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

SEP 2 8 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robin Adelman
Vice President of Operations
Cornell Forge Company
6666 W 66th Street
Bedford Park, Illinois, 60638

Re: Notice of Violation and Finding of Violation
Cornell Forge Company
Bedford Park, Illinois

Dear Mr. Adelman:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Cornell Forge Company (Cornell or you) under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3). We find that you are in violation of the applicable regulations at 40 C.F.R. Part 63, Subpart XXXXXX, the National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories, 40 C.F.R. §§ 63.11514 through 63.11523, and the Illinois State Implementation Plan at your Bedford Park, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/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 NOV/FOV prior to the conference date.

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.

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (100% Post-Consumer)

The EPA contact in this matter is Albana Bega. You may call her at (312) 353-4789 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Edward Nam
Acting Director
Air and Radiation Division

Enclosure

cc: Yasmine Keppner-Bauman, Acting Manager
Bureau of Air, Compliance Unit
Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Cornell Forge Company	)	**FINDING OF VIOLATION**
Bedford Park, Illinois	)	
	)	**EPA-5-16-IL-11**
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	
	)	

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice of Violation and Finding of Violation (NOV/FOV) to Cornell Forge Company (Cornell) for violations of the Clean Air Act (the CAA), 42 U.S.C. § 7401 *et seq.*, at its facility located at 6666 W 66th Street Bedford Park, Illinois. Specifically, Cornell violated Sections 110 and 112 of the CAA, 42 U.S.C. §§ 7410 and 7412, the National Emission Standards for Hazardous Air Pollutants (NESHAP) Area Source Standards for Nine Metal Fabrication and Finishing Source Categories at 40 C.F.R. Part 63, Subpart XXXXXX, 40 C.F.R. §§ 63.11514 - 63.11523 (Subpart XXXXXX), and the Illinois State Implementation Plan (SIP).

This NOV/FOV is issued pursuant to Section 113(a)(1) and (3) of the CAA, 42 U.S.C. § 7413(a)(1) and (3). The authority to issue this NOV/FOV has been delegated to the Director, Air and Radiation Division, Region 5.

Regulatory Authority

NESHAP

1. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAP), which present or may present a threat of adverse effects to human health or the environment.

2. Section 112(c) and (d) of the CAA, 42 U.S.C. § 7412(c) and (d), requires EPA to publish a list of categories of sources which EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAP, and to promulgate emission standards for each source category. These standards are known as "national emission standards for hazardous air pollutants" (NESHAP). EPA codifies these requirements at 40 C.F.R. Part 63.

3. Section 112(d) of the CAA requires EPA to establish NESHAPs for both major and area sources of HAP that are listed for regulation under CAA Section 112(c). A "major source" includes a "stationary source" that emits or has the potential to emit 10 tons per year (tpy) or more of any single HAP or 25 tpy or more of any combination of HAP. An "area source" is a "stationary source" that is not a major source. *See* Section 112(a) of the CAA, 42 U.S.C. § 7412(a).

4. A "stationary source" is any building, structure, facility, or installation that emits or may emit any air pollutant. *See* 42 U.S.C. § 7412(a).

5. The NESHAP General Provisions, 40 C.F.R. §§ 63.1-63.16, apply to affected sources regulated by a relevant NESHAP, provided that the NESHAP explicitly identifies whether each General Provision is included in the NESHAP.

6. The NESHAP General Provisions at 40 C.F.R. § 63.9(b) require the owner or operator of an affected source to submit an initial notification to EPA that the source is subject to the relevant standard.

7. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and the NESHAP General Provisions at 40 C.F.R. § 63.4, prohibit the owner or operator of an affected source from operating such source in violation of any NESHAP applicable to such source.

40 C.F.R. Part 63, Subpart XXXXXX

8. Pursuant to Section 112(d) of the CAA, EPA promulgated Subpart XXXXXX on July 23, 2008. 73 Fed. Reg. 43000 (July 23, 2008).

9. Subpart XXXXXX applies to the owner or operator of an "area source" that is primarily engaged in the operations in one of nine listed source categories, including iron and steel forging. *See* 40 C.F.R. § 63.11514(a)(7).

10. Table 1 of Subpart XXXXXX defines "iron and steel forging" as "[e]stablishments primarily engaged in the forging manufacturing process, where purchased iron and steel metal is pressed, pounded, or squeezed under great pressure into high strength parts known as forgings."

11. Subpart XXXXXX applies to each new and existing "affected source" listed and defined in 40 C.F.R. § 63.11514(b)(1) through (5) if the owner or operator uses materials that contain or have the potential to emit metal fabrication or finishing metal HAP (MFHAP). *See* 40 C.F.R. § 63.11514(b). "Affected sources" include machining operations, perform welding operations and dry grinding, and dry polishing. *See* 40 C.F.R. § 63.11514(b)(1) through (5).

12. Subpart XXXXXX at 40 C.F.R. § 63.11514(b) defines "MFHAP" to include the compounds of chromium and nickel, in amounts greater than or equal to 0.1 percent by weight of the metal, and materials that contain manganese in amounts greater than or equal to 1.0 percent by weight of the metal.

13. Subpart XXXXXX at 40 C.F.R. § 63.11514(c) provides that an affected source is "existing" if construction or reconstruction of the source commenced on or before April 3, 2008.

14. Subpart XXXXXX at 40 C.F.R. § 63.11515(a) requires the owner or operator of an existing affected source to achieve compliance with the applicable provisions of Subpart XXXXXX no later than July 25, 2011.

15. Subpart XXXXXX at 40 C.F.R. § 63.11517(a) requires that "[v]isual determination of fugitive emissions must be performed [at facilities subject to Subpart XXXXXX] according to the procedures of EPA Method 22, of 40 C.F.R. Part 60, Appendix A-7. You must conduct the EPA Method 22 test while the affected source is operating under normal conditions. The duration of each EPA Method 22 test must be at least 15 minutes, and visible emissions will be considered to be present if they are detected for more than six minutes of the fifteen minute period."

16. Subpart XXXXXX at 40 C.F.R. § 63.11517(b) requires that visual determinations of fugitive emissions must be performed at facilities subject to Subpart XXXXXX in accordance with 40 C.F.R. § 63.11517(a) and according to the schedule in 40 C.F.R. § 63.11517(b)(1) through (4), as follows:

(1) *Daily Method 22 Testing.* Perform visual determination of fugitive emissions once per day, on each day the process is in operation, during operation of the process;

(2) *Weekly Method 22 Testing.* If no visible fugitive emissions are detected in consecutive daily EPA Method 22 tests, performed in accordance with paragraph (b)(1) of this section for 10 days of work day operation of the process, you may decrease the frequency of EPA Method 22 testing to once every five days of operation of the process (one calendar week). If visible fugitive emissions are detected during these tests, you must resume EPA Method 22 testing of that operation once per day during each day that the process is in operation, in accordance with paragraph (b)(1) of this section;

(3) *Monthly Method 22 Testing.* If no visible fugitive emissions are detected in four consecutive weekly EPA Method 22 tests performed in accordance with paragraph (b)(2) of this section, you may decrease the frequency of EPA Method 22 testing to once per 21 days of operation of the process (one calendar month). If visible fugitive emissions are detected during these tests, you must resume weekly EPA Method 22 in accordance with paragraph (b)(2) of this section; and

(4) *Quarterly Method 22 Testing.* If no visible fugitive emissions are detected in three consecutive monthly EPA Method 22 tests performed in accordance with paragraph (b)(3) of this section, you may decrease the frequency of EPA Method 22 testing to once per 60 days of operation of the process (3 calendar months). If visible fugitive emissions are detected during these tests, you must resume monthly EPA Method 22 in accordance with paragraph (b)(3) of this section.

17. Subpart XXXXXX at 40 C.F.R. § 63.11519(a)(1) requires that an owner or operator of an existing affected source must submit, no later than July 25, 2011, the Initial Notification required by 40 C.F.R. § 63.9(b), providing the information set forth in 40 C.F.R. § 63.11519(a)(1)(i) through (iv).

18. Subpart XXXXXX at 40 C.F.R. § 63.11519(a)(2) requires the owner or operator of an existing affected source to submit a Notification of Compliance Status on or before November 22, 2011, providing the information set forth in 40 C.F.R. § 63.11519(a)(2)(i) through (iv).

19. Subpart XXXXXX at 40 C.F.R. § 63.11519(b) requires the owner or operator of an affected source to prepare an annual compliance certification report, providing the information set forth in 40 C.F.R. § 63.11519(b)(2) through (7).

20. Subpart XXXXXX at 40 C.F.R. § 63.11523 requires the owner or operator of an affected source to comply with the requirements of the NESHAP General Provisions set forth in Table 2 to Subpart XXXXXX.

21. Table 2 to Subpart XXXXXX states that the NESHAP General Provision requirements applicable to affected sources under Subpart XXXXXX include 40 C.F.R. §§ 63.4 and 63.9(b)(5).

Illinois SIP

22. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rule 103(a) and 103(b) as part of the federally enforceable SIP of the State of Illinois.[1] 37 Fed. Reg. 10862. IPCB Rule 103(a) is set forth in the Illinois SIP at Rule 103(a). IPCB Rule 103(b) is set forth in the Illinois SIP at Rule 103(b).

23. The Illinois SIP at Rule 103(a)(1) provides that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA).

24. The Illinois SIP at Rule 103(b)(1) provides that no person shall cause or allow the operation of any emission source or new air pollution control equipment of a type for which a construction permit is required, without first obtaining an operating permit from IEPA.

25. The Illinois SIP at Rule 201.302(a) states that the owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions.

[1] IPCB Rule 103(a) has been recodified at 35 Ill. Admin. Code § 201.142. IPCB Rule 103(b) has been recodified at 35 Ill. Admin. Code § 201.143.

26. The Illinois SIP at Rule 254.137(a) states that all Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

Findings of Fact

27. Cornell owns and operates a closed die iron forge located at 6666 W 66th Street Bedford Park, Illinois (facility), which forges steel and stainless steel, and is a "stationary source" as that term is defined in 42 U.S.C. § 7412(a).

28. Cornell was and is an "owner" and an "operator" as those terms are defined in Section 112 of the CAA, 42 U.S.C. § 7412, and 40 C.F.R. § 63.2, of a facility engaged in "iron and steel forging," as that term is defined in Table 1 of Subpart XXXXXX.

29. Cornell's facility is an "area source" of HAP emissions.

30. Cornell's facility was and is subject to Subpart XXXXXX at all times relevant to this NOV/FOV because it was and is an "area source" primarily engaged in the operation of "iron and steel forging," which contains or has the potential to emit MFHAP.

31. Forging steel and stainless steel uses materials that contain or have the potential to emit MFHAP, as defined in Subpart XXXXXX at 40 C.F.R. § 11514(b), including chromium, nickel, and manganese.

32. Except for the air emission sources set forth in Paragraph 38, Cornell's facility was constructed or reconstructed on or before April 3, 2008, and is therefore an "existing source," as that term is defined at Subpart XXXXXX at 40 C.F.R. § 63.11514(c).

33. Subpart XXXXXX thus applies to each "affected source" at Cornell's facility listed and defined in 40 C.F.R. § 63.11514(b)(1) through (5), including all equipment and activities necessary to perform machining operations, welding operations and dry grinding and dry polishing that use materials that contain MFHAP.

34. Cornell operates under a CAA Lifetime Operating Permit (ID Number 031012AAF) which the IEPA issued on March 22, 2000.

35. On October 9, 2015, EPA conducted an inspection of the facility.

36. On March 18, 2016, EPA issued to Cornell a Request to Provide Information (the 114 Request) pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

37. Cornell submitted responses to the 114 Request on April 14, 2016, May 30, 2016, and July 13, 2016.

38. Upon review of the responses to the 114 Request, EPA identified that Cornell constructed the air emissions sources listed in the table below and began operation of those sources on the dates listed in the table below:

Equipment Upgrades/Installation	
Project	**Operations Start Date**
4,000 ton Ajax Mechanical Forging Press	2011
400 ton Niagra Trim Press	2014
150 ton Minster Trim Press	2015
750 kw Ajax Tocco Electric Induction Furnace	2014
1,850 kw Innterpower Electric Induction Furnace	2011
398 Nishijmax High Speed Saw	2012
28 cu.ft. Met Cast Shot Blaster	2014
12,000 cfm Blaster Dust Collector	2014
4XD Kitamura Machining Centers	2014
Mazak Lathe	2012
Mazak Nexus Lathe	2012

39. Upon review of the responses to the 114 Request, EPA identified that Cornell did not obtain construction permits prior to commencing construction for the air emissions sources listed in Paragraph 38.

40. Upon review of the responses to the 114 Request, EPA identified that Cornell did not modify its operating permit to include the air emissions sources listed in Paragraph 38 prior to commencing operation of these sources.

41. Upon review of the responses to the 114 Request, EPA identified that Cornell did not submit a 2012 Annual Emission Report to IEPA.

Violations

42. Cornell failed to submit an Initial Notification for its steel forging operation on or before July 25, 2011, in violation of 40 C.F.R. § 63.11519(a)(1) and Section 112 of the CAA, 42 U.S.C. § 7412.

43. Cornell failed to submit a Notification of Compliance Status for its steel forging operation on or before November 22, 2011, in violation of 40 C.F.R. § 63.11519(a)(2) and Section 112 of the CAA, 42 U.S.C. § 7412.

44. Cornell failed to submit 2011, 2012, 2013, 2014, and 2015 annual certification and compliance reports at its steel forging operation on or before December 31 of each year, in violation of 40 C.F.R. § 63.11519(b) and Section 112 of the CAA, 42 U.S.C. § 7412.

45. From 2011 to the present, Cornell failed to perform visual determination of fugitive emissions according to the procedures of EPA Method 22, of 40 C.F.R. Part 60, Appendix A-7, at its steel forging operation according to the schedule set forth in 40 C.F.R. § 63.11517(b), in violation of 40 C.F.R. § 63.11517(a) and Section 112 of the CAA, 42 U.S.C. § 7412.

46. From 2011 to present, Cornell failed to obtain a construction permit for the construction of the air emissions sources listed in the table to Paragraph 38, in violation of the Illinois SIP Rule 103(a)(1).

47. From 2011 to present, Cornell failed to modify its operating permit to include the air emissions sources listed in the table to Paragraph 38, in violation of the Illinois SIP Rule 103(b)(1).

48. From 2013 to present, Cornell failed to submit the 2012 Annual Emission Report, in violation of the Illinois SIP Rule 254.137(a).

Environmental Impact of Violations

49. Violations of the NESHAPs can result in excess HAP emissions that may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

9/28/16
Date

Edward Nam
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-16-IL-11, by Certified Mail, Return Receipt Requested, to:

Robin Adelman
Vice President of Operations
Cornell Forge Company
6666 W 66th Street
Bedford Park, Illinois, 60638

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

Yasmine Keppner-Bauman,
Acting Manager
Bureau of Air, Compliance Unit
Illinois Environmental Protection Agency

On the 29 day of September 2016

Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 1019