



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

JAN 30 2004

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Newt Crenshaw, President
Star Metals, Inc.
804 South Industrial Park Drive
P.O. Box 526
Petersburg, Indiana 47567

Re: Star Metals, Inc.
Administrative Order

Dear Mr. Crenshaw:

The enclosed Order is issued pursuant to Section 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1), for Star Metals, Inc.'s (Star Metals) failure to comply with the National Emissions Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

The U.S. EPA contact in this matter is Bonnie Bush. Please contact her at (312) 353-6684 if you have any questions.

Sincerely yours,

A handwritten signature in black ink that reads "Brent Marable".

Brent Marable, Chief
Air Enforcement and Compliance Assurance Section (IL/IN)
Air Enforcement and Compliance Assurance Branch

Enclosure

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Star Metals, Inc.) **Administrative Order**
804 South Industrial Park Drive)
P.O. Box 526) **EPA-5-04-113(a) IN-02**
Petersburg, Indiana 47567)
)
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 Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Star Metals, Inc., 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

2. 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.

3. Under Section 112 of the Act, the Administrator of U.S. EPA promulgated the NESHAP for Secondary Aluminum Production at 40 C.F.R. §§ 63.1500 through 63.1520 (subpart RRR).

4. 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.

5. 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.

6. 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.

7. 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.

8. 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 § 63.1501(a).

9. Pursuant to 40 C.F.R. § 63.1505(d)(1)(iii), on and after the compliance date established by § 63.1501(a), the owner or operator of a scrap dryer must not discharge or cause to be discharged to the atmosphere emissions in excess of 3.5×10^{-6} grains (gr) of D/F TEQ [toxicity equivalence] per ton of feed/charge at a secondary aluminum production facility that is a major or area source.

10. 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.

11. Under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), the Administrator of U.S. EPA may require any person who owns or operates an emission source to "make reports; install, use and maintain monitoring equipment; and sample emissions." The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

12. Star Metals, Inc. (Star Metals) owns and operates a secondary aluminum production facility with process operations located at 804 South Industrial Park Drive, Petersburg, Indiana.

13. Star Metals notified the Indiana Department of Environmental Management (IDEM) on March 10, 2003, that the Petersburg facility was an area source subject to subpart RRR.

14. Star Metals' Petersburg facility includes a rotary scrap dryer, installed in 1987, subject to the D/F emissions standard of subpart RRR at § 63.1505(d)(1)(iii).

15. Star Metals' scrap dryer is subject to the D/F performance test requirements of subpart RRR at §§ 63.1511(b) and 63.1512(c).

16. Star Metals conducted performance testing for D/F emissions on the rotary scrap dryer on May 21, 2003.

17. The results of the May 21, 2003, testing show the rotary scrap dryer is discharging an average of 2.90×10^{-3} grains of D/F TEQ per ton of feed/charge.

18. Star Metals stated in a December 29, 2003, telephone conversation with U.S. EPA that it shut down the Petersburg facility after it received the results of the D/F performance test.

19. Star Metals' rotary scrap dryer constitutes an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Star Metals is subject to the requirements of Section 114(a)(1) of the Act.

20. Star Metals failed to conduct D/F performance testing at its rotary scrap dryer on or before March 24, 2003, in violation of 40 C.F.R. § 63.1511(b).

21. Star Metals has discharged from the rotary scrap dryer emissions in excess of 3.5×10^{-6} gr of D/F TEQ per ton of feed/charge in violation of 40 C.F.R. § 63.1505(d)(1)(iii).

Compliance Program

22. Star Metals shall submit documentation of the date the Petersburg facility was shut down within 30 days of the effective date of this Order.

23. Star Metals shall submit a written request to IDEM that IDEM revoke the operating permit for the Petersburg facility and submit a copy of that request to the U.S. EPA within 30 days of the effective date of this Order.

24. Star Metals shall submit to the U.S. EPA a copy of the IDEM documentation of revocation of the Petersburg facility

operating permit within 7 days of Star Metals' receipt of such documentation.

25. Star Metals 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. Star Metals shall submit a new permit application to IDEM prior to startup of secondary aluminum production at the Petersburg facility.

27. Star Metals 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

28. This Order does not affect Star Metals' responsibility to comply with other local, state, and federal laws and regulations.

29. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

30. 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 Star Metals' violations of the NESHAP subpart RRR.

31. Failure to comply with this Order may subject Star

Metals to penalties of up to \$27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

32. The terms of this Order are binding on Star Metals, its assignees and successors. Star Metals 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 Star Metals has given the notice.

33. 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.

34. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

35. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

1/30/2004

Date

A handwritten signature in black ink, appearing to read "Steve Rothblatt", written over a horizontal line.

Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the Administrative Order, EPA Order No. EPA-5-04-113(a) IN-02, by Certified Mail, Return Receipt Requested, to:

Newt Crenshaw, President
Star Metals, Inc.
804 South Industrial Park Drive
P.O. Box 526
Petersburg, Indiana 47567

I also certify that I sent a copy of the Administrative Order, EPA Order No. EPA-5-04-113(a) IN-01, by First Class Mail to:

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

on the 2nd day of February 2004.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70c1032u000601723370