

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)
)
M & M Drying) FINDING OF VIOLATION
4125 Mahoning Road NE)
Canton, Ohio 44705) EPA-5-04-OH-09
)
)
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 M & M Drying Ltd. is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, M & M Drying 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

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 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 established by § 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 250 micrograms of D/F per Mg of feed/charge
9. 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).
10. Pursuant to 40 C.F.R. § 63.1515(a), the owner or operator must submit initial notifications to the applicable permitting authority.
11. 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).

M & M Drying's Facility

- 12 M & M Drying owns and operates a secondary aluminum

production facility at 4125 Mahoning Road NE, Canton, Ohio.

13. M & M Drying owns and operates an 8,000 pounds per hour natural gas fired thermal chip dryer with emissions controlled by an afterburner.
14. According to the Ohio Environmental Protection Agency's Permit to Install application number 15-1385, M & M Drying commenced construction of the thermal chip dryer on or after September 1, 1999.
15. Pursuant to 40 C.F.R. § 63.1501, the thermal chip dryer installed at M & M Drying is a new affected source.
16. M & M Drying 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. § 63.2.

Violations

17. M & M Drying failed to conduct a performance test on its thermal chip dryer as required in 40 C.F.R. § 63.1511(b)
18. M & M drying failed to submit a complete notification of compliance status report required by C.F.R. § 63.1515(b).

4/29/04

Date



 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-09, by Certified Mail, Return Receipt Requested, to.

Percy Kanga, VP
M & M Drying Ltd.
4125 Mahoning Road NE
Canton, Ohio 44705

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

Dan Aleman, Administrator
Air Pollution Control Division
Canton City Health Department
420 Market Ave. North
Canton, Ohio 44702-1544

on the 30th day of APRIL, 2004.

Loretta Shaffer
Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 00061564 9259