

OHIO E.P.A.  
DEC 31 2001

**BEFORE THE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY** DIRECTOR'S JOURNAL

**In the Matter of:**

**Tube City Olympic of Ohio, Inc.** : **Director's Final**  
**Commercial Avenue & Cool Springs Rd** : **Findings and Orders**  
**Mingo Junction, Ohio** :

**PREAMBLE**

It is hereby agreed that:

**I. JURISDICTION**

These Director's Final Findings of Fact and Orders are issued to Tube City Olympic of Ohio, Inc. (TCOO), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Sections 3704.03 and 3745.01 of the Ohio Revised Code (ORC).

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon TCOO and its assigns and successors in interest.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Findings of Fact and Orders shall have the same meaning as used in ORC Chapter 3704 and the regulations promulgated thereunder.

**IV. FINDINGS OF FACT**

The Director of Ohio EPA has determined the following findings of fact:

1. Tube City Olympic of Ohio, Inc. TCOO (facility identification #13-18-207468) is located adjacent to the Wheeling-Pittsburgh Steel Corporation (WPS) in Mingo Junction, Ohio, and is a subsidiary of Tube City, Inc. The company is headquartered in King of Prussia, Pennsylvania. TCOO began operations at the Mingo Junction facility on December 1, 1999 after being awarded a new contract by WPS.

2. TCOO processes slag, iron, steel scrap and other by-products from the iron and steel making processes of WPS's Steubenville and Mingo Junction facilities. Iron scrap and associated slag is produced in the blast furnaces at the Steubenville and Mingo Junction mills. Steel scrap and

associated slag is also produced in the basic oxygen furnace (BOF) shop located at the Mingo Junction mill.

3. At the Mingo Junction facility, TCOO operates a Basic Oxygen Furnace (BOF)/blast furnace slag processing plant ( F014 ), a BOF slag dumping pit ( F015 ), a blast furnace/BOF drop ball operation ( F016 ), blast furnace slag pot deskulling operation ( F017 ), button lancing operation (F018), unprocessed slag and product storage piles ( F019 ), blast furnace slag pot dumping station (F020), a Kish dumping station (F021), and an iron beaching station (PTI 17-1512), all of which are "air contaminant sources" as defined by Ohio Administrative Code (OAC) rules 3745-35-01(B)(1) and 3745-15-01 and "new sources" as defined by OAC rule 3745-31-01.

4. On August 26, 1999, representatives from Ohio EPA, WPS and TCOO met to discuss permitting requirements for the proposed Mingo Junction facility. At this meeting WPS and TCOO informed Ohio EPA that a six-week construction period would be required and that the target date for start-up of the new facility was December 1, 1999.

5. TCOO was notified by Ohio EPA Southeast District Office (SEDO) in a telephone call on August 30, 1999, and in a warning letter dated September 1, 1999, that an approved PTI is necessary prior to the installation of any new or modified air emissions units.

6. On September 4, 1999, Ohio EPA received notification from TCOO that the permit applications for the Mingo Junction facility would be submitted to SEDO on or before October 1, 1999. TCOO was again reminded by Ohio EPA that they are required to obtain all necessary PTI's prior to installation of emissions units and that, given the proposed submittal date, it was unlikely that TCOO would receive the permits in time to allow construction to be completed and the operation started by December 1, 1999.

7. On October 12, 1999, Ohio EPA sent a certified letter to TCOO reminding them of their legal requirement under OAC 3745-31-02 to obtain a PTI prior to initiating construction, including preliminary site preparation. At that time, TCOO was again made aware that Ohio EPA could not guarantee approval and issuance of a PTI prior to the proposed construction start date.

8. On October 13, 1999, TCOO submitted PTI applications for all of the units at the proposed facility.

9. On October 18, 1999, Ohio EPA sent a certified letter to TCOO outlining deficiencies in the submitted PTI applications, and requesting submittal of all the requested information, as soon as possible, in order to expedite the processing of the PTI applications.

10. A meeting was held in SEDO on November 2, 1999, attended by SEDO and Central Office staff, and representatives of both WPS and TCOO, to discuss permitting issues. During the meeting TCOO indicated that updated PTI applications would be submitted no later than November 3, 1999.

11. On November 5, 1999, Ohio EPA received a phone call from an anonymous source that stated that construction had commenced on the processing plant at the TCOO Mingo Junction

facility. This information was confirmed by TCOO on the same day. This activity was in violation of OAC rule 3745-31-02. The equipment was removed by TCOO later that day, and all construction at the site was stopped.

12. An updated PTI application package was submitted to Ohio EPA by TCOO on November 17, 1999.

13. On November 30, 1999, a representative from Ohio EPA SEDO, visited the TCOO Mingo Junction site and observed that dump stations had been constructed and water lines installed in preparation to the proposed December 1, 1999 start date, without first obtaining a PTI. It was also observed during the visit that iron beaching activities were being undertaken. Ohio EPA returned to the site on December 1, 1999, and saw that the dump pit had been constructed and slag was being moved within the pit. TCOO was observed installing water sprays for the slag dumping pit during this visit, and a slag pot was being dumped into the pit. This activity continued throughout the duration of the visit. These activities were in violation of OAC rules 3745-31-02 and 3745-35-02.

14. On December 1, 1999, TCOO was observed to beach iron from bottle cars at the iron beaching station. Three bottle cars were beached on November 30, and one and one half cars were beached on December 1. On both of these days one and one half bottle cars were beached without the use of carbon dioxide (CO<sub>2</sub>). TCOO informed OEPA that on both March 29 and March 30 three bottle cars were beached without the use of CO<sub>2</sub>. The use of CO<sub>2</sub> as a dust suppressant for this operation is BAT. Further, the installation and operation of the iron beaching station were in violation of OAC rules 3745-31-02 and 3745-35-02.

15. During the inspection conducted on December 1, 1999, TCOO failed to control dust using adequate control measures while dumping slag into the BOF dump pit, as indicated by the visible emissions readings. This is in violation of OAC rule 3745-17-08(B).

16. A letter dated December 1, 1999, outlined an agreement entered into by International Mill Services (IMS), WPS and TCOO, whereby the iron beaching station and all related equipment were purchased by WPS, and subsequently sold to TCOO. OAC rule 3745-35-02(D)(3) states that a transferee of a PTO shall assume the responsibility of the permit and shall notify OEPA in writing of a transfer. TCOO failed to fulfill this obligation prior to operating the beaching station and, therefore, was in violation of this rule.

17. On December 1, 1999, TCOO submitted a report to Ohio EPA that outlines the failures experienced with the CO<sub>2</sub> suppression system located at the beaching station. This violates the terms and conditions contained in the PTO, in violation of RC 3704.05(C).

18. As of March 1, 2000, TCOO had obtained all necessary permits for the emissions units they are operating at this facility.

19. On September 5, 2000, Ohio EPA SEDO received three complaints concerning fugitive dust emissions from the TCOO slag processing facility. OEPA SEDO contacted TCOO and was informed that the dust emissions were a result of an accident that had disrupted power to the pumps serving

the water spray system. TCOO failed to inform Ohio EPA immediately of the failure of this pollution control device, and was therefore in violation of OAC rule 3745-15-06(B)(1). This failure to report such a malfunction is also a violation of the Additional Terms and Conditions (B.1.) of PTI # 06-6217. A notice of violation (NOV) was issued to TCOO on September 6, 2000 for these violations.

20. A representative of Ohio EPA SEDO visited the TCOO Mingo Junction facility on September 6, 2000 after receiving additional fugitive dust complaints. During the visit it was determined that wooden material had been included in a load of slag, and was observed to be smoldering for approximately 30 minutes. This was in violation of PTI #06-06131 Additional Terms and Conditions II.B.5, which states that TCOO shall extinguish all fires caused by direct or indirect contact with slag upon discovery. An NOV was issued on September 15, 2000 for this violation.

21. On September 20, 2000, a representative from Ohio EPA SEDO again visited the Mingo Junction facility to investigate excessive emissions from the slag processing plant. Again it was observed that non-slag material was present in the BOF slag dump pits in violation of PTI #06-06131 Additional Terms and Conditions II.B.5. The material was observed to smolder for approximately 45 minutes after discovery. During this visit visible emission readings were observed for the blast furnace slag dump pit. Readings of 27.1% and 10.4% were recorded in violation of the limit of 10% as a six minute average. An NOV was issued for these violations on September 26, 2000.

22. The Director has given consideration to, and based his determination on evidence relating to the technical feasibility and economic reasonableness to complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

## V. ORDERS

The Director hereby issues the following Orders:

1. TCOO shall operate all emissions units in compliance with the terms and conditions of the following PTI's: 06-91660 (Blast furnace and basic oxygen furnace slag processing plant), 06-91668 (basic oxygen furnace molten slag dump pit), 06-91669 (blast furnace slag pot dump pit), 06-91671 (blast furnace slag pot deskulling), 06-91673 (kish dumping station), 06-91674 (Button lancing operation), 06-91676 (unprocessed storage piles), 06-91677 (blast furnace and basic oxygen furnace slag drop ball pit) and 17-1512 ( iron beaching station).

2. TCOO shall not install and operate any new air contaminant sources without first applying for and obtaining all permits required by OAC Chapters 3745-31, 3745-35, and 3745-77.

3. Pursuant to R.C. 3704.06, TCOO is assessed a civil penalty in the amount of seventy two thousand dollars (\$ 72,000) in settlement of Ohio EPA's claim for civil penalties. TCOO shall pay to Ohio EPA the amount of fifty seven thousand six hundred dollars (\$ 57,600) of the total penalty amount pursuant to the following schedule:

- Six thousand four hundred dollars ( \$6,400 ) within thirty (30) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within ninety (90) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within one hundred eighty (180) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within two hundred seventy (270) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within three hundred sixty (360) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within four hundred fifty (450) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within five hundred forty (540) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within six hundred thirty (630) days after the effective date of these orders.
- Six thousand four hundred dollars ( \$6,400 ) within seven hundred twenty (720) days after the effective date of these orders.

Payment shall be made by certified check made payable to "Treasurer, State of Ohio" and sent to Edith Long, Fiscal Specialist, or her successor, at the following address:

Vicki Galilei  
Fiscal Administration  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, OH 43216-1049

A copy of the check shall be sent to Jim Orlemann at the following address:

Division of Air Pollution Control  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, OH 43216-1049

The remaining fourteen thousand, four hundred dollars ( \$ 14,400 ) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders, TCOO shall deliver a certified check in this amount and made payable to the Ohio Department of Natural Resources, Division of Forestry, State Forest Fund for the purpose of funding urban tree-planting projects in Ohio. This check shall specify that such monies are to be deposited into Fund No. 509. The check shall be sent to John Dorka, Deputy Chief, or his successor, at the following address:

Division of Forestry  
Ohio Department of Natural Resources  
1855 Fountain Square Court, H-1  
Columbus, Ohio 43224-1327

## **VI. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to TCOO's Mingo Junction facility.

## **VII. NOTICE**

All documents required by these Orders, unless otherwise specified in writing, shall be submitted to:

Kay Gilmer  
Division of Air Pollution Control  
Southeast District Office  
2195 Front Street  
Logan, Ohio 43138

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, OH 43216-1049  
Attn: Paul Cree

## **VIII. RESERVATION OF RIGHTS**

Nothing contained herein prevents Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against TCOO for noncompliance with these Orders. Nothing contained herein prevents Ohio EPA from exercising its lawful authority to require TCOO to perform additional activities at the facility pursuant to ORC Chapter 3704 or any other applicable law in the future. Nothing herein restricts the right of TCOO to raise any administrative, legal or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of TCOO.

## **IX. SIGNATORIES**

Each undersigned representative of a party to these Orders certifies that she or he is fully authorized to enter into these Orders and to legally bind such party to this document.

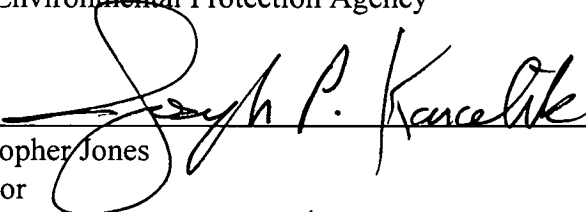
**X. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, TCOO agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for TCOO's civil liability for the specific violations cited herein. TCOO hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and TCOO agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, TCOO retains the right to intervene and participate in such an appeal. In such event, TCOO shall continue to comply with these Orders unless these Orders are stayed, vacated, or modified.

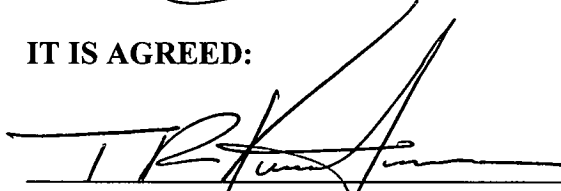
**IT IS ORDERED AND AGREED:**

Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Christopher Jones  
Director

12/28/01  
Date

**IT IS AGREED:**

  
\_\_\_\_\_  
Tube City Olympic of Ohio

12/21/01  
Date

  
\_\_\_\_\_  
PRESIDENT of TCOO  
Title