



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

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Roger Crawford
Kaiser Aluminum Fabricated Products, LLC
1228 Courtland Avenue
Park Ridge, IL 60068

Re: In the Matter of Administrative Order authorizing a Compliance Program for
Kaiser Aluminum's Kalamazoo Plant

Dear Mr. Crawford:

We are enclosing an Administrative Order which the U.S. Environmental Protection Agency has issued pursuant to Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413, to Kaiser Aluminum. We believe this Order best addresses a potential violation of 40 C.F.R. Part 63, Subpart RRR, associated with the required performance testing for Kaiser's secondary aluminum melting furnace at its plant in Kalamazoo, Michigan.

EPA's technical contact in this matter is Jeffrey Gahris; the legal contact is Deborah Carlson. Please contact Mr. Gahris at (312) 886-6794, or Ms. Carlson at (312) 353-6121, if you have any questions concerning this Order.

Sincerely yours,

A handwritten signature in cursive script that reads "Bonnie Bush".

Bonnie Bush,
Chief
Air Enforcement and Compliance Assurance
Section

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-10-113(a)-MI-03
)	
Kaiser Aluminum Fabricated Products LLC)	Proceeding Under Sections 113(a)(3),
Kalamazoo, Michigan)	and 114(a)(1) of the Clean Air Act
)	42 U.S.C. §§ 7413(a)(3) and
Respondent)	7414(a)(1)
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Administrative Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Kaiser Aluminum Fabricated Products LLC.(Kaiser Aluminum) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Under Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR. The NESHAP for Secondary Aluminum Production applies to secondary aluminum production facilities, as defined in 40 C.F.R. § 63.1503.

3. Secondary Aluminum Production Facility means “any establishment using clean charge, aluminum scrap, or dross from aluminum production, as the raw material and performing one or more of the following processes: scrap shredding, scrap drying/delaquering/decoating, thermal chip drying, furnace operations (i.e. melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in-line fluxing, or dross cooling.”
40 C.F.R. § 63.1503.

4. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1501(b), provides that any new affected source which starts up after March 24, 2000, must comply with all applicable requirements upon startup.

5. The Secondary Aluminum Production NESHAP, at 40 C.F.R. § 63.1511(b), requires that the owner or operator of a new source conduct performance testing within 90 days of the new source's compliance date.

6. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of 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.

7. The Administrator of EPA may require any person who owns or operates an emission source to sample emissions and provide such information as the Administrator may reasonably require under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

8. Kaiser Aluminum owns and operates a secondary aluminum production facility at 5200 East Cork Street, Kalamazoo, Michigan.

9. Kaiser Aluminum operates an aluminum melting furnace (identified as "EUMELTFURNACE") at its facility in Kalamazoo Michigan. Kaiser Aluminum is subject to the Secondary Aluminum Production NESHAP at 40 C.F.R. Part 63, Subpart RRR ("Subpart RRR").

10. Kaiser Aluminum owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Kaiser Aluminum is subject to the requirements of Section 114(a)(1).

11. Kaiser Aluminum started operating EUMELTFURNACE on February 4, 2010.

12. Under 40 C.F.R. § 63.1500(b), EUMELTFURNACE is a new affected source and must comply with the applicable requirements of Subpart RRR upon startup.

13. Under 40 C.F.R. § 63.1511(b), performance testing of EUMELTFURNACE was required within 90 days of start up, which was on or before May 5, 2010.

14. By letter dated March 31, 2010, Kaiser Aluminum informed EPA that it would not be able to operate the melt furnace at its highest production level for testing by May 5, 2010 and requested an extension to perform the required initial performance testing. EPA and Kaiser Aluminum subsequently discussed this issue in an April 14, 2010 meeting and follow up telephone calls.

Compliance Program

15. By July 30, 2010, Kaiser Aluminum must conduct performance testing of its EUMELTFURNACE pursuant to Subpart RRR at its Kalamazoo, Michigan facility.

16. Kaiser Aluminum must send the results of its performance testing to EPA, by September 30, 2010, 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

17. This Order does not affect Kaiser Aluminum's responsibility to comply with other federal, state, and local laws.

18. This Order does not restrict EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

19. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for Kaiser Aluminum's violation of the Secondary Aluminum Production NESHAP.

20. Failure to comply with this Order may subject Kaiser Aluminum to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

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

22. Kaiser Aluminum may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Kaiser Aluminum fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not

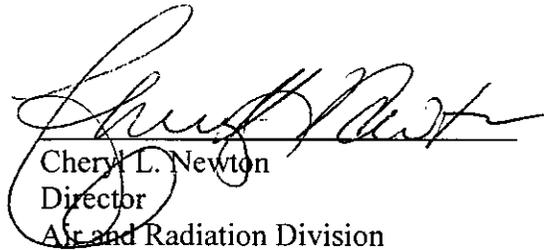
entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

23. 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. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

24. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

25. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Kaiser Aluminum has complied with all terms of the Order throughout its duration.

5/11/10
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent the Administrative Order, EPA Order No.

EPA-5-10-113(a)-MI-03, by Certified Mail, Return Receipt Requested, to:

J. Roger Crawford
Kaiser Aluminum Fabricated Products, LLC
1228 Courtland Ave.
Park Ridge, IL 60068

I also certify that I sent a copy of the Administrative Order, EPA Order No.

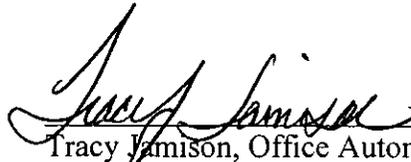
EPA-5-10-113(a)-MI-03 , by First Class Mail to:

Mary Douglas, Supervisor
Kalamazoo District Office
Michigan Department of Natural Resources and Environment
7953 Adobe Road
Kalamazoo, MI 49009-5026

And to counsel for Kaiser Aluminum by First Class Mail to:

Joel Bowers
Barnes and Thornburg
600 1st Source Bank Center
100 N. Michigan
South Bend, IN 46601-1632

on the 12 day of May 2010.


Tracy Jamison, Office Automation Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7009 11680 0000 7667 3921