



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

NOV 15 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

David Kozin, Member
Imperial Aluminum – Minerva LLC
217 Roosevelt Street
Minerva, Ohio 44657

Dear Mr. Kozin:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Imperial Aluminum – Minerva LLC and case docket no. CAA-05-2013-0003. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on NOV 15 2012.

Please direct any questions regarding this case to Susan Tennenbaum, Associate Regional Counsel, at (312) 886-0273.

Sincerely,

A handwritten signature in cursive script that reads "Brian H. Dickens".

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

cc: Ann L. Coyle, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Susan Tennenbaum/C-14J
Ed Fasko, Ohio EPA, Northeast District Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. CAA-05-2013-0003
)
Imperial Aluminum – Minerva LLC) Proceeding to Assess a Civil Penalty
Minerva, Ohio) Under Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
)
_____)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Imperial Aluminum – Minerva LLC, a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

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Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Under Section 112 of the CAA, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR, §§ 63.1500 through 63.1520.

10. The owner or operator of an existing affected facility was required to comply with the requirements of 40 C.F.R. §§ 63.1500 through 63.1520 by March 24, 2003.

11. The NESHAP for Secondary Aluminum Production applies to area sources of hazardous air pollutants (HAPs), as defined in 40 C.F.R. § 63.2, and, specifically, as stated in 40 C.F.R. § 63.1500(c), to each new and existing thermal chip dryer and each new and existing secondary aluminum processing unit, containing one or more group 1 furnace emission units processing other than clean charge.

12. 40 C.F.R. § 63.1503 defines “secondary aluminum production facility” to mean “any establishment using clean charge, aluminum scrap, or dross from aluminum production, as the raw material and performing one or more of the following processes: scrap shredding, scrap drying/delacquering/decoating, thermal chip drying, furnace operations (i.e., melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in-line fluxing, or dross cooling.”

13. 40 C.F.R. § 63.1503 defines “group 1 furnace” to mean a furnace of any design that melts, holds or processes aluminum that contains paint, lubricants, coatings or other foreign materials, with or without reactive fluxing, or processes clean charge with reactive fluxing.

14. 40 C.F.R. § 63.1503 defines “thermal chip dryer” to mean a device that uses heat to evaporate oil or oil/water mixtures from unpainted/uncoated aluminum chips.

15. The NESHAP, at 40 C.F.R. § 63.1506(c)(3), requires the owner or operator of a secondary aluminum production facility to operate each capture/collection system on affected sources or emission units equipped with an add-on air pollution control device according to the procedures and requirements in the operation, maintenance and monitoring (OM&M) plan.

16. The NESHAP, at 40 C.F.R. § 63.1510(b), requires the owner or operator of a secondary aluminum production facility to comply with all of the provisions of the written OM&M plan for each new or existing affected source and emission unit, as submitted to the responsible permitting authority.

17. The NESHAP, at 40 C.F.R. § 63.1516(b)(1)(iv), requires the owner or operator of Imperial Aluminum – Minerva LLC to submit semiannual reports according to the requirements in 40 C.F.R. § 63.10(e)(3) whenever there is, among other things, an excursion of an approved operating parameter value or range.

18. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for NESHAP violations that occurred after January 12, 2009 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

19. Section 113(d)(1) limits the Administrator’s authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the

administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

20. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

21. Imperial Aluminum – Minerva LLC has owned and operated a facility located at 217 Roosevelt Street, Minerva, Ohio (facility) since June 2, 2009.

22. Imperial Aluminum – Minerva LLC’s facility is a “secondary aluminum production facility,” as defined at 40 C.F.R. § 63.1503.

23. Pursuant to 40 C.F.R. § 63.1500, Imperial Aluminum - Minerva LLC is subject to the NESHAP for Secondary Aluminum Production.

24. Imperial Aluminum – Minerva LLC is an area source of HAPs, as defined at 40 C.F.R. § 63.2; the facility has a federally enforceable state operating permit limit of 9.5 tons per year (tpy) of hydrogen fluoride, 9.5 tpy of hydrogen chloride and 24 tpy of combined HAPs.

25. Imperial Aluminum – Minerva LLC owns and operates the following emission units, among others, at its facility: P004, P006, P010 and P009.

26. P004 is a tilting rotary furnace that processes oily/greasy aluminum scrap, cover flux and reactive flux. Captured emissions from P004 are vented to a lime-coated shaker-type baghouse (“Haberny Baghouse No. 1” or “Baghouse No. 6”).

27. P006 is a tilting rotary furnace that processes oily/greasy aluminum scrap, cover flux and reactive flux. Captured emissions from P006 are vented to a lime-coated pulse-type baghouse (“Sly Baghouse No. 1” or “Baghouse No.1”).

28. P010 is a reverberatory furnace that processes aluminum scrap, cover flux and reactive flux, including aluminum fluoride. Captured emissions from P010 are vented to a lime-coated baghouse (“Sly Baghouse No. 2” or “Baghouse No. 2”).

29. P004, P006 and P010 are “group 1 furnaces,” as defined at 40 C.F.R. § 63.1503.

30. P009 is a “thermal chip dryer,” as defined at 40 C.F.R. § 63.1503.

31. P009 is a thermal chip dryer that Imperial Aluminum - Minerva LLC uses to clean and dry aluminum chips prior to adding them to the furnaces. Captured emissions from P009 are vented to a lime-coated shaker-type baghouse (“Haberny Baghouse No. 2” or “Baghouse No. 5”).

32. The baghouses on P004, P006, P010 and P009 are add-on pollution control devices.

33. Imperial Aluminum - Minerva LLC’s furnaces P004, P006 and P010 and thermal chip dryer P009 are subject to the requirements of the NESHAP pertaining to dioxin/furan (D/F).

34. The facility has had an OM&M plan since March 2003. The OM&M plan has been updated regularly, including in May 2007. Imperial Aluminum - Minerva LLC submitted a revised OM&M plan to EPA and Ohio EPA in March 2012.

35. The allowable pressure drops for Imperial Aluminum - Minerva LLC’s baghouses, as specified in Section 9.2 of the 2007 OM&M plan are:

- a. 1-9 inches of water for Haberny Baghouse No.1 (controlling P004);

- b. 4-12 inches of water for Sly Baghouse No. 1 (controlling P006);
- c. 4-12 inches of water for Sly Baghouse No. 2 (controlling P010); and
- d. 2-7 inches of water for Haberny Baghouse No. 2 (controlling P009).

36. Section 13.1 of the 2007 OM&M plan requires keeping an internal report whenever a deviation from the acceptable pressure drop range for the baghouse occurs and submitting all reports to Ohio EPA as attachments to quarterly deviation reports.

37. From January 1 through July 31, 2010, Imperial Aluminum - Minerva LLC's baghouse data recorders recorded days with pressure drop readings outside the parameters specified in the 2007 OM&M plan, including:

- a. 31 days for P004;
- b. 121 days for P006;
- c. 135 days for P010; and
- d. 24 days for P009.

38. Imperial Aluminum - Minerva LLC violated 40 C.F.R. §§ 63.1506(c)(3) and 63.1510(b) when it failed to operate the baghouses for P004, P006, P010 and P009 in a manner that maintained the pressure drop within the parameters specified in the 2007 OM&M plan.

39. Imperial Aluminum - Minerva LLC, when it submitted its quarterly deviation reports to Ohio EPA for the period January 1 through July 31, 2010, failed to report that its baghouse data recorders recorded pressure drop readings outside the parameters specified in the 2007 OM&M plan.

40. Imperial Aluminum - Minerva LLC violated 40 C.F.R. § 63.1510(b) when it failed to report, in its quarterly deviation reports submitted to Ohio EPA for the period January 1

through July 31, 2010, that its baghouse data recorders recorded pressure drop readings outside the parameters specified in the 2007 OM&M plan.

41. In its semi-annual exceedance report submitted to the Administrator for the period of January 1 through July 31, 2010, Imperial Aluminum - Minerva LLC, failed to report that its baghouse data recorders recorded pressure drop readings outside the parameters specified in the 2007 OM&M plan.

42. Imperial Aluminum - Minerva LLC violated 40 C.F.R. § 63.1516(b)(1)(iv) when it failed to report, in its semi-annual exceedance report submitted to the Administrator for the period between January 1 through July 31, 2010, that its baghouse data recorders recorded pressure drop readings outside the parameters specified in the 2007 OM&M plan.

43. On September 30, 2010, EPA issued a Notice of Violation and Finding of Violation (NOV/FOV) to Respondent for violations that began on June 2, 2009 of, among other things, the Secondary Aluminum Production NESHAP.

44. On October 26, 2010, EPA and Respondent held a conference to discuss the September 30, 2010, NOV/FOV.

Civil Penalty

45. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, Respondent's cooperation, prompt return to compliance, and willingness to negotiate a quick settlement, Complainant agreed to reduce the original penalty of \$83,648 to \$58,553. Complainant agreed to further reduce the penalty to zero, based on Respondent's agreement to perform a pollution prevention supplemental environmental project (SEP) worth at least \$90,000.

Supplemental Environment Project

46. Respondent must complete a SEP designed to protect public health and the environment by modifying Baghouse No. 1, which controls emissions from unit P006, by redistributing the inlet gases evenly across all the modules; adding a second, shaker-type module with 300 to 600 bags; and reworking the duct work and spark arrestor to accommodate an additional module. Respondent anticipates that these modifications will significantly reduce the emission of particulate matter, hydrogen chloride, hydrogen fluoride and dioxins.

47. At its Minerva, Ohio facility, Respondent must complete the SEP as follows:

- a. By June 1, 2013 – Respondent shall complete the project described in paragraph 47, above.
- b. By July 1, 2013 – Respondent shall submit a SEP completion report as described in paragraph 53, below.
- c. By September 1, 2013 – Respondent shall conduct testing at unit P006 for particulate matter, hydrogen chloride, hydrogen fluoride and dioxins.
- d. By November 1, 2013 – Respondent shall submit to EPA the results of the testing described in paragraph 47(c), above.

48. Respondent must spend at least \$90,000 to purchase the equipment for the SEP, to have it installed and operational, and to conduct testing.

49. Respondent must continuously use and operate the equipment installed as the SEP described in paragraph 46, above for three years following its installation.

50. Respondent certifies as follows:

I certify that Imperial Aluminum - Minerva LLC is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Imperial Aluminum - Minerva LLC has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that Imperial Aluminum - Minerva LLC is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

51. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

52. Respondent must maintain copies of the data for all reports submitted to EPA pursuant to this CAFO. Respondent must provide the documentation of any underlying research and data to EPA within seven days of EPA's request for the information.

53. Respondent must submit a SEP completion report to EPA by July 1, 2013. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized cost of goods and services used to complete the SEP documented by copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

54. Respondent must submit all notices and reports required by this CAFO by first-class mail to the Compliance Tracker of the Air Enforcement and Compliance Assurance Branch at the following address:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

55. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

56. Following receipt of the SEP completion report described in paragraph 53, above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under paragraph 58, below.

57. If EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete

the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 58, below.

58. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 47, above, Respondent must pay a penalty of \$ 58,553.
- b. If Respondent did not complete the SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 48, above, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 48, Respondent must pay a stipulated penalty of the difference between the amount spent and \$90,000.
- d. If Respondent did not submit timely the SEP completion report required by paragraph 53, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$250	1 st through 14 th day
\$500	15 th through 30 th day
\$1,000	31 st day and beyond

59. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

60. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified below and will pay interest and nonpayment penalties on any overdue amounts:

For checks sent by regular U.S. Postal Service mail by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

For checks sent by express mail (non-U.S. Postal Service which won't deliver mail to P.O. Boxes) by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note Respondent's name, docket number of this CAFO and the billing document number.

Respondent must send a notice of payment that states Respondent's name, the docket number of this CAFO and the billing document number to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Susan Tennenbaum (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

If Respondent does not pay timely any stipulated penalties due under paragraph 58, above, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

Respondent must pay the following on any stipulated penalties overdue under this CAFO.

Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

61. Any written public statement that Respondent makes referring to the SEP must include the following language: "Imperial Aluminum - Minerva LLC undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Imperial Aluminum - Minerva LLC for violations of National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production."

62. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

63. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures of up to \$90,000 incurred in performing the SEP.

General Provisions

64. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO and the NOV/FOV.

65. The effect of the settlement described above is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in this CAFO.

66. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

67. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

68. Respondent certifies that it is complying fully with the NESHAP.

69. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

70. The terms of this CAFO bind Respondent, its successors and assigns.

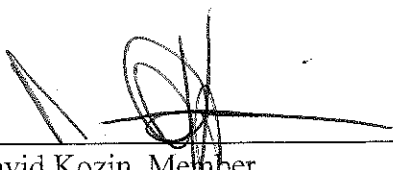
71. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

72. Each party agrees to bear its own costs and attorneys fees in this action.

73. This CAFO constitutes the entire agreement between the parties.

Imperial Aluminum - Minerva LLC, Respondent

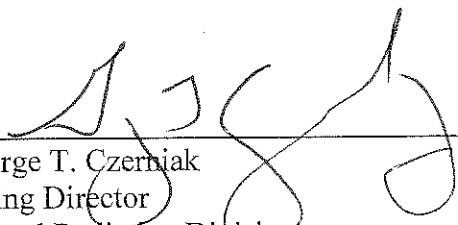
10/25/12
Date



David Kozin, Member
Imperial Aluminum - Minerva LLC

United States Environmental Protection Agency, Complainant

11/6/12
Date



George T. Czerniak
Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Imperial Aluminum - Minerva LLC
Docket No. CAA-05-2013-0003

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PROTECTION AGENCY**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-9-12

Date

S. Hedman

Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the Matter of: Imperial Aluminum - Minerva LLC
Docket No. CAA-05-2013-0003

Certificate of Service

I certify that I filed the original and one copy of the Consent Agreement and Final Order (CAFO), docket number [107], with the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed the second original copy to Respondent by first-class, postage prepaid, certified mail, return receipt requested, by placing it in the custody of the United States Postal Service addressed as follows:

David Kozin
Imperial Aluminum – Minerva LLC
217 Roosevelt Street
Minerva, Ohio 44657

I certify that I delivered a correct copy of the CAFO by intra-office mail, addressed as follows:

Susan Tennenbaum
Regional Judicial Officer (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, Illinois 60604

I also certify that I mailed a correct copy of the CAFO by first-class mail to:

Ed Fasko
Ohio EPA North East District Office
2110 East Aurora Road
Twinsburg, Ohio 440877

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U.S. EPA-REGION 5
2012 NOV 15 PM 2:10

On the 15 day of November 2012.

Loretta Shaffer
Loretta Shaffer
Administrative Program Assistant
AECAB, Planning and
Administration Section

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7667 4881

OFFICE OF REGIONAL
COUNSEL