

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Intrametco Processing, Inc.) **Administrative Consent Order**
)
) **EPA-5-04-113(a)-11-IN**
)
Proceeding Under Sections)
113(a)(3) and 114(a)(1) of)
the Clean Air Act, 42 U.S.C.)
§§ 7413(a)(3) and 7414(a)(1))

Administrative Consent Order

The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Intrametco Processing, Inc. (Intrametco) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

1. The Administrator of U.S. EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the Act, 42 U.S.C. § 7412.
2. Under Section 112 of the Act, the Administrator promulgated the NESHAP for Secondary Aluminum Production at 40 C.F.R. §§ 63.1500 through 63.1520 (subpart RRR).
3. Pursuant to 40 C.F.R. § 63.1500(a), the requirements of subpart RRR apply to the owner or operator of each secondary aluminum production facility.
4. Pursuant to 40 C.F.R. § 63.1500(c)(2), the requirements of subpart RRR pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements apply to each new and existing scrap dryer/ delacquering kiln/decoating kiln located at a secondary aluminum production facility that is an area source of HAPS (hazardous air pollutants) as defined in 40 C.F.R. § 63.2.
5. Pursuant to 40 C.F.R. § 63.1501(a), the owner or operator of

an existing affected source must comply with the requirements of this subpart by March 24, 2003.

6. Pursuant to 40 C.F.R. § 63.1512(c), the owner or operator of a scrap dryer must conduct performance tests to measure dioxins and furans (D/F) emissions at the outlet of the control device.
7. Pursuant to 40 C.F.R. § 63.1511(b), the owner or operator of an existing affected source for which an initial performance test is required to demonstrate compliance must conduct this initial performance test no later than the date for compliance established by section 63.1501(a).
8. On and after the compliance date established by §63.1501: The owner or operator of a scrap dryer must not discharge or cause to be discharged to the atmosphere emissions in excess of 5.0 µg of D/F TEQ per Mg (7.0 × 10⁻⁵ gr of D/F TEQ per ton) of feed/charge from a scrap dryer at a secondary aluminum production facility that is a major or area source. 40 C.F.R. § 63.1505 (e)(1)(iii).
9. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.
10. The Administrator of U.S. EPA may require any person who owns or operates an emission source to make reports under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

11. Intrametco owns and operates a secondary aluminum facility at 1901 West Louisiana Street, Evansville, Indiana.
12. Intrametco owns and operates a scrap dryer at that facility.
13. Intrametco owns and operates two group 1 furnaces at that facility.
14. The Intrametco facility is an emission source subject to the requirements of the Act, including 40 C.F.R. Part 63 Subpart RRR.

15. Intrametco conducted performance emissions testing for D/F on the scrap dryer on May 6-8, 2003, and again on July 8, 2003 after samples from the original May testing were compromised.
16. The results of the July 8, 2003 testing show the scrap dryer is discharging an average of 298.588 µg of D/F per Mg of feed/charge.
17. On July 9, 2004, U.S. EPA issued a Finding of Violation alleging that Intrametco violated the NESHAP for Secondary Aluminum Production.
18. On August 11, 2004, representatives of Intrametco and U.S. EPA discussed the July 9, 2004, Finding of Violation.
19. Intrametco violated the NESHAP for Secondary Aluminum production at 40 C.F.R. § 63.1501. Intrametco did not comply with the requirements of Subpart RRR by March 24, 2003.
20. Intrametco violated the NESHAP for Secondary Aluminum production at 40 C.F.R. § 63.1505 (e)(1)(iii). Intrametco discharged to the atmosphere emissions in excess of 5.0 µg of D/F TEQ per Mg (7.0×10^{-5} gr of D/F TEQ per ton) of feed/charge from a scrap dryer at a secondary aluminum production facility that is a major or area source.
21. Intrametco violated the NESHAP for Secondary Aluminum production at 40 C.F.R. § 63.1505 (k). Intrametco did not conduct emission testing by March 24, 2003. Therefore, Intrametco could not demonstrate compliance with this emission standard by on the compliance date, March 24, 2003.

Compliance Program

22. By the effective date of this order, Intrametco must achieve, demonstrate and maintain compliance with the NESHAP for Secondary Aluminum Production at its Evansville, Indiana facility.
23. Within 30 days of the effective date of this order, Intrametco shall submit to U.S. EPA:
 - A. Documentation of the date the scrap dryer was last operated within 30 days of the effective date of this order;

B. Documentation of the date the scrap dryer was removed from service by disconnecting the natural gas service line; and

C. A copy of Intrametco's request to IDEM that IDEM revise the operating permit to reflect the absence of the scrap dryer in the facility process.

24. Intrametco shall submit to the U.S. EPA a copy of the revised operating permit within 7 days of Intrametco's receipt of such permit.
25. Intrametco shall submit all information under an authorized signature certifying that the information is true and complete to the best knowledge of the certifying official after due inquiry. Knowingly providing false information, in response to this Order, may be actionable under section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.
26. If Intrametco operates the scrap dryer in the future, Intrametco shall obtain a revised operating permit from IDEM including the scrap dryer prior to startup of the scrap dryer at the facility.
27. If Intrametco operates the scrap dryer in the future, Intrametco shall perform all required testing of the scrap dryer.
28. Intrametco shall send all information required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604.

and, as specified, to:

David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46206-6015.

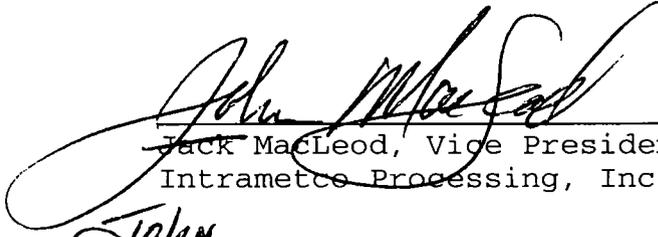
General Provisions

29. This Order does not affect Intrametco's responsibility to comply with other local, state, and federal laws and regulations.
30. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.
31. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Intrametco's violation of the NESHAP for Secondary Aluminum Production.
32. Failure to comply with this Order may subject Intrametco to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413 and 69 Fed. Reg. 7121 (Feb. 13, 2004) (amending 40 C.F.R. Part 19).
33. The terms of this Order are binding on Intrametco, its assignees and successors. Intrametco must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Intrametco has given the notice.
34. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.
35. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.
36. Intrametco agrees to the terms of this Order.
37. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, if Intrametco has complied with all of its terms.
38. Entry into the terms of this Order does not constitute an admission of any alleged violation contained herein. Intrametco's entry into this Order shall not constitute a

waiver of any defense, legal or equitable, which Intrametco may have in any future administrative or judicial proceeding.

10/18/04

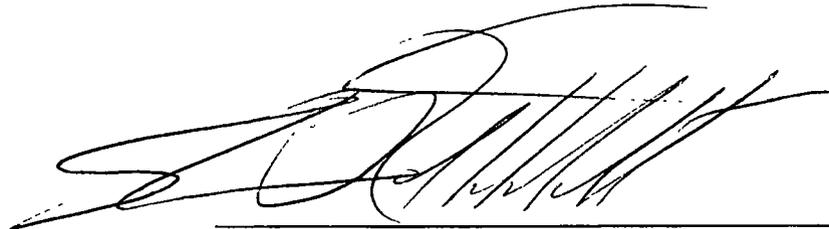
Date



Jack MacLeod, Vice President
Intrametco Processing, Inc.
John

11/1/2004

Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-04-113(a)-11-IN, by Certified Mail, Return Receipt Requested, to:

Jack MacLeod, Vice President
Intrametco Processing, Inc.
1901 West Louisiana Street
Evansville, Indiana 47712

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-04-113(a)-11-IN, by First Class Mail to:

David McIver, Chief
Office of Enforcement Air Section
Indiana Department of Environmental Management
100 North Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

Dona J. Bergman, Director
City of Evansville
Environmental Protection Agency
Suite 100 - C.K. Newsome Community Center
100 East Walnut Street
Evansville, Indiana 47713

on the 2nd day of November 2004.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589098237