

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
Alchem Aluminum, Inc.) Administrative Consent Order
Buena Vista, Michigan)
) EPA-5-01-113(a) MI-15
Proceeding Under)
Section 113(a)(3))
of the Clean Air Act,)
42 U.S.C. §§ 7413(a)(3))
_____)

Administrative Consent Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Alchem Aluminum, Inc. (Alchem), of Coldwater, Michigan, under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory and Regulatory Background

2. The Administrator of U.S. EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the Act, 42 U.S.C. § 7412.

3. Under Section 112 of the Act, the Administrator promulgated the NESHAP for secondary aluminum production at 40 C.F.R. §§ 63.1500 through 63.1520. The NESHAP for secondary aluminum production applies to, among other things, Group 1 furnaces that melt, hold or process aluminum with reactive fluxing.

4. The NESHAP, at 40 C.F.R. § 63.1512, requires the owner or operator of a secondary aluminum processing plant to, among other things, conduct performance testing for the emission of dioxin and furans (D/F) from Group 1 furnaces.

5. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an Order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

6. Alchem owns and operates a secondary aluminum processing plant at Nodular Drive, Buena Vista, Michigan.

7. Around November 2000, Alchem had installed two Group 1 furnaces, designated "Furnace EUFURN 1" and "Furnace EUFURN 2", that process clean aluminum scrap with fluxing agents; therefore, Alchem is subject to the NESHAP for secondary aluminum processing at 40 C.F.R. §§ 63.1500 through 63.1520.

8. Alchem was required by 40 C.F.R. § 63.6 to conduct performance testing of the Group 1 furnaces within 180 days of the initial startup date. By January 31, 2001, Alchem was melting aluminum scrap in the sidewall of Furnace EUFURN 2.

9. On or about July 20, 2001, Alchem reported that Furnace EUFURN 2 experienced a refractory failure that required taking the furnace out of production. Alchem explained that it could not bring the furnace back into production in order to conduct testing within 180 days of initial startup. The 180-day period expired on or about July 30, 2001.

10. Alchem has violated the NESHAP for secondary aluminum processing at 40 C.F.R. § 63.1500 by not conducting the performance testing by July 30, 2001.

Compliance Program

11. Within 30 days of re-starting Furnace EUFURN 2, Alchem must achieve, demonstrate and maintain compliance with the NESHAP for secondary aluminum processing at its Buena Vista, Michigan facility.

12. Alchem must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

General Provisions

13. This Order does not affect Alchem's responsibility to comply with other local, State, and Federal laws and regulations.

14. This Order does not restrict U.S. EPA's authority to

enforce Section 112 of the Act, or any other Section of the Act.

15. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Alchem's violation of the NESHAP for secondary aluminum production.

16. Failure to comply with this Order may subject Alchem to penalties of up to \$27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

17. The terms of this Order are binding on Alchem, its assignees and successors. Alchem must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Alchem has given the notice.

18. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an Agency from specific individuals or entities as part of an administrative action or investigation.

19. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

20. Alchem agrees to the terms of this Order.

21. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, if Alchem has complied with all of its terms.

8/29/01
Date

Gary Barnett
GARY BARNETT, VICE PRESIDENT
ALCHEM ALUMINUM, INC

9/10/2001
Date

Bharat Mathur
Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-01-113(a) MI-15, by Certified Mail, Return Receipt Requested, to:

Lawrence E. Donay, President
Alchem Aluminum, Inc.
368 West Garfield Street
Coldwater, Michigan 49036

and that I mailed correct copies of the documents by certified mail, return receipt requested, to the Counsel for Alchem Aluminum, Inc., addressed as follows:

Jon Faletto
Howard & Howard Attorneys, P.C.
One technology Plaza, Suite 600
211 Fulton Street
Peoria, Illinois 61602-1350

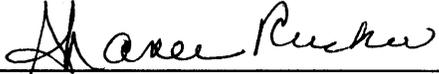
Steven K. Curreri
Director, Corporate Environmental Affairs
IMCO Recycling Inc.
Central Tower at Williams Square
5215 North O'Connor Blvd., Suite 1500
Irving, Texas 75039

I also certify that I sent a copy of the proposed Administrative Consent Order, EPA Order No. EPA-5-01-113(a) MI-15, by First Class Mail to:

Mark Reed, Supervisor
Saginaw Bay District Office
Michigan Department of Environmental Quality
503 N. Euclid Avenue, Suite 1
Bay City, Michigan 48706-2965

Tim McGarry, Supervisor
Enforcement Unit
Air Quality Division
Michigan Department of Environmental Quality
Hollister Building
106 West Allegan Street
P.O. Box 30260
Lansing, Michigan 48909-7023

on the 12th day of September 2001



Shanee Rucker, Secretary
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9580 9267