



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

MAY 26 2004

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wilbur Winland
Vice President & General Manager
SeverStal-Wheeling, Incorporated
1134 Market Street
Wheeling, West Virginia 26003

Re: Notice and Finding of Violation at SeverStal-Wheeling, Inc., Steubenville and Mingo Junction, Ohio

Dear Mr. Winland:

This is to advise you that the U.S. Environmental Protection Agency has determined that SeverStal-Wheeling, Incorporated (SeverStal-Wheeling) is in violation of the Clean Air Act (CAA), and associated state and local pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. Ohio's State Implementation Plan (Ohio SIP) limits emissions of, among other pollutants, particulate matter (PM), lead (Pb), carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO₂), hydrogen sulfide (H₂S), and volatile organic matter (VOM). The purpose of these emissions limits is to help protect the public from unhealthy exposures to criteria and hazardous pollutants, emissions of which contribute to respiratory problems, lung damage and premature deaths.

EPA finds that SeverStal-Wheeling has violated Ohio SIP requirements as incorporated into its Title V permit issued January 22, 2004. Accordingly, SeverStal-Wheeling has violated Title V of the CAA and its implementing regulations, which require compliance with the terms and conditions of Title V permits. Additionally, in violating Ohio SIP requirements, the facility has violated Title I, Part C of the CAA and its implementing regulations, which require compliance with the terms and conditions of all permits issued by the State of Ohio.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order,

bringing a judicial civil action, and bringing a judicial criminal action. Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice and any conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

EPA contacts in this matter are Gina Harrison and Brian Dickens. You may call them at (312) 353-6956 and (312) 886-6073, respectively, if you wish to request a conference. EPA hopes that this NOV/FOV will encourage SeverStal-Wheeling's compliance with the requirements of the CAA.

Sincerely,

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

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

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

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
SeverStal-Wheeling, Incorporated)	NOTICE OF VIOLATION and
Wheeling, West Virginia, Steubenville,)	FINDING OF VIOLATION
Ohio, and Mingo Junction, Ohio)	EPA-5-09-WV-13
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	
)	

NOTICE AND FINDING OF VIOLATION

This Notice and Finding of Violation (NOV/FOV) is issued pursuant to Section 113(a)(1) of the Clean Air Act (CAA, or "Act"), 42 U.S.C. § 7413(a)(1). You are hereby notified that the Administrator of the U.S. Environmental Protection Agency, by authority duly delegated to the undersigned, finds SeverStal-Wheeling, Incorporated (you or SeverStal-Wheeling) in violation of the CAA and federally approved Ohio State Implementation Plan (Ohio SIP) as promulgated pursuant to Section 110 of the Act, 42 U.S.C. § 7410.

Explanation of Violations

The permits and permit conditions relevant to this NOV/FOV are as follows:

Applicable Permits and Regulations:

1. Section 110 of the Act, 42 U.S.C. § 7410, requires States to adopt, and submit to the EPA for approval, SIPs providing for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by EPA pursuant to Section 109 of the Act, 42 U.S.C. § 7409. 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 May 27, 1994, the Administrator of EPA approved Ohio Administrative Code (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.
4. OAC 3745-17-07(A)(1) prohibits visible particulate emissions from any stack in excess of twenty percent (20%) opacity as a six-minute average, for more than six consecutive minutes in any sixty minutes.
5. OAC 3745-17-07(B)(1) prohibits visible particulate emissions from any fugitive dust source in excess of twenty percent (20%) opacity as a three-minute average.
6. On February 26, 1981, the Administrator of EPA approved 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.
7. OAC 3745-18-47(C) requires that no owner or operator of a byproduct coke oven for a facility which utilizes byproduct coke oven gas shall cause or permit the combustion of byproduct 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.
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 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 06-07507 to Wheeling-Pittsburgh Steel Corporation on January 6, 2005. 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 percent (0%) opacity. This permit at Part III.A.IV.2 requires that compliance with this opacity limit be evaluated on a six-minute average.
11. Ohio EPA issued a final Title V permit to Wheeling-Pittsburgh Steel Corporation on January 22, 2004. This permit at Part III.A.I.1 limits opacity from the Basic Oxygen Furnace (BOF) scrubber to twenty percent (20%) on a six-minute average, for more than six consecutive minutes in any sixty minutes, limits opacity from the BOF shop to twenty percent (20%) on a three-minute average, and prohibits the combustion of COG that contains higher than 50 grains per 100 standard cubic feet.

Factual Background

12. OAO SeverStal completed its acquisition of Esmark, Inc., parent company of Wheeling-Pittsburgh Steel Corporation, on or about August 4, 2008, upon or after which Wheeling-Pittsburgh Steel Corporation was renamed SeverStal-Wheeling, Incorporated.
13. SeverStal-Wheeling, Inc., owns and operates steel making processes in the cities of Steubenville and Mingo Junction, Ohio. The Ohio facilities consist of, among other things, blast furnaces, an electric arc furnace, and a basic oxygen furnace shop (BOF shop).
14. An October 10, 1991, Consent Order issued by the Ohio EPA, a January 21, 1992 Administrative Order issued by EPA Region 5, and a January 30, 1996 Consent Decree issued by EPA Region 3, required Wheeling-Pittsburgh Steel Corporation to, among other things, modify the desulfurization unit at its facility in Follansbee, West Virginia and install, calibrate, and operate a continuous hydrogen sulfide monitor at the desulfurization plant.
15. In approximately September 2005, Wheeling-Pittsburgh Steel Corporation entered an agreement with SNA Carbon, LLC, to operate the coke facility as a joint venture under the name Mountain States Carbon. Wheeling-Pittsburgh Steel Corporation and now, SeverStal – Wheeling, continues to operate the Follansbee facility and combusts coke oven gas from that facility at the Steubenville and Mingo Junction, Ohio plants.
16. On October 31, 1995, the Ohio EPA issued a Director's Final Findings and Orders to Wheeling-Pittsburgh Steel Corporation. Among other things, it requires Wheeling-Pittsburgh Steel Corporation and now, SeverStal-Wheeling, to conduct visible emission observations on the BOF shop processes on a regular basis and submit monthly or quarterly reports compiling this information.
17. On March 17, 2006, EPA issued an information request requiring Wheeling-Pittsburgh Steel Corporation to provide documents pertaining to visible emissions from the electric arc furnace. Wheeling-Pittsburgh Steel Corporation responded to that request on April 10, 2006.

Violations

Hydrogen Sulfide (H₂S) Violations:

18. SeverStal-Wheeling 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 byproducts plant and reported to Ohio EPA on a quarterly basis.

19. Quarterly reports from April 1, 2006 through December 31, 2008, show at least one hundred and thirty (130) 12-hour averages when the concentration of H₂S in the COG combusted exceeded the 50 grains of H₂S per 100 dry standard cubic feet of COG standard promulgated under OAC Rule 3745-18-47.

BOF Shop Violations:

20. SeverStal-Wheeling 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.
21. Quarterly reports from April 1, 2006 through December 31, 2008, show at least:
 - a. 111 instances when the opacity from SeverStal-Wheeling's BOF Shop exceeded the 20 percent opacity standard promulgated under OAC Rule 3745-17-07(B)(1), on a three-minute average, for more than three consecutive minutes in any sixty minutes; and
 - b. 14 instances when the opacity from SeverStal-Wheeling's BOF Shop scrubber stack exceeded the 20 percent opacity standard promulgated under OAC Rule 3745-17-07(A)(1)(a-b), on a six-minute average, for more than six consecutive minutes in any sixty minutes.

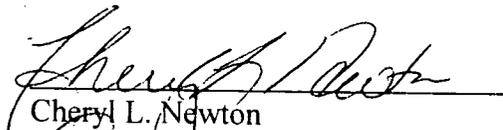
Electric Arc Furnace (EAF) Violations:

22. Opacity readings and SeverStal-Wheeling observations from March 9, 2006 through December 31, 2008, show at least:
 - a. 115 instances when the opacity from Severstal-Wheeling's EAF meltshop exceeded the 0 percent opacity standard promulgated under OAC Rule 3745-31-05 as a six-minute average.

Environmental Impact of Violations

22. Hydrogen sulfide is a colorless, water soluble, highly flammable and poisonous gas at ambient temperatures. Exposure can occur through skin contact, eye contact and inhalation. Symptoms of exposure may include irritation to skin and mucous membranes, burning eyes, headache and diarrhea. Hydrogen sulfide can cause respiratory irritation, and at higher concentrations respiratory paralysis where breathing stops. Hydrogen sulfide can rapidly fatigue the sense of smell so smell cannot be depended on as a warning of exposure.
23. Violations of the particulate matter standards and control requirements increase public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

5/26/09
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-09-WV-13, by Certified Mail, Return Receipt Requested, to:

Wilbur Winland
Vice President & General Manager
Severstal-Wheeling, Incorporated
1134 Market Street
Wheeling, West Virginia 26003

and that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

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

on the 20 day of May, 2009.



Loretta Shaffer, Secretary
AECAS, MN/OH

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0005 8919 2720