



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

REPLY TO THE ATTENTION OF

(AE-17J)

SEP 21 2004

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

Bob Kujawinski, President  
Cleveland Corporation  
42810 North Greenbay Road  
Zion, Illinois 60099

**Re: Finding of Violation, Cleveland Corporation, Zion,  
Illinois**

Dear Mr. Kujawinski:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Cleveland Corporation (you). We find that you have violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Zion, Illinois, 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 Bonnie Bush. You may call her at (312) 353-6684 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,



Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Julie Armitage, Acting Section Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency

Harish Narayan, Acting Regional Manager  
Region I  
Illinois Environmental Protection Agency

**United States Environmental Protection Agency  
Region 5**

**IN THE MATTER OF:** )  
 )  
Cleveland Corporation ) **FINDING OF VIOLATION**  
Zion, Illinois )  
 ) **EPA-05-04-31-IL**  
 )  
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 (U.S. EPA) finds that Cleveland Corporation (Cleveland) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Cleveland is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions at 40 C.F.R. part 63, subpart A (subpart A) and the NESHAP for Secondary Aluminum Production at 40 C.F.R. part 63, subpart RRR (subpart RRR) as follows:

**Regulatory Authority**

1. Subpart RRR, at 40 C.F.R. § 63.1500, applies to the owner or operator of each secondary aluminum production facility as defined in § 63.1503.
2. Subpart RRR, at 40 C.F.R. § 63.1503, defines a sweat furnace as a furnace used exclusively to reclaim aluminum from scrap that contains substantial quantities of iron by using heat to separate the low-melting point aluminum from the scrap while the higher melting-point iron remains in solid form.

**Requirements for Emission Limitation  
and Compliance Performance Testing**

3. Subpart RRR, at 40 C.F.R. § 63.1505(a), requires an owner or operator of a new or existing affected source to comply with each applicable limit in this section.
4. Subpart RRR, at 40 C.F.R. § 63.1505(f), specifies that the owner or operator of a sweat furnace shall comply with the

emission standard of paragraph (f)(2) of this section, which specifies that on and after March 24, 2003, the compliance date established by 40 C.F.R. § 63.1501, the owner or operator of a sweat furnace at a secondary aluminum production facility that is a major or area source must not discharge or cause to be discharged to the atmosphere emissions in excess of 0.80 nanogram of D/F [dioxins/furans] TEQ per dscm ( $3.5 \times 10^{-10}$  gr per dscf) at 11 percent oxygen. This section also indicates that compliance with the standard shall be demonstrated through a performance test.

5. Subpart RRR, at 40 C.F.R. § 63.1511(a), specifies that the owner/operator must submit a site-specific test plan prior to conducting any performance testing.
6. Subpart RRR, at 40 C.F.R. § 63.1511(b), specifies that the owner or operator of any existing affected source for which an initial performance test is required to demonstrate compliance must conduct this initial performance test no later than March 24, 2003, the date for compliance established by 40 C.F.R. § 63.1501(a).
7. Subpart RRR, at 40 C.F.R. § 63.1512(f), specifies that except as provided in 40 C.F.R. § 63.1505(f)(1), the owner or operator of a sweat furnace must measure emissions of D/F from each sweat furnace at the outlet of the control device.

**Requirements for Operation of a Sweat Furnace  
with an Afterburner**

8. Subpart RRR, at 40 C.F.R. § 63.1506(a), specifies that on and after the date on which the initial performance test is conducted or required to be conducted, whichever date is earlier, the owner or operator must operate all new and existing affected sources and control equipment according to the requirements in this section.
9. Although Subpart RRR, at 40 C.F.R. § 63.1505(f), requires the owner or operator of a sweat furnace to comply with the emission standard of paragraph (f)(2) of this section, and conduct a performance test to demonstrate compliance with the standard, Subpart RRR at 40 C.F.R. § 63.1505(f)(1) provides that the owner or operator is not required to conduct a performance test to demonstrate compliance with the emission standard of paragraph (f)(2) of this section provided that, on and after the compliance date of this rule, the owner or operator operates and maintains an afterburner with a design residence time of 0.8 seconds or

greater and an operating temperature of 1600°F or greater.

10. Subpart RRR, at 40 C.F.R. § 63.1506(a)(2), provides that the owner or operator of an existing sweat furnace that meets the specifications of 40 C.F.R. § 63.1505(f)(1), must operate the sweat furnace and control equipment according to the requirements of this section on and after the March 24, 2003 compliance date for this standard.
11. Subpart RRR, at 40 C.F.R. § 63.1506(h), specifies that the owner or operator of a sweat furnace with emissions controlled by an afterburner must maintain the afterburner temperature according to the requirements of this section.

#### **Requirements for Monitoring of Sweat Furnaces**

12. Subpart RRR, at 40 C.F.R. § 63.1510(a), specifies that on and after the compliance date established by 40 C.F.R. § 63.1501, the owner or operator of a new or existing affected source or emission unit must monitor all control equipment and processes according to the requirements in 40 C.F.R. § 63.1510.
13. Subpart RRR, at 40 C.F.R. § 63.1510(b), specifies that the owner or operator must prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance, and monitoring (OM&M) plan, which must be submitted to the permitting authority by the compliance date established by 40 C.F.R. § 63.1501(a) and must include the information specified by 40 C.F.R. § 63.1510(b).
14. Subpart RRR, at 40 C.F.R. § 63.1510(d), specifies that the owner or operator must install, operate, and maintain a capture/collection system for each affected source and emission unit equipped with an add-on air pollution control device, must inspect each capture/collection system once a year, and must record the results.
15. Subpart RRR, at 40 C.F.R. § 63.1510(g), specifies that an owner or operator using an afterburner to comply with the requirements of this subpart must monitor and record afterburner temperature and conduct afterburner inspections according to the requirements in this section.

#### **Other Requirements for Owners or Operators of Sweat Furnaces**

16. Subpart RRR, at 40 C.F.R. § 63.1515(b), specifies that each

owner or operator of an existing affected source must submit a notification of compliance status report within 60 days after the compliance date established by 40 C.F.R. § 63.1501(a), according to the requirements of this section.

17. Subpart RRR, at 40 C.F.R. § 63.1516(a), specifies that each owner or operator must develop and implement a written plan as described in this section and 40 C.F.R. § 63.6(e)(3), containing specific procedures to be followed for operating and maintaining the source during periods of startup, shutdown, and malfunction, and including corrective actions to address malfunctions.
18. Subpart RRR, at 40 C.F.R. § 63.1517(a), specifies that as required by 40 C.F.R. § 63.10(b), the owner or operator shall maintain files of all information, including all reports and notifications, required by the general provisions of Subpart A and this subpart.
19. Subpart A, at 40 C.F.R. § 63.6(e)(3), specifies that the owner/operator is required to have a startup, shutdown, and malfunction (SSM) plan on-site that conforms with the requirements of this section.
20. Subpart A, at 40 C.F.R. § 63.9(b)(2), specifies that the owner/operator must submit an initial notification to the Administrator according to the requirements of this section.

#### **Cleveland's Facility**

21. Cleveland owns and operates a scrap yard at 42810 North Greenbay Road, Zion, Illinois, that meets the definition of a Secondary Aluminum Production facility, as defined in Subpart RRR.
22. Cleveland's Zion facility is subject to the requirements at 40 C.F.R. Part 63, Subparts A and RRR.
23. Cleveland's Zion facility is an existing source, and is, thus, subject to the time frames set forth in 40 C.F.R. § 63.1501.
24. Cleveland operates a sweat furnace controlled by an afterburner which is subject to the emissions standards and other requirements of Subpart RRR.

**Violations**Violations Regarding Performance Testing for a Sweat Furnace

25. Cleveland violated 40 C.F.R. §§ 63.1511(b) and 63.1512(f) when it failed to conduct an initial performance test at its sweat furnace, by March 24, 2003, to demonstrate that it met the emission standard for D/F, as specified in 40 C.F.R. § 63.1505(f)(2).
26. Cleveland violated 40 C.F.R. § 63.1511(a) when it failed to submit a site-specific test plan that is required prior to conducting a performance test.

Violations Regarding the Operation of a Sweat Furnace with an Afterburner<sup>1</sup>

27. Cleveland violated 40 C.F.R. § 63.1506(h) when it operated a sweat furnace with an afterburner, and failed to maintain an operating temperature established by performance testing, or a temperature above 1600°F if a performance test was not conducted.
28. Cleveland violated 40 C.F.R. § 63.1510(g) when it operated a sweat furnace with an afterburner, and failed to monitor and record afterburner temperature and conduct afterburner inspections.

Monitoring Violations

29. Cleveland violated 40 C.F.R. § 63.1510(a) when, as the owner or operator of an existing affected source or emission unit, it failed to monitor all control equipment and processes.
30. Cleveland violated 40 C.F.R. § 63.1510(d) when it failed to inspect each capture/collection system for its sweat furnace once a year and record the results.

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<sup>1</sup> Under 40 C.F.R. § 63.1505(f) Cleveland had the option of demonstrating compliance by either 1) conducting a performance test to show that its emissions did not exceed the regulatory standard for dioxins/furans (D/F), or 2) operating its sweat furnace with an afterburner at a temperature and residence time that is consistent with the prescribed temperature and residence time in Subpart RRR. Cleveland did not use either method, however, to demonstrate compliance, and, thus, U.S. EPA is citing both violations in this FOV.

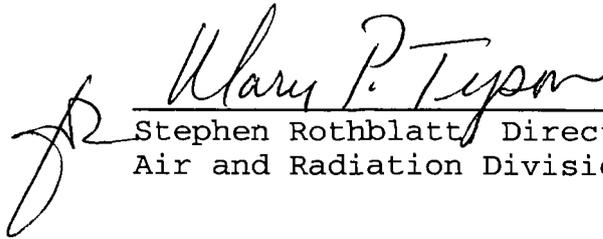
Notification, Reporting, and Recordkeeping Violations

31. Cleveland violated 40 C.F.R. § 63.9(b)(2) when it failed to submit an initial notification to the Administrator.
32. Cleveland violated 40 C.F.R. § 63.1515(b) when it failed to submit a notification of compliance status within 60 days of the March 24, 2003, compliance date.
33. Cleveland violated 40 C.F.R. § 63.1517(a) when, as required by 40 C.F.R. § 63.10(b), it failed to maintain files of all information, including all reports and notifications, required by the general provisions of Subparts A and RRR.

Violations Regarding Plans

34. Cleveland violated 40 C.F.R. §§ 63.1510(b), 63.1517(a), and 63.10(b) when it failed to maintain an OM&M plan, as described at 40 C.F.R. § 63.1510(b).
35. Cleveland violated 40 C.F.R. §§ 63.1516(a), 63.1517(a), and 63.6(e)(3) when it failed to maintain an SSM Plan.

9/21/04  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-05-04-31-IL, by Certified Mail, Return Receipt Requested, to:

Bob Kujawinski, President  
Cleveland Corporation  
42810 North Greenbay Road  
Zion, Illinois 60099

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

Julie Armitage, Acting Section Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois, 62072

Harish Narayan, Acting Regional Manager  
Region I  
Illinois Environmental Protection Agency  
9511 West Harrison  
Des Plaines, Illinois 60016

on the 21st day of September, 2004.

  
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Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589098336