



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

January 8, 2003

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

NOTICE OF VIOLATION

Via Certified Mail# 7000 0600 0026 8546 1094 Via Certified Mail# 7000 0600 0026 8546 1087

To: Mr. Randi A. Nahvi, President
Indiana Steel & Wire Corporation
2200 East Jackson Street
Muncie, IN 47303

CT Corporation System, Registered Agent
for Indiana Steel & Wire Corporation
36 South Pennsylvania Street, Suite 700
Indianapolis, IN 46204

Case No. 2002-12066-A

Based on investigation by designated representatives of the Indiana Department of Environmental Management (IDEM) in January, 2002, Indiana Steel & Wire Corporation (aka Indiana Steel & Wire Acquisition Co., Ltd.) ("Respondent"), which owns and operates a stationary steel wire and cable manufacturing facility (Source), located at 2200 East Jackson Street in Muncie, Indiana, Delaware County, was in violation of the following environmental statute(s), rule(s), and/or permit(s):

Pursuant to 326 IAC 2-7-10.5(g)(2), a Part 70 source, which proposes to build a modification with a potential to emit greater than ten (10) tons per year (tpy) of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the Clean Air Act (CAA) or twenty-five (25) tpy of any HAP combination, may not begin construction of any emission units that is necessary to implement the modification until the commissioner has issued the modification approval.

This existing Part 70 Source failed to obtain a modification approval from the commissioner and in January, 2002, constructed and began operating a significant, multiple emission units modification, the #4 high-speed hot dip galvanizing line at its Source, with potential HAP emissions in excess of the regulated threshold, a violation of 326 IAC 2-7-10.5(g)(2).

In accordance with IC 13-30-3-3, the Commissioner is required to notify an alleged violator in writing that a violation may exist and offer an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

Entering into an Agreed Order will prevent the issuance of a Notice and Order of the Commissioner under IC 13-30-3-4, or the filing of a civil court action under IC 13-14-2-6. IDEM encourages settlement by Agreed Order, thereby saving time and resources. Timely settlement by Agreed Order may result in a reduced civil penalty. Settlement discussions will also allow the opportunity to present any mitigating factors that may be relevant to the violations. In addition, as provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred.

If settlement is not reached within sixty (60) days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order containing the actions that must be taken to achieve compliance, the required time frames, and an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

To discuss this matter further, please contact Mr. Michael Stonik at (317) 233-0033 within fifteen (15) days after receipt of this Notice to request a conference. If settlement is reached, an Agreed Order will be prepared and sent for review and signature.

For the Commissioner:

Date:

1/7/03



Felicia A. Robinson
Deputy Commissioner
for Legal Affairs

cc: Jean Bauer, US EPA Region 5
Delaware County Health Department
Jay Rodia, Office of Legal Counsel
Michael Stonik, Office of Enforcement
Marc Goldman, Office of Air Quality
Enforcement File
Public File
<http://www.in.gov/idem/enforcement/>

Mr. Craig Charles, Environmental Manager
Indiana Steel & Wire Corporation
2200 East Jackson Street
Muncie, IN 47303



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

AUG 30 2002

REPLY TO THE ATTENTION OF

AE-17J

Terry Wogan, President
Indiana Steel and Wire Company
2200 East Jackson Street
Muncie, IN 47303

RECEIVED

SEP 05 2002

State of Indiana
Department of Environmental Management
Office of Air Quality

Re: Applicability Determination for 40 CFR 63, Subpart CCC

Dear Mr. Wogan:

This is in response to your letter dated May 16, 2002, which in part, requests an applicability determination regarding Subpart CCC of 40 CFR 63, "National Emission Standards for Hazardous Air Pollutants From Steel Pickling Facilities - HCL Process." Your request is specifically for the hydrochloric acid cleaning tank in the #4 Hot Dip Galvanizing Line at your facility in Muncie, IN. Based on our review of your letter and information that was supplied by Indiana Department of Environmental Quality, Office of Air Quality Permit Branch and Enviroplan Consulting, along with the history of this rule, we feel that Subpart CCC does not apply to this emission source.

The reasoning for our determination stems from the fact that the forming operation in your process, wire drawing, which precedes the hydrochloric acid cleaning tank, is a "cold" operation. I should point out that in the proposed rule, 62 FR 49052, September 18, 1997, "Steel pickling" is defined as "the chemical removal of iron oxides and scale that is formed on steel surfaces during hot rolling or forming of semi-finished steel products..." (emphasis added). Under this original definition, cold operations were arguably part of the definition.

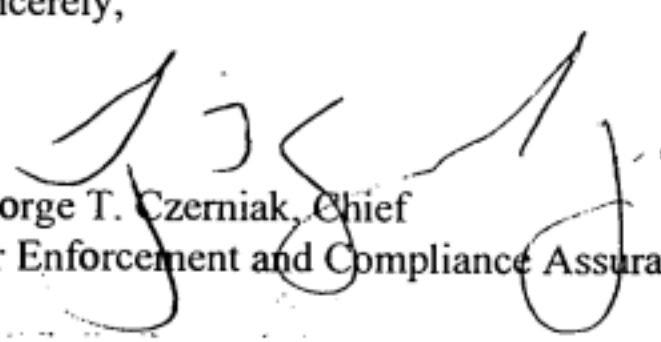
During the comment period on the proposed rule, two commenters recommended that cold pickling lines should be specifically excluded from the rule. The EPA agreed and revised the language for the definition of "Steel pickling" to apply to scale that is formed on steel surfaces during hot rolling or hot forming of semi-finished products. This decision is documented in "National Emission standards for Hazardous Air Pollutants for Steel Pickling - HCL Process Facilities and Hydrochloric Acid Regeneration Plants - Background Information for Promulgated Standards", December 1998, EPA-453/R-98-010b, p. 4-2.

On June 22, 1999, the final rule was promulgated (64 FR 33202), with the word "hot" preceding "forming" in the definition of "Steel pickling." This language, which appears in Section 63.1156, p.33219, clearly excludes cold forming operations.

On page 2 of your May 16 letter, you state that "Steel rod is pickled in an aqueous solution to remove all iron oxide scale on the rod surface prior to cold forming into the desired wire diameter by drawing through a series of dies on a wiredrawing machine."(emphasis added) Since the final rule does not cover cold forming, Subpart CCC does not apply to the hydrochloric acid tank at in your #4 Hot Dip Galvanizing Line. We encourage the continued use of emission controls on this source, which may otherwise be necessary to meet applicable OSHA requirements.

If you have any questions about this determination, please contact Ed Wojciechowski of my staff at 312-886-6785.

Sincerely,



George T. Czerniak, Chief
Air Enforcement and Compliance Assurance Branch

cc: Paul Dubenetzky
Indiana Department of Environmental Management

Michael Hirtler
Enviroplan Consulting



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VIA CERTIFIED MAIL

Craig Charles
Indiana Steel and Wire Acquisition Company
200 East Jackson Street
Muncie, IN 467303

Re: Violation Letter

Dear Craig Charles:

The Indiana Department of Environment Management (IDEM) has determined that Indiana Steel and Wire Acquisition Company has constructed galvanize dip line without source modification approval. This is a violation of 326 IAC 2-7.10.5 (copy enclosed).

This letter is to inform you that I have requested that our Office of Enforcement pursue legal action for the above-mentioned violation of Rule 326 IAC 2-7.10.5. If legal action is initiated you will be issued a formal notice of violation informing you how to proceed in resolving this matter.

If you have any questions, please contact Ryan Hillman of my staff at the above address or by calling 317/233-5674.

Sincerely,

Jay Patterson, Chief
Air Compliance Section II
Office of Air Quality

cc: Delaware County Health Department
Ryan Hillman