



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

SEP 21 2004

REPLY TO THE ATTENTION OF  
(AE-17J)

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

Gary Hoopes, President  
GNW Aluminum  
1356 Harrisburg Road  
P.O. Box 2418  
Alliance, Ohio 44601

Re: Finding of Violation  
GNW Aluminum  
Alliance, Ohio

Dear Mr. Hoopes:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to GNW Aluminum (you). We find that you are in violation of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production (40 C.F.R. part 63, subpart RRR), and Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Alliance, Ohio facility.

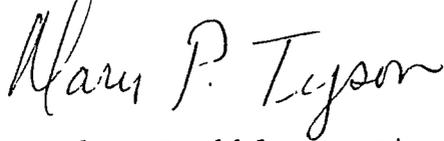
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among 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 Reza Bagherian. You may call him at (312) 886-0674 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,



*AR* Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency

Dan Aleman, Administrator  
Air Pollution Control Division  
Canton City Health Department

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF: )  
 )  
GNW Aluminum ) FINDING OF VIOLATION  
Alliance, Ohio )  
 ) EPA-5-04-OH-13  
 )  
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 GNW Aluminum is in violation of Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, GNW Aluminum is in violation of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production (40 C.F.R. Part 63, Subpart RRR) as follows:

**Regulatory Authority**

40 C.F.R. Part 63, Subpart RRR

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(c), 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 an area source of HAPs as defined in 40 C.F.R. § 63.2.
3. Pursuant to 40 C.F.R. § 63.1501(b), 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. 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 (i.e., 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 group 1 furnace as 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.
6. Pursuant to 40 C.F.R. § 63.1512(e), the owner or operator of a group 1 furnace without add-on air pollution control devices must include data and information demonstrating compliance with the applicable emission limits.
7. Pursuant to 40 C.F.R. § 63.1506(a), the owner or operator must operate all new and existing affected sources and control equipment according to the requirements in 40 C.F.R. § 63.1506.
8. Pursuant to 40 C.F.R. § 63.1506(b), the owner or operator must provide and maintain easily visible labels posted at each group 1 furnace that identifies the applicable emission limits and means of compliance, including: 1) the type of affected source or emission unit, and 2) the applicable operational standard(s) and control methods.
9. Pursuant to 40 C.F.R. § 63.1510(b), the owner or operator must prepare and implement for each new affected source and emission unit, a written operation, maintenance, and monitoring (OM&M) plan. The owner or operator of any new affected source must submit the OM&M plan to the responsible permitting authority within 90 days after a successful initial performance test under 40 C.F.R. § 63.1511(b).
10. Pursuant to 40 C.F.R. § 63.1505(i)(3), 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 TEQ per Mg ( $2.1 \times 10^{-4}$  gr of D/F TEQ per ton) of feed/charge.
11. Pursuant to 40 C.F.R. § 63.1511(b), the owner or operator of a new affected source for which an initial performance test

is required must conduct this initial performance test within 90 days after the date for compliance established by 40 C.F.R. § 63.1501(b).

12. Pursuant to 40 C.F.R. § 63.1515(a), the owner or operator must submit initial notifications to the applicable permitting authority as described in paragraphs (a)(1) through (7) of this section.
13. Pursuant to 40 C.F.R. § 63.1515(b), the owner or operator of a new affected source must submit a notification of compliance status report within 90 days after conducting the initial performance test required by C.F.R. § 63.1511(b).
14. Pursuant to 40 C.F.R. § 63.1516(a), the owner or operator is required to develop and implement a written Startup, Shutdown, and Malfunction (SSM) Plan.
15. Pursuant to 40 C.F.R. § 63.1516(b), the owner or operator is required to submit within 60 days after the end of each 6-month period an Excess Emission/Summary Report.
16. Pursuant to 40 C.F.R. § 63.517(a), the owner or operator must maintain files of all information (including all reports and notifications) required by the general provisions and Subpart RRR.

#### **GNW Aluminum's Facility**

17. GNW Aluminum owns and operates a secondary aluminum production facility at 1356 Harrisburg Road, Alliance, Ohio.
18. GNW Aluminum owns and operates a reverbratory smelting aluminum furnace ("group 1 furnace") identified as emission source P001.
19. According to a June 8, 2004 Section 114 response received from GNW Aluminum, the date of installation of the furnace was September 2002, and the date of startup of the furnace was February 2003.
20. Pursuant to 40 C.F.R. § 63.1501, the group 1 furnace installed at GNW Aluminum is a new affected source.
21. According to the final permit to install issued by Ohio Environmental Protection Agency on August 14, 2003, GNW Aluminum does not have the potential to emit more than 10 tons per year of any single HAP or more than 25 tons per

year of a combination of HAPs, which makes it an area source of HAPs as defined in 40 C.F.R. § 53.2.

**Violations**

22. GNW Aluminum failed to provide and maintain visible labels posted at its group 1 furnace that identify the applicable emission limits as required by 40 C.F.R. § 63.1506(b).
23. GNW Aluminum was required to conduct a performance test for D/F on its group 1 furnace within 90 days after initial startup of the furnace. GNW Aluminum has not conducted a test on its group 1 furnace as required by 40 C.F.R. § 63.1511(b).
24. GNW Aluminum failed to submit an operation, maintenance, and monitoring plan as required by 40 C.F.R. § 63.1510(b).
25. GNW Aluminum failed to develop and implement an approved written Startup, Shutdown, and Malfunction (SSM) Plan as required by 40 C.F.R. § 63.1516(a).
26. GNW Aluminum failed to submit its first Excess Emission/Summary Report within 60 days after the end of the 6-month period of operation of the group 1 furnace as required by 40 C.F.R. § 63.1516(b).
27. GNW Aluminum was required to submit a complete notification of compliance status report. GNW Aluminum failed to submit this report as required by 40 C.F.R. § 63.1515(b).
28. GNW Aluminum failed to maintain files of all information (including reports and notifications) required by the general provisions and Subpart RRR in violation of 40 C.F.R. § 63.1517(a).

9/21/04  
Date

for Mary P. Tyson  
Stephen Rothblatt, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

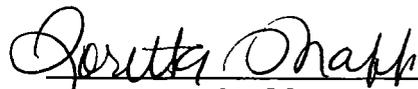
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-04-OH-13, by Certified Mail, Return Receipt Requested, to:

Gary Hoopes, President  
GNW Aluminum  
1356 Harrisburg Road  
P.O. Box 2418  
Alliance, Ohio 44601

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

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Agency  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049

on the 21<sup>st</sup> day of September, 2004.

  
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Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 1558 5465

standard bcc's: official file copy w/attachment(s)

other bcc's: Bonnie Bush, AE-17J

Creation Date:	September 14, 2004
Filename:	F:\Rbagheri\Secondary Aluminum MACT\GNW Aluminum-FOV.wpd
Legend:	ARD:AECAB:AECAS (MN/OH) : RBAGHERIAN