



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

NOV 17 2003

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Farrell Norman
Aluminum Recovery Technologies, Inc.
2170 Production Road
Kendallville, IN 46755

Re: Finding of Violation
Aluminum Recovery
Technologies

Dear Mr. Norman:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Aluminum Recovery Technologies, Inc. (you). We find that you are violating the Secondary Aluminum Production National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 C.F.R. Part 63, Subpart RRR, and Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Kendallville, Indiana facility.

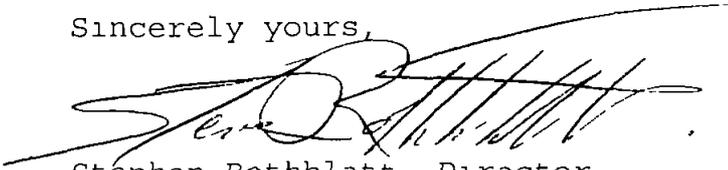
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Joseph Ulfing. You may call him at (312) 353-8205 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

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

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: David McIver, Chief
Air Section
Indiana Department of Environmental Management

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Aluminum Recovery)	FINDING OF VIOLATION
Technologies, Inc.)	
2170 Production Road)	EPA-5-04-02-IN
Kendallville, Indiana 46755)	
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Aluminum Recovery Technologies Inc. (ART) is violating the Secondary Aluminum Production National Emission Standards for Hazardous Air Pollutants (NESHAP).

Regulatory Authority

40 C.F.R. Part 63 Subpart RRR

1. Pursuant to 40 CFR § 63.1500, the requirements of Subpart RRR apply to the owner or operator of each secondary aluminum production facility.
2. A secondary aluminum production facility, as defined at 40 C.F.R. § 63.1503, includes 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.
3. Pursuant to 40 C.F.R. § 63.1501, the owner or operator of an existing affected source must comply with the requirements of Subpart RRR by March 24, 2003; and the owner or operator of a new affected source that commences construction or reconstruction after February 11, 1999, must comply with the requirements by March 24, 2000, or upon startup, whichever is later.

4. A group 1 furnace, as that term is defined at 40 C.F.R. § 63.1503, means 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.
5. A thermal chip dryer, as that term is defined at 40 C.F.R. § 63.1503, means a device that uses heat to evaporate oil or oil/water mixtures from unpainted/uncoated aluminum chips.
6. Pursuant to 40 C.F.R. § 63.1512 (b), the owner or operator of a thermal chip dryer must conduct a performance test to measure total hydrocarbon (THC) and dioxin and furans (D/F) emissions at the outlet of the control devices while the unit processes only unpainted aluminum chips.
7. Pursuant to 40 C.F.R. § 63.1512 (d), the owner or operator of a group 1 furnace that processes scrap other than clean charge materials with emissions controlled by a lime-injected fabric filter must conduct performance tests to measure emissions of PM at the outlet of the control device and emissions of HCl at the outlet (for the emission limit).
8. Pursuant to 40 C.F.R. § 63.1505 (c)(2), on and after the date the initial performance test is conducted or required to be conducted, the owner or operator of a thermal chip dryer must not discharge or cause to be discharged to the atmosphere emissions in excess of 2.50 micrograms of D/F per Mg of feed/charge.
9. Pursuant to 40 C.F.R. § 63.1505 (1)(4), the owner or operator of a group 1 furnace must meet the following emission standards: 0.20 kg of HCl per Mg (0.40 lb of HCl per ton) of feed/charge.

ART's Facility

10. ART owns and operates a secondary aluminum production facility at 2170 Production Road, Kendallville, Indiana 46755. ART's facility uses aluminum scrap and dross in its aluminum production processes.
11. ART owns and operates a rotary dross furnace which was constructed in September 2001. ART's rotary dross furnace

processes aluminum that contains paint, lubricants, coatings or other foreign materials.

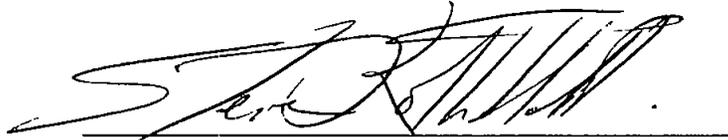
12. ART owns a natural gas fired chip dryer which was constructed in early 1999. ART's chip dryer uses heat to evaporate oil or oil/water mixtures from unpainted/uncoated aluminum chips.
13. The ART facility is an emission source subject to the requirements of the Act, including 40 C.F.R. Part 63 Subpart RRR.
14. ART conducted performance emissions testing for D/F on thermal chip dryer #1 on April 2-3, 2003. The results of the testing show that thermal chip dryer #1 is discharging an average of 44.64 micrograms of D/F per Mg of feed/charge. Thermal chip dryer #1 is discharging an average of 44.64 micrograms of D/F per Mg of feed/charge.
15. ART conducted performance emissions testing for HCl on rotary furnace #2 on April 2-3, 2003. The results of the testing show that rotary furnace #2 is discharging an average of 0.663 lb HCl/ton Aluminum.

Violations

16. Since at least April 3, 2003, ART has discharged from the thermal chip dryer emissions in excess of 2.50 micrograms of D/F per Mg of feed/charge in violation of 40 C.F.R. § 63.1505 (c)(2) and Section 112 of the Act, 42 U.S.C. § 7412.
17. Since at least April 3, 2003, ART has discharged from the rotary furnace emissions in excess of 0.40 lb HCl/ton aluminum in violation of 40 C.F.R. § 63.1505 (1)(4) and Section 112 of the Act, 42 U.S.C. §7412.

11/17/2003

Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-04-02-IN, by Certified Mail, Return Receipt Requested, to:

Farrell Norman
Aluminum Recovery Technologies, Inc.
2170 Production Road
Kendallville, Indiana 46755

I also certify that I sent copies of the Finding of Violation 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

on the 18th day of November, 2003.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601784506