



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

SEP 03 2004

REPLY TO THE ATTENTION OF  
(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Dan Evanoff, Director  
North American Alloy Operations  
J.L. French Corporation  
3101 South Taylor Drive  
P.O. Box 1024  
Sheboygan, Wisconsin 53082-2300

Re: Finding of Violation  
Gateway Plant  
Sheboygan, Wisconsin

Dear Mr. Evanoff:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to J.L. French Corporation (you). We find that you are violating the Secondary Aluminum Production National Emission Standard for Hazardous Air Pollutants (NESHAP), at 40 C.F.R. Part 63, Subpart RRR, and Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Gateway Plant in Sheboygan, Wisconsin.

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 Jeffrey Gahris. You may call him at (312) 886-6794 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,

A handwritten signature in black ink, appearing to read "Stephen Rothblatt", with a long horizontal flourish extending to the right.

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Lakshmi Sridharan, Regional Leader  
Southeast Region  
Wisconsin Department of Natural Resources

Lloyd Eagan, Director  
Bureau of Air Management  
Wisconsin Department of Natural Resources

**United States Environmental Protection Agency  
Region 5**

**IN THE MATTER OF:** )  
 )  
J.L. French Corporation ) **FINDING OF VIOLATION**  
4243 Gateway Drive )  
Sheboygan, Wisconsin ) **EPA-5-04-WI-10**  
 )  
 )  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )

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**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that J.L. French Corporation (J.L. French) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, J.L. French is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production Facilities (40 C.F.R. Part 63, Subpart RRR) as follows:

**Regulatory Authority**

1. 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 as defined in 40 C.F.R. § 63.1503.
2. 40 C.F.R. § 63.1500(b), states that the requirements of Subpart RRR pertaining to dioxin and furan (D/F) emissions and the associated operating, monitoring, reporting and recordkeeping requirements apply to affected sources, including each new and existing facility that is a major source of hazardous air pollutants as defined in 40 C.F.R. § 63.2.
3. 40 C.F.R. § 63.1503, defines a secondary aluminum production facility as 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 (that is,

melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in-line fluxing, or dross cooling.

5. 40 C.F.R. § 63.1503, defines a thermal chip dryer as 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 D/F emissions at the outlet of the control device while the unit processes only unpainted aluminum chips.
7. Pursuant to 40 C.F.R. § 63.1506(f), the owner or operator of a thermal chip dryer with emissions controlled by an afterburner must maintain the 3-hour block average operating temperature of each afterburner at or above the average temperature established during the performance test.
8. Pursuant to 40 C.F.R. § 63.1505(c)(2), on and after the compliance date of March 24, 2003, as established by Section 63.1501, 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 megagram of feed/charge ( $3.5 \times 10^{-5}$  grains per ton).
9. Pursuant to 40 C.F.R. § 63.1505(i)(3), on and after the compliance date of March 24, 2003, as established by Section 63.1501, the owner or operator of a Group 1 furnace must not discharge or cause to be discharged to the atmosphere emissions in excess of 15 micrograms of D/F per megagram of feed/charge ( $2.1 \times 10^{-4}$  grains per ton).
10. 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 must conduct this initial performance test by the compliance date, which is March 24, 2003, as established by 40 C.F.R. § 63.1501(a).
11. Pursuant to 40 C.F.R. § 63.1515(b), the owner or operator of an existing affected source must submit a notification of compliance status report within 60 days after the compliance date specified in 40 C.F.R. § 63.1501(a).
12. Pursuant to 40 C.F.R. § 63.9(h)(2), before a Title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under 40 C.F.R. Part 63, the owner or operator of

such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard.

#### J.L. French's Gateway Facility

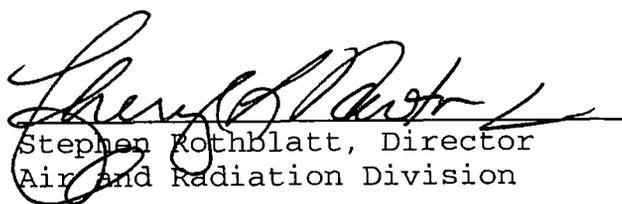
13. J.L. French owns and operates a secondary aluminum production facility at 4243 Gateway Drive, Sheboygan, Wisconsin.
14. J.L. French owns and operates a natural gas fired thermal chip dryer with emissions controlled by an afterburner.
15. According to Wisconsin's construction permit No. 97-EJD-284 issued to J.L. French, J.L. French installed a thermal chip dryer with afterburner. According to this permit, the dryer may also be vented to a lime-injection baghouse and associated stack S11 when oil free scrap is processed.
16. The baghouse also controls emissions from two reverberatory furnaces that are classified as Group 1 furnaces under the NESHAP.

#### Violations

17. On March 6 and 7, 2003, J.L. French conducted a performance test to determine emissions of D/F from its stack S-11, which serves two reverberatory furnaces and a thermal chip dryer.
18. The performance test demonstrated that the D/F emission rates during the three test runs averaged  $5.33 \times 10^{-4}$  grains D/F TEQ/ton of raw material feed. According to J.L. French's test report for the March 6 and 7, 2003 dioxin/furan testing, the average emission rate exceeded the applicable emission standards cited above, in violation of the NESHAP.
19. J. L. French submitted a "Compliance Certification and Compliance Monitoring Report" to U.S. EPA on or about January 28, 2004. This report certified that J.L. French was in compliance with NESHAP requirements, without regard to the performance testing results showing excess emissions. Also, this report did not attach, among other things, the performance testing results.

- 20. J.L. French failed to submit a timely and accurate notification of compliance status, in violation of 40 C.F.R. § 63.9(h).
- 21. J.L. French failed to submit a timely and accurate notification of compliance status report in violation of 40 C.F.R. § 63.1515(b).

9/3/04  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

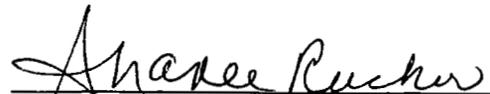
I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-WI-10, by Certified Mail, Return Receipt Requested, to:

Dan Evanoff, Director  
North American Alloy Operations  
J.L. French Corporation  
3101 South Taylor Drive  
P.O. Box 1024  
Sheboygan, Wisconsin 53082-2300

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

Lloyd Eagan, Bureau Director  
Bureau of Air Management  
101 South Webster Street  
P.O. Box 7921 (AM/7)  
Madison, Wisconsin 53703

on the 7<sup>th</sup> day of September, 2004.

  
Shanee Rucker, Secretary  
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001032000615586479