



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

APR 28 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Keith Kuter
E.H.&S. Supervisor
Prospect Foundry LLC
1225 Winter Street N.E.
Minneapolis, Minnesota 55413

Dear Sir or Madam:

This is to advise you that the U.S. Environmental Protection Agency has determined that Prospect Foundry LLC (Prospect or you) is in violation of the Clean Air Act (CAA) at its facility located at 1225 Winter Street N.E., Minneapolis, Minnesota (facility). We are issuing Prospect a Finding of Violation (FOV) for these violations.

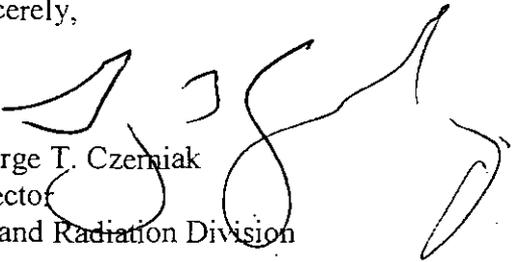
The CAA requires the development of standards for emissions of hazardous air pollutants (HAPs), called National Emission Standards for Hazardous Air Pollutants (NESHAPs). The purpose of NESHAPs is to reduce HAPs, including certain metals, which pose a threat to human health. The NESHAP for Iron and Steel Foundries Area Sources (Foundry NESHAP), 40 C.F.R. Part 63, Subpart ZZZZZ, sets forth requirements to minimize emissions of HAPs. EPA finds that the Prospect facility is violating the Foundry NESHAP as detailed in the following FOV.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Gregory Gehrig. You may contact him at 312.886.4434 or gehrig.greg@epa.gov if you wish to request a conference. EPA hopes that this FOV will encourage Prospect's compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Sarah D. Kilgriff, MPCA

- d. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
- e. On January 2, 2008, EPA promulgated the NESHAP for Iron and Steel Foundries at 40 C.F.R. Part 63, Subpart ZZZZZ (the Foundry NESHAP). *See* 73 Fed. Reg. 252.
- f. The Foundry NESHAP applies to any person who owns or operates an iron or steel foundry that is an area source of HAP emissions. 40 C.F.R. § 63.10880(a).
- g. The Foundry NESHAP applies to each existing affected source. 40 C.F.R. § 63.10880(b).
- h. An affected source is existing if it was constructed or reconstructed before September 17, 2007. 40 C.F.R. § 63.10880(b)(1).
- i. Pursuant to 40 C.F.R. § 63.10880(f), if an affected source's metal melt production for calendar year 2008 was less than 20,000 tons, the area source is considered a small foundry.
- j. 40 C.F.R. § 63.10885(a)(1) requires a facility to operate at all times according to written material specifications for the acceptance of restricted metallic scrap after January 2, 2009.
- k. 40 C.F.R. § 63.10890(e)(2) requires a facility to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a) since January 2, 2009.
- l. 40 C.F.R. § 63.10885(b) requires a facility to comply with one of four options for mercury switches management practices after January 4, 2010. A facility must submit a site-specific plan or a certification of the selected option in the notice of compliance status.
- m. 40 C.F.R. § 63.10890(e)(3) and/or (4) requires a facility to maintain records demonstrating compliance with 40 C.F.R. § 63.10885(b) since January 4, 2010.
- n. 40 C.F.R. § 63.10890(c)(2) requires a facility to submit a notification of compliance status for mercury switches management practices by February 3, 2010.
- o. 40 C.F.R. § 63.10890(c)(3) requires a facility to submit a notification of compliance status for binder formulations management practices by February 1, 2009.
- p. 40 C.F.R. § 63.10890(f) requires a facility to submit semiannual compliance reports that clearly identify any deviation from the pollution prevention management practices in 40 C.F.R. § 63.10885 or 40 C.F.R. § 63.10886 beginning July 30, 2009.

2. Based on an EPA inspection of Prospect on October 15, 2014, and a review of documents submitted to EPA by Prospect, you are violating the following the Foundry NESHAP requirements:

- a. Since January 2, 2009, the facility has failed to operate at all times according to written material specifications for the acceptance of restricted metallic scrap as required by 40 C.F.R. § 63.10885(a)(1).
- b. Since January 2, 2009, the facility has failed to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a), as required by 40 C.F.R. § 63.10890(e)(2).
- c. Since January 4, 2010, the facility has failed to comply with one of four mercury management practices as required by 40 C.F.R. § 63.10885(b).
- d. Since January 4, 2010, the facility has failed to maintain records demonstrating compliance with 40 C.F.R. § 63.10885(b) as required by 40 C.F.R. § 63.10890(e)(3) and/or (4).
- e. Since February 3, 2010, the facility failed to submit a notification of compliance status for mercury switches management practices as required by 40 C.F.R. § 63.10890(c)(2).
- f. Since February 1, 2009, the facility failed to submit a notification of compliance status for binder formulations management practices as required by 40 C.F.R. § 63.10890(c)(3).
- g. Since July 30, 2009, the facility failed to submit semiannual compliance reports that clearly identify any deviation from the pollution prevention management practices in 40 C.F.R. § 63.10885 or 40 C.F.R. § 63.10886 as required by 40 C.F.R. § 63.10890(f).

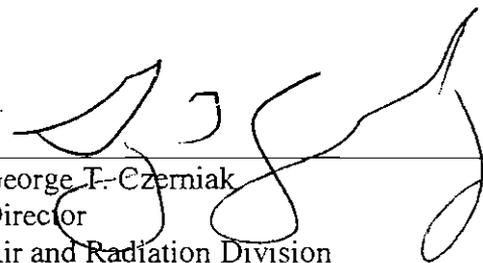
Environmental Impact of Violations

- 3. Violation of the Foundry NESHAP standards for pollution prevention management practices increases possible public exposure to metal HAPs, including mercury compounds. Exposure to mercury compounds may result in damage to the gastrointestinal tract, the nervous system, and the kidneys.

Date

9/28/15

George T. Czerniak
 Director
 Air and Radiation Division



CERTIFICATE OF MAILING

I, Loretta Shafer, certify that I sent a Finding of Violation, No. EPA-5-15-MN-02, by Certified Mail, Return Receipt Requested, to:

Keith Kuter
E.H.&S. Supervisor
Prospect Foundry LLC
1225 Winter Street N.E.
Minneapolis, Minnesota 55413

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

Sarah D. Kilgriff
Industrial Air Compliance
Minnesota Pollution Control Agency
St. Paul - 5
520 Lafayette Road N
St. Paul, MN 55155-4194

On the 30th day of April 2015.

Kathy Jones
for Loretta Shafer, Administrative Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 4916