

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUL 12 95

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In the Matter of:

International Mill Service : Director's Final Findings  
Commercial Avenue and : and Orders  
Cool Spring Road :  
Mingo Junction, Ohio 43938 :

**PREAMBLE**

It is hereby agreed by and among the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to International Mill Service, pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under section 3704.03 and 3745.01 of the Ohio Revised Code ("ORC").

**II. PARTIES**

These Orders shall apply to and be binding upon International Mill Service and its officers, directors, agents, servants, employees, assigns and successors in interest.

**III. DEFINITIONS**

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

**IV. FINDINGS OF FACT**

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

1. The Clean Air Act Amendments ("CAAA") of 1990 required that each State, which contained any nonattainment area for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (commonly denoted as "PM-10"), submit by November 15, 1991 a State Implementation Plan ("SIP") to the U.S. Environmental Protection Agency ("U.S. EPA"). The SIP must provide for the achievement and maintenance of the National Ambient Air Quality Standards ("NAAQS") for PM-10 by the applicable deadline (1994). Furthermore, Section 172(c)(9) of the CAAA requires that the SIP provide for contingency measures which-would be undertaken if the specific nonattainment area

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By: Theresa Glenn Date 7-12-95

fails to make reasonable further progress or fails to attain the primary NAAQS by the attainment date. Such contingency measures were to take effect without further action by the State or the U.S. EPA.

2. The U.S. EPA identified Cuyahoga County and portions of Jefferson County as nonattainment areas for PM-10. On November 14, 1991, the Ohio EPA submitted a PM-10 SIP to the U.S. EPA which included revisions to the Ohio Administrative Code ("OAC") Chapter 3745-17 (concerning particulate matter).

3. The revisions to OAC Chapter 3745-17 include new OAC rule 3745-17-14 which contains the PM-10 contingency measure requirements for certain facilities that impact the PM-10 nonattainment areas. Paragraph (A) of this rule requires that by April 1, 1992 the facilities submit control strategies and compliance schedules to the Ohio EPA which would reduce particulate emissions from the baseline levels identified in paragraph (A) (3) of OAC rule 3745-17-14 by 15 or 25 percent.

4. Pursuant to paragraph (B) of OAC rule 3745-17-14, the control strategies and compliance schedules submitted in accordance with paragraph (A) of OAC rule 3745-17-14 must be approved by the Director of the Ohio EPA through the issuance of Findings and Orders, as authorized by Division (R) of section 3704.03 of the ORC. Also, the Findings and Orders must be submitted to and approved by the U.S. EPA as a revision to the Ohio SIP for PM-10.

5. Pursuant to paragraph (C) of OAC rule 3745-17-14, the requirements of the Findings and Orders are to be implemented by each facility upon receipt of a formal determination and notification by the Ohio EPA or the U.S. EPA that the area is not in compliance with the NAAQS.

6. International Mill Service which is located at Commercial Avenue and Cool Spring Road, Mingo Junction, in Jefferson County, Ohio, owns and operates a steel slag processing facility. This facility is identified by Ohio EPA premise number 1741090068. This facility is subject to the requirements of OAC rule 3745-17-14, which specify that the total required particulate emission reductions for this facility, at the maximum operating rates, are 5.0 pounds per hour at the fifteen percent ("15%") reduction level and 8.3 pounds per hour at the twenty-five percent ("25%") reduction level.

7. On March 31, 1992 and July 31, 1992, International Mill Service submitted control strategies and compliance schedules, respectively, to the Ohio EPA pursuant to the requirements of paragraph (A) of OAC rule 3745-17-14. The International Mill Service facility has the following sources: F001-F007 (included in OAC rule 3745-17-13(S)) and F008-F012. The Ohio EPA estimates

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that sources F001-F007 emit 3.27 pounds of particulate matter per hour and sources F008-F012 emit 2.07 pounds of particulate matter per hour. The total facility-wide emission rate is 5.34 pounds of particulate matter per hour. The particulate matter reduction levels called for in OAC rule 3745-17-14 are 5.0 pounds per hour for the 15% reduction level and 8.3 pounds per hour for the 25% reduction level. The full required reductions are, therefore, technically infeasible for International Mill Service to comply with. The control strategies and compliance schedules for each affected air contaminant source under the plan are as follows:

For the fifteen and twenty-five percent reduction levels:

For source F010 ("unpaved roads and parking areas"), the additional control measures for the contingency plan are to provide a double-chip surface and apply oil to the unpaved roads and parking areas.

International Mill Service will also close down source F009 ("separating plant #M041"). Although source F009 is not included in OAC rule 3745-17-13(S), it will be closed to further reduce facility-wide particulate emissions.

Ohio EPA is requiring that International Mill Service also employ wet suppression with chemicals for source F011 ("slag and scrap storage piles") and additional wet suppression for source F012 ("slag pot dumping").

The total particulate emission reduction for these sources through the implementation of the above-outlined control plans is 0.77 pound per hour.

The plan is to be completed according to the following schedule:

<u>Milestone</u>	<u>Completion Date</u>
a) Issue order for the purchase of oil and chip material for unpaved roads and parking areas of source F010	Three weeks after notification to initiate plan
b) Complete oiling and double chipping of unpaved roads and parking areas of source F010	Seven weeks after notification to initiate plan
c) Submit final controls for sources F011 and F012	Eight weeks after notification to initiate plan
d) Shut down source F009	Twelve weeks after notification to initiate plan

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| e) | Complete installation of wet suppression with chemicals for Source F011 and additional wet suppression for source F012 | Twenty weeks after notification to initiate plan       |
| f) | Achieve final compliance for sources F011 and F012   | Twenty-three weeks after notification to initiate plan |

8. Although the control strategies identified in Finding 7 do not meet the required particulate emissions reductions specified in Finding 6, the Ohio EPA is approving such reductions because International Mill Service has demonstrated that it is technically infeasible and/or economically unreasonable to achieve the required reductions.

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

#### V. ORDERS

The Director hereby makes the following Orders:

1. Upon the determination by Ohio EPA or U.S. EPA and upon written notification from the Ohio EPA to International Mill Service that contingency measures must be implemented in Jefferson County (or a portion of Jefferson County including International Mill Service), International Mill Service shall implement the control programs specified in Finding 7. Upon implementation of the control plans, International Mill Service shall (1) cease operation of source F009, (2) meet a limitation for source F010 of no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period, as determined in accordance with OAC rule 3745-17-03(B)(4), (3) meet a limitation for source F011 of no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period, as determined in accordance with OAC rule 3745-17-03(B)(4), and (4) meet a limitation for source F012 of 10% opacity, taken as a three-minute average, as determined in accordance with OAC rule 3745-17-03(B)(3).

2. If the written notification described in Order 1 specifies that either the 15% or the 25% reduction level in OAC rule 3745-17-14 is to be achieved, International Mill Service shall maintain the control strategy and compliance schedule specified in Finding 7 for such level and shall achieve and maintain compliance with a particulate emission reduction of 0.77

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pound per hour at the maximum operating rate.

3. Within ten (10) days following each of the applicable milestone deadlines specified in Order 2, International Mill Service shall submit a written progress report to the North Ohio Valley Air Authority ("NOVAA"). The person submitting these reports shall certify whether or not each applicable deadline has been met and the date it was met.

4. If, after the effective date of these Orders and prior to the notification in Order 1, International Mill Service shuts down any sources or overcontrols any sources not specified in Finding 7, the particulate emission reductions from such sources may be credited toward the required particulate emission reductions specified in Finding 6 and these Orders may be modified accordingly. International Mill Service shall submit such proposed contingency measures to Ohio EPA and NOVAA for approval in any request to modify these Orders.

#### 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. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to International Mill Service's facility.

#### VII. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders to be submitted to the Ohio EPA, shall be addressed to:

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

and

North Ohio Valley Air Authority  
Attn: Harold Strohmeyer  
814 Adams Street  
Steubenville, Ohio 43952

as specified in these Orders or to such persons and addresses as may hereafter be otherwise specified in writing by the Ohio EPA.

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By: Wickie Glenn Date 7-12-95

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent 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 penalties against the International Mill Service for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the International Mill Service to perform additional activities pursuant to Chapter 3704 of the ORC or any other applicable law in the future. Nothing herein shall restrict the right of the International Mill Service to raise any administrative, legal or equitable claim or defense with respect to such further actions which the Ohio EPA may seek to require of the International Mill Service.

IX. SIGNATORIES

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

IT IS SO ORDERED:

By: Donald R. Schregardus  
Director  
Ohio Environmental Protection Agency

7/10/95  
Date

X. WAIVER

International Mill Service agrees that these Orders are lawful and reasonable that International Mill Service agrees to comply with these Orders.

International Mill Service 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 judicial review of these Orders either in law or equity.

Notwithstanding the preceding, the Ohio EPA and International Mill Service agree that in the event that these Orders are appealed by any other party to the Environmental Board of Review, or any court, International Mill Service retains the right to intervene and participate in such appeal. In such event, International Mill Service shall continue to comply with these Orders unless said Orders are stayed, vacated, or modified.

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By: Wickie Blinn Date 7-12-95

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IT IS SO AGREED:

International Mill Service

Michael J. Connolly  
By

June 22, 1995  
Date

Mgr. Environmental Engineering  
Title

Ohio Environmental Protection Agency

Gerry Schregardus  
Donald R. Schregardus  
Director

7/10/95  
Date

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