

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the matter of:)	
)	
DePere Foundry Inc.)	Notice of Violation
DePere, Wisconsin)	EPA-5-99-WI-10
)	
Proceedings Pursuant to)	
Section 113 (a) (1) of the)	
Clean Air Act,)	
42 U.S.C. § 7413 (a) (1),)	
_____)	

NOTICE OF VIOLATION

Pursuant to Section 113(a) (1) of the Clean Air Act (Act), 42 U.S.C. § 7413 (a) (1), the State of Wisconsin and DePere Foundry Inc., (DePere) are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, finds that DePere's facility located at 805-815 South Sixth Street, DePere, Wisconsin, is in violation of the Wisconsin State Implementation Plan (SIP) adopted under the Act. Specifically:

1. Wisconsin SIP Rule 154.11(6) (a)1, was approved as part of the federally enforceable SIP effective on April 18, 1983 (48 Fed. Reg. 9860). Wis. Admin. Code § NR 431.04. Except for some exemptions not applicable here, NR 154.11(6) (a)1 limits the opacity of emissions from direct and portable sources located in subregion 1 of the Lake Michigan Intrastate Air Quality Control Region to 20 percent.
2. Wisconsin SIP Rule 154.11(2), was approved as part of the federally enforceable SIP effective on April 18, 1983 (48 Fed. Reg. 9860). Wis. Admin. Code § NR 415.04. This fugitive dust regulation requires that no person shall cause, allow, or permit any materials to be handled, transported, or stored without taking precautions to prevent particulate matter from becoming airborne.
3. Based upon visible emission readings listed below, DePere's cupola furnace has violated Wisconsin SIP Rule 154.11(6) (a)1.

DATE	TIME	AVERAGE OPACITY	LOCATION
March 23, 1998	4:19PM - 4:51PM	46.0%	Stack S10, Baghouse C30
March 26, 1998	3:15PM - 3:20PM	40.0%	Stack S10, Baghouse C30
March 26, 1998	3:21PM - 3:26PM	36.0%	Stack S10, Baghouse C30
March 26, 1998	3:27PM - 3:32PM	29.0%	Stack S10, Baghouse C30
March 26, 1998	3:33PM - 3:38PM	22.0%	Stack S10, Baghouse C30
April 7, 1998	1:35PM - 1:40PM	60.0%	Stack S10, Baghouse C30
April 7, 1998	1:41PM - 1:46PM	63.0%	Stack S10, Baghouse C30
April 7, 1998	1:47PM - 1:52PM	62.0%	Stack S10, Baghouse C30
April 7, 1998	1:53PM - 1:58PM	59.0%	Stack S10, Baghouse C30
April 7, 1998	1:59PM - 2:04PM	63.0%	Stack S10, Baghouse C30
April 27, 1998	4:40PM - 4:45PM	61.0%	Stack S10, Baghouse C30
April 27, 1998	4:46PM - 4:51PM	60.0%	Stack S10, Baghouse C30
April 27, 1998	4:52PM - 4:57PM	54.0%	Stack S10, Baghouse C30
April 27, 1998	4:58PM - 5:03PM	52.0%	Stack S10, Baghouse C30
April 27, 1998	5:04PM - 5:09PM	58.0%	Stack S10, Baghouse C30
April 27, 1998	4:40PM - 4:45PM	39.0%	Hole in the Roof Above Cupola Charge Door

April 27, 1998	4:46PM - 4:51PM	29.0%	Hole in the Roof Above Cupola Charge Door
April 27, 1998	4:52PM - 4:57PM	28.0%	Hole in the Roof Above Cupola Charge Door
April 27, 1998	4:58PM - 5:03PM	27.0%	Hole in the Roof Above Cupola Charge Door
April 27, 1998	5:04PM - 5:09PM	35.0%	Hole in the Roof Above Cupola Charge Door
July 29, 1998	1:23PM - 1:28PM	70.0%	Rim of Cupola Cap
July 29, 1998	1:29PM - 1:34PM	70.0%	Rim of Cupola Cap
July 29, 1998	1:35PM - 1:40PM	64.0%	Rim of Cupola Cap
July 29, 1998	1:41PM - 1:46PM	62.0%	Rim of Cupola Cap
July 29, 1998	1:47PM - 1:52PM	54.0%	Rim of Cupola Cap
Sept. 16, 1998	2:45PM - 2:50PM	33.0%	Hole in the Roof Above Cupola Charge Door
Sept. 16, 1998	2:51PM - 2:56PM	28.0%	Hole in the Roof Above Cupola Charge Door
Sept. 16, 1998	2:57PM - 3:02PM	24.0%	Hole in the Roof Above Cupola Charge Door
Sept. 16, 1998	3:03PM - 3:08PM	26.0%	Hole in the Roof Above Cupola Charge Door
Sept. 16, 1998	3:09PM - 3:14PM	22.0%	Hole in the Roof Above Cupola Charge Door

4. During the inspection conducted by Wisconsin Department of Natural Resources on May 27, 1998, the inspector witnessed that DePere was handling, transporting, and storing dust from baghouses C35, C36, and C37, without taking precautions so as to prevent particulate matter from

