



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

MAY 31 2011

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tammy Bukach
Environmental Engineer
Charter Steel
4300 E. 49th Street
Cuyahoga Heights, Ohio 44125

Dear Tammy Bukach:

This is to advise you the U.S. Environmental Protection Agency has determined Charter Steel's facility at 4300 E. 49th Street, Cuyahoga Heights, Ohio (facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. We are issuing to you today a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The Act also requires the development of standards for new sources, called New Source Performance Standards (NSPS). The purpose of the NSPS is to limit emissions from new or modified stationary sources.

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 (Ohio SIP) includes the following requirements:

The director may impose special terms and conditions as are appropriate or necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality. The special terms and conditions are incorporated into Charter Steel's Permit to Install.

The purpose of the special terms and conditions is to help protect the public from unhealthy exposures to emissions, such as particulate matter. Particulate emissions, in particular fine particulate, contribute to respiratory problems, lung damage and premature deaths.

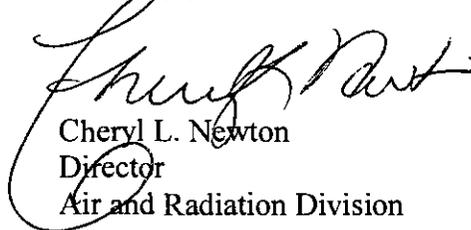
EPA finds the Charter Steel facility has violated the NSPS and Ohio SIP requirements, as incorporated into the Charter Steel's Permit to Install 13-04176. In violating the Ohio SIP requirements and Permit to Install Number 13-04176, you have violated Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP and permits to install.

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.

We are offering you 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. A 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 and accompany you at this conference.

The EPA contact in this matter is Michele Jencius. You may call her at 312.353.1377 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage Charter Steel's compliance with the requirements of the CAA.

Sincerely yours,



Cheryl L. Newton
Director
Air and Radiation Division

cc:

Michael Krzywicki, Acting Commissioner
Cleveland Department of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Charter Steel
Cuyahoga Heights, Ohio**

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

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**NOTICE OF VIOLATION and
FINDING OF VIOLATION**

EPA-5-11-OH-09

NOTICE AND FINDING OF VIOLATION

Charter Steel (you or Charter Steel) owns and operates a melt shop with an electric arc furnace (EAF) and baghouse control device at 4300 E. 49th Street, Cuyahoga Heights, Ohio (facility). The EAF is identified as P900.

The U.S. Environmental Protection Agency (EPA) is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you we have found opacity and melt shop baghouse pressure drop measurements, associated with P900 at your facility in excess of the limits specified in your Permit to Install (PTI) and the Ohio State Implementation Plan (Ohio SIP). These exceedances constitute violations of the Clean Air Act (the Act or CAA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. 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 the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The permit conditions relevant to this NOV/FOV are as follows.
 - a. Ohio Administrative Code (OAC) rule 3745-31-05 allows Ohio Environmental Protection Agency (OEPA) to issue PTIs with terms and conditions as necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality.
 - i. On March 10, 2003, EPA approved OAC rule 3745-31-05 as part of the federally enforceable SIP for Ohio. 68 Fed.Reg. 2909

- b. OAC Rule 3745-15-07 prohibits the “emission or escape into the open air from any source or sources whatsoever of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances” to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property.
 - i. On October 12, 1984, EPA approved OAC rule 3745-15-07 as part of the federally enforceable SIP for Ohio. 49 Fed.Reg. 3182
- c. 40 C.F.R. § 52.23 allows EPA to take enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, when a person fails to comply with any permit limitation or condition contained within a permit issued under a SIP-approved permit program.
- d. OEPA issued PTI 13-04176 to the facility (issued June 10, 2004 and modified February 12, 2008).
 - i. Part III.A.I.2 of the PTI prohibits visible emissions from the melt shop building greater 6 percent opacity, as averaged over six minutes.
 - ii. Part III.A.II.1 of the PTI requires the pressure drop across the melt shop baghouse be maintained within the range of 3.0 to 8.0 inches of water while the EAF is in operation.
 - iii. Part III.A.III.2.a of the PTI and requires visible emission observations be conducted at the melt shop at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period.
 - iv. Part III.A.IV.3 of the PTI requires Charter Steel submit “quarterly written deviation (excursion) reports that identify all periods of time during which the pressure drop for the melt shop baghouse did not comply with the allowable range specified in A.II.1.”
 - v. Part III.A.III.7 of the PTI requires Charter Steel obtain an analysis of the melt shop baghouse dust for at least chromium, magnesium, manganese, lead, zinc, and mercury content on a monthly basis.

2. The NSPS relevant to this FOV/NOV are as follows.

- a. 40 C.F.R. § 60 NSPS Subpart AAa “Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983” applies to affected facilities at steel plants that produce carbon, alloy, or specialty steels.
 - i. The electric arc furnace is considered an affected facility and subject to this NSPS as it was constructed after 1983 and began operation in 2006.
 - ii. 40 C.F.R. 60.273a(c) of NSPS Subpart AAa requires visible emission observations be conducted at the melt shop at least once per day for at least

three 6-minute periods when the furnace is operating in the melting and refining period

- b. 40 C.F.R. § 60 NSPS Subpart A “General Provisions” applies to any owner or operator of an affected facility.
 - i. As defined in 40 C.F.R. § 60.2, “affected facility,” means any apparatus to which a standard is applicable.
 - ii. 40 C.F.R. 60.11(d) requires owners or operators of affected facilities maintain good air pollution control practices for minimizing emissions.
3. Based on evaluation of data provided by Charter Steel dated October 29, 2010, November 11, 2010 and February 2, 2011 and submitted in response to a CAA Section 114 request for information, EPA has identified the following violations.
 - a. On at least October 8, 2008, August 28, 2009 and November 18, 2009, visible emissions from the melt shop building exceeded 6 percent opacity, as averaged over six minutes in accordance with Part III.A.III.2.a of the PTI and 40 C.F.R. 60.273a(c) of NSPS Subpart AAa. This is noncompliant with Part III.A.I.2 of PTI 13-04176 and OAC Rule 3745-15-07.
 - b. From January 2007 through at least September 2010, Charter Steel failed to maintain pressure drop across the melt shop baghouse within the range of 3.0 to 8.0 inches of water while the EAF operated, as required by Part III.A.II.1 of PTI 13-04176.
 - i. During calendar year 2007, Charter operated the baghouse outside the standards specified in their PTI more than 89,000 times.
 - ii. During calendar year 2008, Charter operated the baghouse outside the standards specified in their PTI more than 84,000 times.
 - iii. During calendar year 2009, Charter operated the baghouse outside the standards specified in their PTI more than 50,000 times.
 - iv. During calendar year 2010, Charter operated the baghouse outside the standards specified in their PTI more than 71,000 times.
 - c. Charter Steel failed to identify in quarterly written deviation reports all periods of time during which the pressure drop for the melt shop baghouse did not comply with the allowable range; this is noncompliant with Part III.A.IV.3 of PTI 13-04176. The following quarterly deviation reports dated as follows did not identify all periods of time during which the pressure drop for the melt shop baghouse did not comply with the allowable range:
 - i. April 27, 2007;
 - ii. July 31, 2007
 - iii. October 31, 2007
 - iv. January 24, 2008

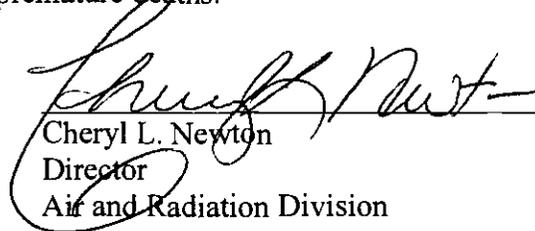
- v. April 24, 2008
- vi. July 28, 2008
- vii. October 31, 2008
- viii. April 23, 2009
- ix. July 30, 2009
- x. October 29, 2009
- xi. January 29, 2010

- d. From January 2007 through at least September 2010, Charter Steel failed to operate the melt shop baghouse "air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions," pursuant to 40 CFR § 60.11(d).
- e. For at least four months, during the semi-annual reporting period of July 1, 2009 through December 31, 2009, Charter Steel failed to obtain an analysis of the melt shop baghouse dust for mercury and magnesium content.

Environmental Impact of Violations

- 4. Violation of the pressure drop requirement and opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date 3/31/11


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify I sent a Notice and Finding of Violation, No. EPA-5-11-OH-09,
by Certified Mail, Return Receipt Requested, to:

Tammy Bukach, Environmental Engineer
Charter Steel
4300 E. 49th Street
Cuyahoga Heights, Ohio 44125

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

Michael Krzywicki, Acting Commissioner
Cleveland Department of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114

On the 1st day of April 2011.


Betty Williams
Administrative Program Assistant
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 2461