



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

REPLY TO THE ATTENTION OF

JUN 30 2005

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard Chapman, President/CEO
H. Kramer and Company
1339-1359 West 21st Street
Chicago, IL 60608

Re: Finding of Violation
H. Kramer and Company
Chicago, Illinois

Dear Mr. Chapman:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to H. Kramer and Company (you). We find that you are violating Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e) at your Chicago, Illinois 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 Kushal Som. You may call him at (312)353-5792 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 black ink, appearing to read "Stephen Rothblatt". The signature is stylized with a large, sweeping initial "S" and several vertical strokes for the letters "Rothblatt".

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Julie Armitage,
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
H. Kramer and Company)	FINDING OF VIOLATION
Chicago, Illinois)	
)	EPA-5-05-14-IL
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that H. Kramer and Company is violating Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e). Specifically, H. Kramer and Company is violating the New Source Performance Standards (NSPS) for secondary brass and bronze production plants at 40 C.F.R. Part 60, Subpart M, the NSPS General Provisions at 40 C.F.R. Part 60, Subpart A as follows:

Statutory and Regulatory Authority

New Source Performance Standards

1. Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of a NSPS after the effective date of the applicable NSPS to such source.
2. The NSPS for secondary brass and bronze production plants at 40 C.F.R. Part 60, Subpart M, applies to the following affected facilities, which commenced construction or modification after June 11, 1973, in secondary brass and bronze production plants: reverberatory and electric furnaces with a production capacity of 1,000 kg (2205 lb).
3. "Affected facility" under the NSPS means, with reference to a stationary source, any apparatus to which a standard is applicable. 40 C.F.R § 60.2.
4. 40 CFR 60.2 defines "construction," as the fabrication,

erection or installation of an affected facility.

5. 40 CFR 60.7(a)(1) requires that a notification of the date of commencement of construction shall be postmarked within 30 days after such date to the Administrator.
6. 40 CFR 60.7(a)(3) requires that a notification of the actual date of initial start-up shall be postmarked within 15 days after such date to the Administrator.
7. The May 1984 U.S. EPA publication, "Review of New Source Performance Standards for Secondary Brass And Bronze Plants," (EPA-450/3-84-009) at page 2-11, defines a "reverberatory" furnace as any furnace in which the burner flames and/or hot gases come in direct contact with the charged material. All reverberatory furnaces operate in batch mode, and may be rotating, rocking or tilting type. The fuel burned is either oil or natural gas.
8. 40 CFR 60.132(a)(1) prohibits discharge of any gases into the atmosphere from a reverberatory furnace which contain particulate matter in excess of 50 mg/dscm (0.022 grains per dry standard cubic feet).
9. 40 CFR 60.132(a)(2) prohibits discharge of any gases into the atmosphere from a reverberatory furnace which exhibit 20 percent opacity or greater.
10. 40 CFR 60.132(b) prohibits discharge of any gases into the atmosphere from an electric furnace which exhibit 10 percent opacity or greater.
11. 40 CFR 60.8(a) and 60.133(b)(1) requires that a Method 5 performance test be conducted within 60 days after achieving a maximum production rate, but not later than 180 days after start-up.
12. 40 CFR 60.8(d) requires that the owner/operator must provide 30 days prior notice to the U.S. EPA Region 5 office of the Method 5 performance test required in 40 CFR 60.8(a).
13. 40 CFR 60.11(e)(1) and 60.133(b)(2) requires the owner or operator of an affected facility to conduct an initial Method 9 visible emission test within 60 days after achieving maximum production after start-up, but not later than 180 days after start-up.
14. 40 CFR 60.7(a)(6) requires that a notification to the

Administrator of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) be postmarked within 30 days of the anticipated test date.

H. Kramer and Company's Facility

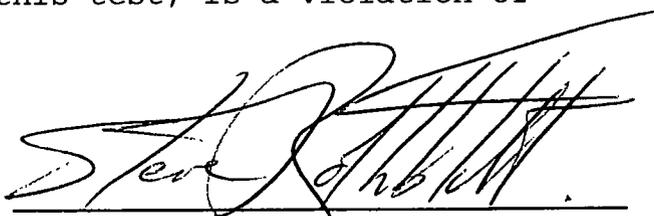
21. H. Kramer and Company owns and operates a secondary brass and bronze production plant at 1339-1359 West 21st Street Chicago, Illinois. The plant contains the following furnaces:
 - three coreless electric induction furnaces
 - one 35-ton rotary rocking-type reverberatory furnace
 - one 60-ton rotary rocking-type reverberatory furnace
 - two channel furnaces
22. The three coreless electric induction furnaces were installed in the 2002 and 2003 time frame. The furnaces operate in batch mode, and have a capacity of 10,000 pounds each.
23. One 35-ton rotary rocking-type furnace was installed in the 1980 and 1982 time frame and burns natural gas. The furnace operates in batch mode, and has a capacity of 70,000 pounds. The burner or hot gases come in direct contact with the charged material.
21. One 60-ton rotary rocking-type furnace was installed in the 1993 and 1994 time frame and burns natural gas. The furnace operates in batch mode, and has a capacity of 120,000 pounds. The burner or hot gases come in direct contact with the charged material.
22. H. Kramer and Company's three coreless electric induction furnaces, one 35-ton rotary rocking-type reverberatory furnace and one 60-ton rotary rocking-type reverberatory furnace are subject to the requirements at 40 C.F.R. Part 60, Subpart A and Subpart M because these affected units were constructed and began operation after June 11, 1973.
23. On June 9, 2005, a U.S. EPA inspector conducted opacity observations of the emissions from the Rotary Reverberatory Furnace Casthouse. From 16:03 to 16:09, a Method 9 visible emission test was conducted by a certified reader. The average of the 24-consecutive readings during a 6-minute time frame resulted in a 20.42 percent opacity.

Violations

27. On June 9, 2005, H. Kramer and Company discharged gases into the atmosphere from a reverberatory furnace which exhibited 20 percent opacity or greater in violation of Section 111(e) of the Act, 42 U.S.C. § 7411(e), and 40 CFR 60.132(a)(2).
28. H. Kramer and Company's failure to conduct a Method 5 performance test within 60 days of achieving a maximum production rate, but not later than 180 days after start-up of its two rotary rocking-type reverberatory furnaces, constitutes a violation 40 C.F.R. §§ 60.8(a) and 60.133(b)(1).
29. H. Kramer and Company's failure to conduct a Method 9 visible emission test within 60 days of achieving a maximum production rate, but not later than 180 days after start-up of its two rotary rocking-type reverberatory furnaces and three coreless electric induction furnaces, constitutes a violation 40 C.F.R. §§ 60.11(e)(1) and 60.133(b)(2).
30. H. Kramer and Company's failure to notify U.S. EPA Region 5 of the initial Method 5 performance test, required by 40 C.F.R. §§ 60.8(a) and 60.133(b)(1), within 30 days of the test violates 40 CFR 60.8(d).
31. H. Kramer and Company's failure to notify U.S. EPA Region 5 of the initial Method 9 visible emission test, required by 40 C.F.R. §§ 60.11(e)(1) and 60.133(b)(2), within 30 days of the anticipated date of this test, is a violation of 40 CFR 60.7(a)(6).

6/30/05

Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

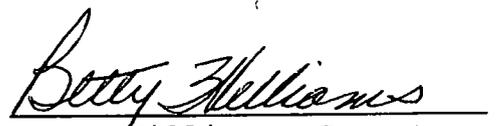
I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-05-14-IL, by Certified Mail, Return Receipt Requested, to:

Howard Chapman, President/CEO
H. Kramer and Company
1339-1359 West 21st Street
Chicago, IL 60608

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

Julie Armitage, Acting Manager
Compliance and Enforcement Section, Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 1st day of July, 2005.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001032000602953079