



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

REPLY TO THE ATTENTION OF

JUN 14 2004

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Volkmann
Jupiter Aluminum Corporation
1745- 165th Street
Hammond, Indiana 46320

**Re: Finding of Violation Jupiter Aluminum Corporation
Hammond, Indiana**

Dear Mr. Volkmann:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Jupiter Aluminum Corporation (you). We find that you have violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Hammond, Indiana facility.

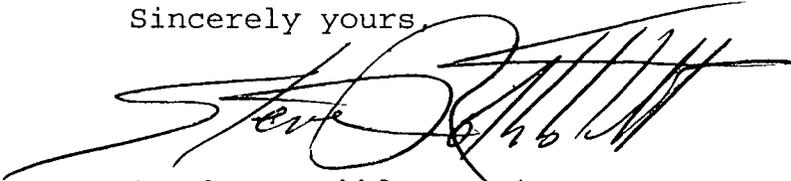
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among 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 Lynne Roberts. You may call her at (312) 886-0250 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,

A handwritten signature in black ink, appearing to read "Steve Rothblatt", with a large, stylized flourish extending to the left.

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Mr. David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management

Mr. Rick Massoels, Environmental Manager
Air Compliance Section
Office of Air Management
Indiana Department of Environmental Management
Northwest Indiana Regional Office

Kristina Massey, Engineer
City of Hammond Department of Environmental Management



United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)
)
Jupiter Aluminum Corporation) FINDING OF VIOLATION
Hammond, Indiana)
) EPA-05-04-24-IN
)
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 Jupiter Aluminum Corporation (Jupiter) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Jupiter is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production at 40 C.F.R. part 63, subpart RRR as follows:

Regulatory Authority

1. The NESHAP for Secondary Aluminum Production applies to Jupiter.
2. The NESHAP, at 40 C.F. R. § 63.1500, apply to the owner or operator of each secondary aluminum production facility as defined in § 63.1503.
3. The NESHAP, at 40 C.F.R. § 63.1503, apply to Group 1 furnaces, which is 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.
4. The NESHAP, at 40 C.F.R. § 63.1506(a), require the owner or operator to operate all new and existing affected sources and control equipment according to the requirements in 40 C.F.R. § 63.1506.

5. The NESHAP, at 40 C.F.R. § 63.1510(b), require the owner or operator of an existing affected source to prepare and implement an Operation, Maintenance, and Monitoring (OM&M) Plan by March 24, 2003.

6. The NESHAP, at 40 C.F.R. § 63.1510(e), require the owner or operator of an affected source or emission unit subject to an emission limit in kg/Mg (lb/ton) or $\mu\text{g}/\text{Mg}$ (gr/ton) of feed/charge to install, calibrate, operate, and maintain a device to measure and record the total weight of feed/charge to, or the aluminum production from, the affected source or emission unit, or to use an approved procedure to determine the total weight of feed/charge to, or aluminum production from, the affected source or emission unit.

7. The NESHAP, at 40 C.F.R. § 63.1510(f), require the owner or operator of an affected source or emission unit using a fabric filter or lime-injected fabric filter to install, calibrate, maintain, and continuously operate a bag leak detection system as required in paragraph (f)(1) of 40 C.F.R. § 63.1310 or a continuous opacity monitoring system as required in paragraph (f)(2) of the same section.

8. The NESHAP, at 40 C.F.R. § 63.1510(g), require the owner or operator of an affected source using an afterburner to install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburner. The temperature monitoring device must meet the performance and equipment specifications outlined in (g)(2) of 40 C.F.R. § 63.1310. Inspections must be conducted pursuant to paragraph (g)(3) of the same section.

9. The NESHAP, at 40 C.F.R. § 63.1510(i)(3), require the owner or operator of an affected source or emission unit using an intermittent lime-injected fabric filter to obtain approval from the permitting authority for a lime addition monitoring procedure to ensure that relevant emission standards will be met on a continuous basis.

10. The NESHAP, at 40 C.F.R. § 63.1511(b), require the owner or operator of an existing affected source to perform tests on all its affected emission units by March 24, 2003 and list the results of those tests in its compliance report.

11. The NESHAP, at 40 C.F.R. § 63.1515(a), require the owner or operator to submit an initial notification stating that it is subject to the standard.

12. The NESHAP, at 40 C.F.R. § 63.1515(b), require the owner or operator of an existing affected source to submit a notification of compliance status report within 60 days after March 24, 2003.
13. The NESHAP, at 40 C.F.R. § 63.1516(a), require the owner or operator to develop and implement a written Startup, Shutdown, and Malfunction (SSM) Plan.
14. The NESHAP, at 40 C.F.R. § 63.1516(b), require the owner or operator to submit within 60 days of the end of each 6-month period an Excess Emission/Summary Report.
15. The NESHAP, at 40 C.F.R. § 63.517(a), require the owner or operator to maintain files of all information (including all reports and notifications) required by the general provisions and Subpart RRR.

Jupiter's Facility

16. Jupiter owns and operates a Secondary Aluminum Production facility at 1745-165th Street, Hammond, Indiana.
17. Jupiter's Hammond facility is subject to the requirements at 40 C.F.R. § 63. Jupiter is a major source for Hazardous Air Pollutants (HAP).

Violations

18. On March 24, 2003, Jupiter was required to submit an initial notification, stating that its facility was subject to the NESHAP Secondary Aluminum Production Requirements. Jupiter failed to submit said notification in violation of 40 C.F.R. § 63.1515(a).
19. On May 24, 2003, Jupiter was required to submit a notification of compliance status. Jupiter failed to submit said notification in violation of 40 C.F.R. § 63.1515(b).
20. By March 24, 2003, Jupiter was required to perform initial performance tests on its affected emission sources. Jupiter has not conducted said tests in violation of 40 C.F.R. § 63.1511(b).
21. By March 24, 2003, Jupiter was required to prepare and implement an Operation, Maintenance, and Monitoring (OM&M) Plan. Jupiter has not prepared or implemented said plan in violation of 40 C.F.R. § 63.1510(b).
22. By March 24, 2003, Jupiter was required to develop and implement an approved written Startup, Shutdown, and Malfunction

(SSM) Plan. Jupiter has not developed or implemented said plan in violation of 40 C.F.R. § 63.1516(a).

23. By October 24, 2003, Jupiter also was required to submit its first Excess Emission/Summary Report. Jupiter failed to submit its report in violation of 40 C.F.R. § 63.1516(b).

24. Jupiter 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).

25. Jupiter failed to operate all new and existing affected sources and control equipment according to the operating requirements in subpart RRR in violation of 40 C.F.R. § 63.1506(a)(1).

26. Jupiter failed to install, calibrate, operate, and maintain a device to measure and record the total weight of feed/charge to, or the aluminum production from, the affected source or emission unit, or to use an approved procedure to determine the total weight of feed/charge to, or aluminum production from, the affected source or emission unit in violation of 40 C.F.R. § 63.1510(e).

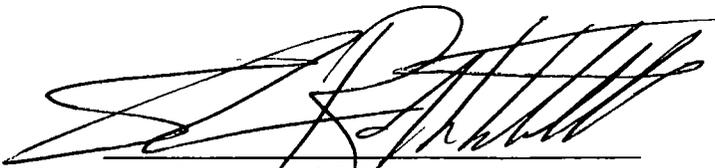
27. Jupiter, an owner or operator of an affected source or emission unit using a fabric filter or lime-injected fabric filter, failed to install, calibrate, maintain, and continuously operate a bag leak detection system or a continuous opacity monitoring system in violation of 40 C.F.R. § 63.1510(f).

28. Jupiter failed to install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburner in violation of 40 C.F.R. § 63.1510(g).

29. Jupiter failed to obtain approval from the permitting authority for a lime addition monitoring procedure to ensure that relevant emission standards will be met on a continuous basis in violation of 40 C.F.R. § 63.1510(i)(3).

Date

6/14/2004


Stephen Rothblatt, Director
Air and Radiation Division

(SSM) Plan. Jupiter has not developed or implemented said plan in violation of 40 C.F.R. § 63.1516(a).

23. By October 24, 2003, Jupiter also was required to submit its first Excess Emission/Summary Report. Jupiter failed to submit its report in violation of 40 C.F.R. § 63.1516(b).

24. Jupiter 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).

25. Jupiter failed to operate all new and existing affected sources and control equipment according to the operating requirements in subpart RRR in violation of 40 C.F.R. § 63.1506(a)(1).

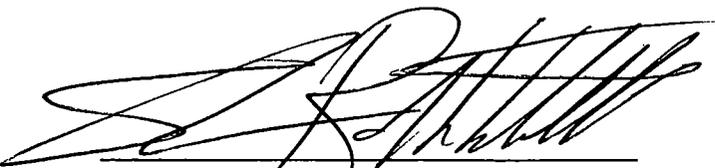
26. Jupiter failed to install, calibrate, operate, and maintain a device to measure and record the total weight of feed/charge to, or the aluminum production from, the affected source or emission unit, or to use an approved procedure to determine the total weight of feed/charge to, or aluminum production from, the affected source or emission unit in violation of 40 C.F.R. § 63.1510(e).

27. Jupiter, an owner or operator of an affected source or emission unit using a fabric filter or lime-injected fabric filter, failed to install, calibrate, maintain, and continuously operate a bag leak detection system or a continuous opacity monitoring system in violation of 40 C.F.R. § 63.1510(f).

28. Jupiter failed to install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburner in violation of 40 C.F.R. § 63.1510(g).

29. Jupiter failed to obtain approval from the permitting authority for a lime addition monitoring procedure to ensure that relevant emission standards will be met on a continuous basis in violation of 40 C.F.R. § 63.1510(i)(3).

6/14/2004
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-05-04-24-IN, by Certified Mail, Return Receipt Requested, to:

Mark Volkmann
Jupiter Aluminum Corporation
1745- 165th Street
Hammond, Indiana 46320

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

Mr. David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46206-6015

on the 15th day of June, 2004.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 02952645