UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Iroquois Foundry Company, Inc .	)	DOCKET NO. EPA-5-99-113(a)-WI-7
Browntown, Wisconsin	)	
	)	ADMINISTRATIVE ORDER
PROCEEDINGS PURSUANT	)	
To Sections 113(a)(1) and 114(a)	)	
of the Clean Air Act, 42 U.S.C.	)	
§§ 7413(a)(1) and 7414(a)	)	
	)	

STATUTORY AUTHORITY

The following Consent Order ("Order") is issued pursuant to Section 113(a)(1) and 114(a) of the Clean Air Act, as amended, ("CAA"), 42 U.S.C. §§ 7413(a)(1) and 7414(a).

REGULATORY BACKGROUND

1. The United States Environmental Protection Agency (U.S. EPA) approved Wisconsin Administrative Code NR 154.11, governing particulate emissions, as part of the Wisconsin State Implementation Plan ("SIP") on March 9, 1983 (48 Fed. Reg. 9860).

2. Wisconsin Administrative Code NR 154.11(3)(a)1 provides particulate emission limits for direct or portable sources involving processes constructed or modified after April 1, 1972, by using the formula $E = 3.59\ P^{0.62}$, where E is the allowable emissions in pounds per hour and P is the process weight rate in tons per hour.

3. Section 113(a) of the CAA, 42 U.S.C. § 7413(a), requires, among other things, that, whenever the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable SIP, the Administrator shall notify the person and the State in which the SIP applies of such finding.

FINDINGS OF VIOLATION

4. The Respondent in this proceeding, Iroquois Foundry Company, Inc. ("Iroquois"), owns and operates a cupola melting furnace and other processes necessary for production of grey iron castings, at its foundry located at Highway 11 and County Highway M, in Browntown, Wisconsin.

5. On September 16, 1998, the Administrator issued to Iroquois a Notice of Violation ("NOV") pursuant to Section 113(a) of the CAA, 42 U.S.C. § 7413(a), for violation of Wisconsin Administrative Code NR 154.11(3)(a)1. The NOV is incorporated herein by reference.

6. Iroquois was offered an opportunity to meet with U.S. EPA to discuss the NOV.

7. On October 29, 1998, U.S. EPA filed an Amended Administrative Complaint seeking civil penalties for violation of the PM emission limits.

8. Iroquois and U.S. EPA entered an Administrative Consent Order which became effective December 3, 1998. This Consent Order required that Iroquois install a new mist eliminator and wastewater treatment plant, and then conduct a stack test on the cupola furnace to show compliance with the PM emission limits. Iroquois was required to submit to U.S. EPA the stack test results showing compliance by January 9, 1999.

9. The January 9, 1999 stack tests did not show compliance.

10. Iroquois made additional adjustments to the mist eliminator and exhaust fan stack and conducted a repeat stack test on February 9, 1999.

11. U.S. EPA received the results of the repeat stack test on February 17, 1999. These results show that the cupola furnace is operating in compliance with the PM emission limit. However, the parameters for pressure drop and water flow differ from those used in previous stack tests.

ORDER

After review of information submitted by Iroquois to the U.S. EPA, and a thorough investigation of all relevant facts, taking into account the seriousness of the violations and Iroquois' efforts to comply with applicable regulations, it is determined that the following requirements are agreed and ordered and are reasonable.

THEREFORE, IT IS HEREBY ORDERED THAT:

12. Iroquois shall only operate the cupola furnace while the associated control equipment (i.e., venturi scrubber) is operating under such conditions that are the same as those conditions maintained during the stack test of February 9, 1999. Such operating conditions include a pressure drop of not less than 37 inches of water across the venturi scrubber and a water flow rate of about 150 gallons per minute.

13. Iroquois shall continue to operate the venturi scrubber for the cupola furnace in accordance with the parameters set out in Paragraph 12, until U.S. EPA determines that different pressure drop and water flow rate parameters can be used. For U.S. EPA to make this determination, Iroquois must submit a stack test to U.S. EPA showing that the cupola furnace can be operated in compliance with PM emission limits with different pressure drop and water flow parameters at the scrubber.

14. Any stack test conducted for the purpose of demonstrating compliance under any conditions other than those specified in Paragraph 12 shall comply with the following requirements:

    The tests for particulate matter (PM), shall be performed in accordance to the test methods specified by 40 C.F.R. Part 51, Appendix M and 40 C.F.R. Part 60 Appendix A. The test methods to be used are Method 5 and 202 for particulate matter (PM) (front and back half).

    The emission tests shall be performed under the following conditions:

    a. Cupola shall be operating at maximum or very close to maximum design capacity;

    b. Charge composition and coke feed rate shall significantly resemble the mix normally used for the cupola;

    c. Blast rate and oxygen injection rate, shall be representative of the rates normally applied at cupola's maximum production rate;

    d. Type of scrap used shall be representative of the scrap used during normal production.

    Following parameters shall be recorded for each test run and included with the emission test reports:

    e. Charge composition (percent by weight of constituents);

f. Process weight rate (tons/hr.);

g. Pressure drop across control device;

h. Scrubber water feed rate (gallons per minute);

i. Scrap composition (e.g. turnings, foundry returns, pipes) in percent by weight of the constituents;

J. Elapsed time (start to finish);

k. Blast rate and oxygen injection rate (in pounds per hour).

15. Failure to operate the cupola furnace in accordance with the parameters set out in Paragraph 12 will be a violation of this Order and such operation will be considered to be in violation the PM emission limits, unless U.S. EPA has made a determination under Paragraph 13 that different pressure drop and water flow rate parameters can be used.

16. For each day that the cupola furnace is in operation, Iroquois shall record the pressure drop across the venturi, in inches of water, and the water flow rate in gallons per minute, at least twice each operating shift. These records shall be submitted to U.S. EPA within ten days after the end of each calendar month and on a monthly basis for a period of one year from the date of the execution of this Order. Iroquois shall calibrate all measuring devices used for the purposes of record keeping under this Order, in accordance to the procedures and frequency recommended by the manufacturer. Iroquois shall maintain records of such calibrations for a period of not less than one year at its facility and shall submit such records to U.S. EPA upon request.

GENERAL PROVISIONS

17. Nothing contained in this Order shall affect the responsibility of Iroquois to comply with all applicable Federal, State or local laws or regulations.

18. Iroquois has been notified that it is subject to civil administrative penalties pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d) for the violations set out in the September 16, 1998 NOV.

19. Iroquois is hereby notified that it may be subject to noncompliance penalties pursuant to Section 120 of the CAA, 42 U.S.C. § 7420.

20. Nothing in this Order shall be construed to prevent, or limit, the U.S. EPA's right to collect penalties and pursue appropriate relief under Sections 113(b) and 113(d) of the CAA, 42 U.S.C. §§ 7413(b) and (d).

21. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, the Administrator or authorized representatives of the U.S. EPA upon presentation of his or her credentials, shall have the right of entry into, upon and through Iroquois's Browntown, Wisconsin Foundry, for the purpose of carrying out any inspections, taking photographs, and at reasonable times, reviewing any records, and subject to applicable safety requirements, observing tests, and conducting any tests, which are deemed by the Administrator to be necessary to ensure compliance with this Order.

22. Nothing in this Order shall be construed to restrict in any way, the U.S. EPA's authority under Section 114 or Section 303 of the CAA, 42 U.S.C. §§ 7414 and 7603.

23. Pursuant to regulations appearing in 40 C.F.R. Part 2, Subpart B, Iroquois is entitled to assert a business confidentiality claim covering any part of the submitted information which is not emission data or necessary to determine emission data. Failure to assert such a claim makes the submitted information available to the public without further notice. Information subject to a business confidentiality claim may be available to the public only to the extent set forth in the above-cited regulations.

24. Iroquois shall submit all information and reports required by this Order to the U.S. EPA and the Wisconsin Department of Natural Resources within the time frames prescribed in this Order. All information and reports shall be sent to:

    Farro Assadi (AE-17J)
    U.S. Environmental Protection Agency
    77 W. Jackson Blvd.
    Chicago, IL 60604-3590

    with a copy to:

    Cory Carter
    Wisconsin Department of Natural Resources
    3448 Highway 23
    Dodgeville, WI 53533

25. All submissions or reports required under this Order shall be accompanied by the following certification by a responsible official of Iroquois:

    "I certify that the information contained in or accompanying this submission is true, accurate and complete. This certification is

based on either my personal preparation, review, analysis of the submission, and/or supervision of persons who, acting on my direct instructions, made the verification that the submitted information is true, accurate and complete."

26. All information collected pursuant to this Order can be used for civil, criminal, and administrative enforcement purposes.

27. This Order constitutes the entire agreement between the parties related to the Notice of Violation issued by U.S. EPA to Iroquois on September 16, 1998. A separate Consent Agreement and Consent Order under Section 113(d) of the CAA addresses issues related to any applicable penalties.

28. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information in an administrative action or investigation involving the U.S. EPA and specific individuals or entities.

29. The provisions of this Order shall apply to and be finding upon Iroquois, its officers, directors, employees, agents, servants, employees, any successor(s) in interest, and all persons, firms and corporations who are, or will be, acting on behalf of, in concert with or in participation with Iroquois in any acts governed by the terms of this Order. Prior to transfer of ownership of any facilities affected by this Order, Iroquois shall give notice of this Order to any successor(s) in interest, and shall simultaneously verify to U.S. EPA and WDNR, to the addressees specified herein, that such notice has been given.

30. This Order is effective on the date of signature by the Director, Air and Radiation Division, and shall terminate one (1) year after the date of signature by the Director, Air and Radiation Division, U.S. EPA, Region 5, provided that all provisions of this Order have been fulfilled and that Iroquois maintains compliance throughout the life of this Order.

IN THE MATTER OF:
Iroquois Foundry
Administrative Order

3/18/99
Date

Richard C. Karl, Acting Director
Air and Radiation Division

Iroquois Foundry Company, Inc. Consents to the issuance of this Order and waives any and all rights to challenge this Order.

3/10/99
Date

Lawrence Miller, Vice President
Iroquois Foundry Company, Inc.