



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

JUL 27 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Scott Dismukes
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, Pennsylvania 15219

Re: Finding of Violation
RG Steel Warren, LLC
Warren, Ohio

Dear Mr. Dismukes:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to RG Steel Warren, LLC ("RG Steel"). We find that RG Steel is violating Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414, at its Warren, Ohio facility.

We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

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

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments.

The EPA contact in this matter is Patrick Miller. You may call him at 312.886.4044 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Ciemiak
Acting Director
Air and Radiation Division

Enclosure:

cc: Kristen Switzer, Environmental Engineer
Northeast District Office, Ohio Environmental Protection Agency

Howard E. Japlon
V.P and General Counsel
RG Steel, LLC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)

RG Steel Warren, LLC)
Warren, Ohio)

Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 *et seq.*)

FINDING OF VIOLATION

EPA-5-12-OH-19

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that RG Steel Warren, LLC (“RG Steel” or “you”) is violating Section 114 of the Clean Air Act (the “Act”), 42 U.S.C. § 7414. Specifically, RG Steel has failed to fully comply with Appendix C of the Section 114 Information Request dated September 29, 2011, which required RG Steel, among other requirements, to install a particulate matter continuous emission monitoring system (PM CEMS) as follows:

Regulatory Authority

1. Under Section 114(a) of the Act, the Administrator of EPA may require any person who owns or operates an emission source to, among other things, install, use and maintain such monitoring equipment and sample emissions, as required by the Administrator under Section 114(a) of the Act, 42 U.S.C. § 7414(a). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

2. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator may initiate an enforcement action whenever the Administrator find that any person has violated, or is in violation of Section 114(a) of the Act, 42 U.S.C. § 7414(a).

Factual Background

3. RG Steel owns and operates an integrated iron and steel mill at the facility located at 1040 Pine Avenue, SE, in Warren, Ohio.

4. RG Steel owns and operates, *inter alia*, two basic oxygen process furnace (BOPF) vessels, an electrostatic precipitator (ESP) capturing emissions from the BOPF vessels and a continuous opacity monitoring system (COMS) measuring hourly opacity of emissions exiting the BOPF ESP stack. RG Steel owns or operates an “emission source” within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

5. On September 29, 2011, EPA issued a Section 114 Information Request (Information Request) to RG Steel asking RG Steel, among other things, to install, calibrate, and

maintain a PM CEMS on the BOPF Vessels #1 and #2, and to comply with the PM CEMS related requirements of Appendix C of the Information Request.

6. On November 18, 2011, RG Steel responded to the Section 114 Information Request from EPA. Specifically, RG Steel listed objections to Appendix C related to the installation of PM CEMS on the BOPF Vessels #1 and #2, arguing, among other things, that EPA's request is arbitrary and capricious.

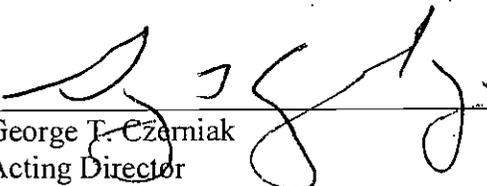
7. On January 30, 2012, representatives from EPA and RG Steel met to discuss, among other things, EPA's position that RG Steel needs to comply with the requirements of Appendix C of the Section 114 Information Request issued on September 29, 2011.

Violations

8. RG Steel violated and continues to violate Section 114 of the Act, 42 U.S.C. § 7414(a), by failing to install, calibrate, and maintain PM CEMS and by failing to comply with all associated requirements of Appendix C of the Section 114 Information Request issued on September 29, 2011.

Date

7/27/12


George T. Czarniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-12-OH-19, by Certified Mail, Return Receipt Requested, to:

Scott Dismukes
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, Pennsylvania 15219

and

Keith A McLaughlin, Manager Environmental Control
RG Steel Warren, LLC
1040 Pine Avenue, SE
Warren, Ohio 44483

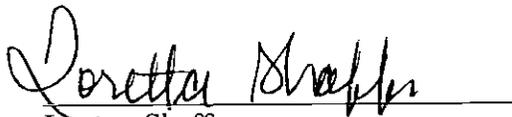
I also certify that I sent copies of the Finding of Violation by first-class mail to:

Ed Fasko, APC Supervisor
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087

And

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

On the 27 day of July 2012


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 98 64 ~ Dismukes
7009 1680 0000 7672 98 71 ~ McLaughlin