

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
)  
Big River Zinc Corp. ) FINDING OF VIOLATION  
Sauget, Illinois )  
) EPA-5-03-20-IL  
)  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )  
\_\_\_\_\_ )

**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that Big River Zinc Corp. is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Specifically, Big River Zinc Corp. is violating the New Source Performance Standards (NSPS) for Primary Zinc Smelters at 40 C.F.R. part 60, Subpart Q, and the NSPS General Provisions at 40 C.F.R. part 60, Subpart A, as follows:

**Regulatory Authority**

1. The NSPS for primary zinc smelters at 40 C.F.R. Part 60, Subpart Q, applies to the following affected facilities, which commenced construction or modification after October 16, 1974, in primary zinc smelters: roaster and sintering machine.
2. "Affected facility" under the NSPS means, with reference to a stationary source, any apparatus to which a standard is applicable. 40 C.F.R § 60.2.
3. "Construction" under the NSPS means fabrication, erection, or installation of an affected facility. 40 C.F.R § 60.2.
4. The NSPS at 40 C.F.R. § 60.7(a)(1) requires owners or operators subject to the NSPS to furnish, to the Administrator, written notification of the date construction of an affected facility is commenced, postmarked no later than 30 days after such date.
5. The NSPS at 40 C.F.R. § 60.7(a)(3) requires owners or operators subject to the NSPS to furnish, to the

Administrator, a written notification of the actual date of initial startup of an affected facility, postmarked within 15 days after such date.

6. The NSPS at 40 C.F.R. § 60.8(a) requires that within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not more than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance test(s) and furnish the Administrator a written report of the results of the performance test(s).
7. The NSPS, at 40 C.F.R. § 60.173(a), limits the atmospheric discharge of sulfur dioxide (SO<sub>2</sub>) from any roaster to no more than 0.065 percent by volume.

#### Big River Zinc's Facility

8. Big River Zinc owns and operates an electrolytic zinc refinery at Route 3 & Monsanto Avenue, Sauget, Illinois.
9. Big River Zinc's two zinc concentrate roasters are subject to the requirements at 40 C.F.R. Part 60, Subpart A and Subpart Q because these affected units were constructed and began operation after October 16, 1974.

#### Violations

10. The complete replacement of the two zinc roasters during the time period between June 26, 2002, and September 30, 2002, constitutes construction of new affected facilities per 40 C.F.R. § 60.2.
11. Big River Zinc violated the NSPS at 40 C.F.R. § 60.7(a)(1), because it did not provide the Administrator notification of the actual date of construction of the affected facilities at the plant.
12. Big River Zinc violated the NSPS at 40 C.F.R. § 60.7(a)(3), because it did not provide the Administrator notification of the actual startup date of the affected facilities at the plant. Based upon information and belief, the actual startup date of the affected facilities was on or about September 30, 2002.
13. Big River Zinc violated the NSPS at 40 C.F.R. § 60.8(a), because it did not conduct performance tests on the affected facilities and provide the Administrator with a written



**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-03-20-IL, by Certified Mail, Return Receipt Requested, to:

George Obeldobel, General Manager  
Big River Zinc Corporation  
Route 3 & Monsanto Avenue  
Sauget, Illinois 62201

I also certify that I sent copies of the Finding of Violation by first class mail to:

Julie Armitage, Acting Manager  
Compliance and Enforcement Section, Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

and

Mark Schlueter  
FOS Engineer  
Illinois Environmental Protection Agency  
2009 Mall Street  
Collinsville, Illinois 62234

on the 15<sup>th</sup> day of August, 2003.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601784582