



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

JAN 26 2006

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Dorsey
Branch Manager, Vice President of Operations
Concast Birmingham, Inc.
14315 State Route 113
Birmingham, OH 44816

Re: Finding of Violation
Concast Birmingham, Inc.
Birmingham, OH

Dear Mr. Dorsey:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Concast Birmingham, Inc. (you). We find that you are violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e), at your Birmingham, OH 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.

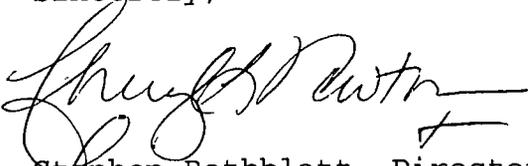
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

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 Monica Onyszko. You may call her at (312) 353-5139 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,

A handwritten signature in cursive script, appearing to read "Stephen Rothblatt", with a horizontal line underneath.

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Don Waltermeyer, APC
Air Pollution Control Group
Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Concast Birmingham, Inc.) **FINDING OF VIOLATION**
Birmingham, OH)
) **EPA-5-06-OH-04**
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)
)

FINDING OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) finds that Concast Birmingham, Inc. (Concast) is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e). Specifically, Concast is violating the New Source Performance Standards (NSPS) for Secondary Brass and Bronze Production Plants at 40 C.F.R. Part 60, Subpart M as follows:

Regulatory Authority

1. Pursuant to Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e), it is unlawful for the owner or operator of a source to operate such source in violation of an applicable NSPS.
2. Pursuant to Section 111 of the Clean Air Act, 42 U.S.C. § 7411, the Administrator promulgated the NSPS for Secondary Brass and Bronze Production Plants at 40 C.F.R. Part 60, Subpart M, 40 C.F.R. §§ 60.130 through 60.133.
3. Pursuant to 40 C.F.R. § 60.130, the provisions of Subpart M apply to, inter alia, the following affected facilities in secondary brass or bronze production plants: electric furnaces with a production capacity of 2,205 pounds or greater that commenced construction after June 11, 1973.
4. Pursuant to 40 C.F.R. § 60.2, "construction" means the fabrication, erection or installation of an affected facility.

5. Pursuant to 40 C.F.R. § 60.131(c), "electric furnace" means a furnace which uses electricity to produce over 50 percent of the heat required in the production of refined brass or bronze.
6. Pursuant to 40 C.F.R. §§ 60.8, 60.132, and 60.133 the owner or operator of an affected facility shall conduct a performance test not later than 180 days after the initial startup of such facility to determine compliance with the applicable Subpart M standard, and furnish the Administrator with a written report of the results of such performance test.
7. Pursuant to 40 C.F.R. §§ 60.8, 60.132, and 60.133, the owner or operator of an affected facility consisting of an electric furnace shall not discharge, or cause the discharge into the atmosphere, gases which exhibit 10 percent opacity or greater.
8. Pursuant to 40 C.F.R. §§ 60.8, 60.132, and 60.133 the owner or operator of an affected facility consisting of an electric arc furnace shall determine compliance with the opacity standard by using Method 9 of 40 C.F.R. Part 60, Appendix A.

Concast Facility

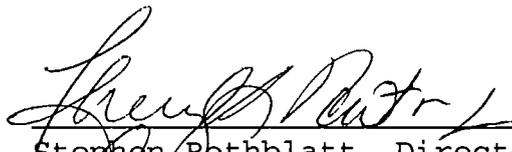
9. Concast owns and operates a bronze ingot production facility at 14315 State Route 113 in Birmingham, Ohio.
10. Concast owns and operates four electric induction furnaces at their facility.
11. The power source for melting in the furnaces is electricity.
12. On December 21, 2000, the Ohio Environmental Protection Agency (OEPA) issued Concast a Permit to Install for Furnace #4.
13. Furnace #4 is a 600 kilowatt coreless brass and bronze induction furnace with two natural gas fired holding tundishes with baghouse.

14. Concast purchased Furnace #4 from Inductotherm Corp. of Rancocas, New Jersey. The invoice, dated March 20, 2001, states that the furnace with serial number 01C-137369-310-11 (Furnace #4) has a 4,000 pound capacity.
15. In a phone call on November 2, 2005, between Monica Onyszko of the U.S. EPA to John Dorsey, Branch Manager and Vice President of Operations at Concast, Mr. Dorsey stated that, with a liner, Furnace #4 has a capacity of 3,400 pounds.
16. The Installation Certificate that Concast submitted to the OEPA states that the construction of Furnace #4 was completed on September 4, 2001.
17. The end product of Furnace #4 is unfinished bronze and aluminum bronze.
18. The NSPS for Secondary Brass and Bronze Production Plants at 40 C.F.R. Part 60, Subpart M, is applicable to Furnace #4 at Concast's plant located in Birmingham, Ohio.

Violations

19. Concast is in violation of 40 C.F.R. § 60.8, and the NSPS for Secondary Brass and Bronze Production Plants at 40 C.F.R. Part 60, Subpart M, by failing to conduct a performance test to determine compliance with the opacity standard within 180 days of the initial startup of Furnace #4:
20. Concast is violating Section 111(e) of the Clean Air Act, 42 U.S.C. § 7411(e), by operating Furnace #4 in violation of the NSPS for Secondary Brass and Bronze Production Plants at 40 C.F.R. Part 60, Subpart M.

1/26/06
Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-06-OH-04, by Certified Mail, Return Receipt Requested, to:

John Dorsey
Branch Manager, Vice President of Operations
Concast Birmingham, Inc.
14315 State Route 113
Birmingham, OH 44816

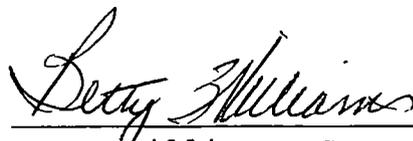
I also certify that I sent a copy of the Finding of Violation, No. EPA-5-06-OH-04, by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Don Waltermeyer, APC
Air Pollution Control Group
Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402

on the 27th day of January 2006.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000614551164