - 1039	22.5
October 4, 2007	1211 – 1214	28.8
	1214 - 1217	43.8

- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.

21. Based on REP's observations of the visible particulate emissions of fugitive dust from the BOP vessel N roof monitor for the period of June 3, 2006 through October 16, 2007, REP reported the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
June 29, 2006	1214 – 1217	20.8
	1217 – 1220	21.7
	1220 – 1223	21.7
July 13, 2006	1324 - 1327	26.7
August 5, 2006	0826 – 0829	24.2
	0829 - 0832	23.3
	0836 - 0839	27.9
	0839 - 0842	47.5
April 12, 2007	1154 - 1157	37.1
May 5, 2007	0757 – 0800	24.2
May 19, 2007	0857 - 0900	34.6
	0900 - 0903	32.9

- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(1) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.

2/19/08
Date



Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation by Certified Mail, Return

Receipt Requested, to:

Jay Lawniczak, Environmental Affairs Manager
Republic Engineered Products, Inc.
1807 East 28th Street
Lorain, Ohio 44055

and

Wendlene M. Lavey, Esq.
Squire, Sanders & Dempsey LLP
4900 Key Tower, 127 Public Square
Cleveland, Ohio 44114

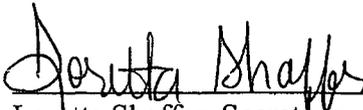
I also certify that I sent copies of the Finding of Violation by first class mail to:

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

and

Dennis Bush, APC Supervisor
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 20th day of Feb, 2008.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 0187 7222