



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

JUL 26 2005

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 United States Environmental Protection Agency (U.S. EPA) 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.

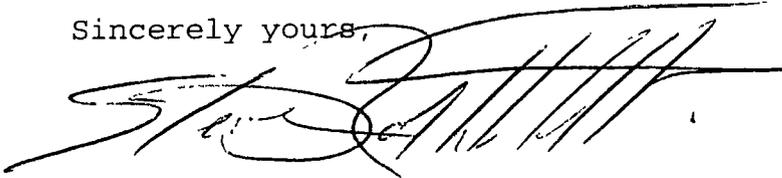
We are offering REP an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give REP the opportunity to present information on the specific findings of violation, any efforts REP has taken to comply, and the steps it will take to prevent future violations of 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 U.S. 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 black ink, appearing to read 'Stephen Rothblatt', written over a horizontal line.

Stephen Rothblatt, 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
2110 East Aurora Road
Twinsburg, Ohio 44087

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Republic Engineered) **NOTICE OF VIOLATION AND**
Products, Inc.) **FINDING OF VIOLATION**
Lorain, Ohio) **EPA-5-05-OH-13**
)
)
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 (U.S. 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 U.S. 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. U.S. 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. U.S. EPA approved OAC Chapter 3745-17-07(B)(3) as part of the federally enforceable Ohio SIP on June 27, 1994 (59 Fed. Reg. 27464).
3. 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.

4. OAC 3745-17-07(B)(3) states that visible particulate emissions of fugitive dust from blast furnace casthouse shall not exceed twenty percent opacity as a six-minute average.
5. 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. Pt. 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 U.S. 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, 2004
11. REP operates two basic oxygen process (BOP) vessels

identified in its approved Title V permit as BOP vessels "L" and "N", and a blast furnace casthouse identified as blast furnace casthouse #4, 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% 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% opacity as a three-minute average, except as otherwise provided by rule.
14. Pursuant to REP's Title V permit, visible fugitive particulate emissions from the blast furnace casthouse shall not exceed 20% opacity as a six-minute average, except as provided by rule.
15. 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.
16. 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.
17. Visible particulate emissions of fugitive dust from REP's blast furnace casthouse #4 are subject to the visible particulate emissions standards in OAC 3745-17-07(B)(3) of the Ohio SIP and the opacity limit in the Title V permit.
18. U.S. EPA inspectors conducted visible emissions observations at the facility on March 21 and 22, 2005 and April 1, 2005.

Violations

19. Based on REP's observations of the visible particulate emissions of fugitive dust from the BOP vessel "L" roof monitor for the period of December 18, 2003 through June 2, 2005, REP reported the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
February 12, 2004	1250 - 1253	32.5
	1253 - 1256	51.3
	1256 - 1259	27.5
	1259 - 1302	50.4
February 26, 2004	1011 - 1014	22.9
	1014 - 1017	95.0
	1017 - 1020	42.9
May 13, 2004	0956 - 0959	21.7
May 25, 2004	1206 - 1209	39.6
June 29, 2004	1137 - 1140	24.2
	1144 - 1147	26.7
	1147 - 1150	20.8
August 12, 2004	1148 - 1151	41.7
	1151 - 1154	36.7
	1154 - 1157	22.5
	1200 - 1203	30.8
August 24, 2004	1220 - 1223	25.0
September 2, 2004	1209 - 1212	29.6
	1213 - 1216	22.5
September 9, 2004	1157 - 1200	20.8
September 16, 2004	1223 - 1226	25.4
	1226 - 1229	40.1
September 27, 2004	0806 - 0809	25.0
	0809 - 0812	32.5
	0812 - 0815	31.7
November 15, 2004	1032 - 1035	35.4

	1035 - 1038	64.2
	1038 - 1041	42.1
December 8, 2004	1220 - 1223	25.0
January 18, 2005	1205 - 1208	22.9
February 10, 2005	1204 - 1207	22.5
February 15, 2005	1226 - 1229	27.5
March 10, 2005	1205 - 1208	29.6
March 18, 2005	1136 - 1139	27.1
	1139 - 1142	60.0
	1142 - 1145	84.6
	1145 - 1148	75.8
	1148 - 1151	72.5
March 23, 2005	1218 - 1221	26.7
April 7, 2005	1220 - 1223	22.5
	1227 - 1230	35.8
	1230 - 1233	22.9
April 30, 2005	1222 - 1225	60.8
June 2, 2005	1219 - 1222	30.4

- 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.

20. Based on the U.S. EPA observations of the visible particulate emissions of fugitive dust from the BOP vessel "L" roof monitor for March 21 & 22, 2005 and April 1, 2005, REP had the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
March 21, 2005	1323 - 1326	36.3
	1326 - 1329	45.8

	1329 - 1332	61.3
	1332 - 1335	55.4
	1335 - 1338	51.7
	1338 - 1341	37.1
March 22, 2005	0836 - 0839	30.0
	0839 - 0842	35.0
	0842 - 0845	30.0
April 1, 2005	1031 - 1034	25.8

- 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 the U.S. EPA's observations of the visible particulate emissions of fugitive dust from the blast furnace casthouse #4 roof monitor for March 22, 2005, REP had the following exceedances of the emission limits at its facility:

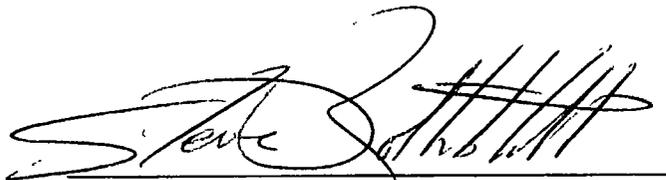
Date	Time	Six-Minute Average Percent Opacity
March 22, 2005	1011 - 1017	27.7
	1047 - 1053	42.5
	1053 - 1059	42.7
	1059 - 1105	38.3
	1105 - 1111	29.4
	1111 - 1117	30.4

- These exceedances are violations of visible particulate emissions standards in OAC 3745-17-07(B)(3) of the Ohio SIP and the visible particulate emissions opacity limit in REP's Title V permit.
22. Based on REP's observations of the visible particulate emissions of fugitive dust from the BOP vessel "N" roof monitor for the period of December 23, 2003 through April 28, 2004, REP reported the following exceedances of the emission limits at its facility:

Date	Time	Three-Minute Average Percent Opacity
December 23, 2003	0940 - 0943	24.2
	0948 - 0951	30.0
January 14, 2004	1251 - 1254	24.2
March 10, 2004	1324 - 1327	22.5
	1335 - 1338	52.9
March 18, 2004	1212 - 1215	30.4
	1220 - 1223	22.1
	1224 - 1227	26.7
March 25, 2004	1202 - 1205	37.1
	1205 - 1208	34.2
	1208 - 1211	30.0
	1211 - 1214	30.0
	1214 - 1217	21.3
April 28, 2004	1314 - 1317	28.8
July 14, 2004	1146 - 1149	31.7
	1149 - 1152	55.0
	1152 - 1155	47.1
	1155 - 1158	51.3
	1158 - 1201	30.4

- 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.

7/26/2005
Date



Stephen Rothblatt, 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

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 27th day of July, 2005.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 9025 6671