



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

SEP 27 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Kempen
President
Motor Castings Company
1323 South 65th Street
West Allis, Wisconsin 53214

Dear Mr. Kempen:

This is to advise you that the U.S. Environmental Protection Agency has determined that Motor Casting Company's facility at 1323 South 65th Street, West Allis, Wisconsin (facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you the enclosed Notice and Finding of Violation (NOV/FOV) for these violations.

1. The Standards of Performance for Calciners and Dryers in Mineral Industries, at 40 C.F.R. Part 60, Subpart UUU, apply to an industrial sand handling system at your facility. These include the requirement that the owner or operator of an affected facility install, calibrate, maintain and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device, and the requirement that records of such measurements be retained for at least two years.
2. The CAA requires that construction of a new emissions source may not commence without first obtaining a permit after the effective date of any permit program approved or promulgated under Title V of the CAA. EPA has approved a State Implementation Plan for Wisconsin. The source is required to submit a timely, accurate, and complete application for a construction permit.
3. Motor Casting Company is required to prepare and operate at all times in accordance with a written operation and maintenance plan for each control device for an emissions source pursuant to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources, 40 C.F.R. Part 63, Subpart ZZZZZ, and Section 112 of the CAA, 42 U.S.C. § 7412. Motor Casting Company's operation and maintenance plan required calibration of the magnahelic gauge used to measure the pressure drop across the melting furnace baghouse.

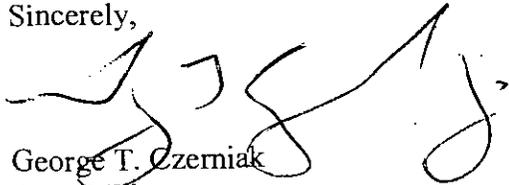
EPA finds that the Motor Casting Company's facility has violated the requirements listed above.

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.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any 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 take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Jeffrey Gahris. You may call him at (312) 886-6794 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage Motor Casting Company's compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak
Acting Director
Air and Radiation Division

cc: William Baumann, Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources

Dan Schramm, Supervisor
Southeast District Office
Wisconsin Department of Natural Resources

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Motor Castings Company)	NOTICE OF VIOLATION
West Allis, Wisconsin)	AND FINDING OF VIOLATION
)	
)	EPA-5-12-WI-12
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 sending this Notice and Finding of Violation (NOV/FOV) to Motor Castings Company (Motor Castings) to notify you that we have found that your facility did not comply with the Standards of Performance for Calciners and Dryers in Mineral Industries (calcining and drying NSPS), at 40 C.F.R. Part 60, Subpart UUU, and Section 111 of the Clean Air Act (Act), 42 U.S.C. § 7401; the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources at 40 C.F.R. Part 63, Subpart ZZZZZ, 40 C.F.R. § 60.730 et seq., and Section 112 of the Act, 42 U.S.C. § 7412; and the federally enforceable state implementation plan (SIP) for Wisconsin, at its iron foundry at 1323 South 65th Street, West Allis, Wisconsin (facility).

STATUTORY AND REGULATORY BACKGROUND

New Source Performance Standards

1. Under Section 111 of the Act, 42 U.S.C. § 7411, the Administrator promulgated the New Source Performance Standards (NSPS) General Provisions, at 40 C.F.R. Part 60, Subpart A, and the Standards of Performance for Calciners and Dryers in Mineral Industries, at 40 C.F.R. Part 60, Subpart UUU (Subpart UUU). 57 Fed. Reg. 44503 (September 28, 1992).
2. 40 C.F.R. § 60.1 provides that 40 C.F.R. Part 60 applies to the owner or operator of a stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in 40 C.F.R. Part 60 of any standard applicable to that facility.
3. 40 C.F.R. § 60.2 defines an "affected facility" to be, with reference to a stationary source, any apparatus to which a standard is applicable.

4. 40 C.F.R. § 60.730(a) provides, in part, that the affected facility to which 40 C.F.R. Part 60, Subpart UUU applies is each calciner and dryer at a mineral processing plant.
5. 40 C.F.R. § 60.730(c) provides that the owner or operator of any facility under § 60.730(a) that commences construction, modification, or reconstruction after April 23, 1986, is subject to the requirements of 40 C.F.R. Part 60, Subpart UUU.
6. 40 C.F.R. § 60.731 defines a "calciner" as the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating.
7. 40 C.F.R. § 60.731 defines a "mineral processing plant" as any facility that processes or produces any of the following minerals, their concentrates or any mixture of which the majority (>50 percent) is any of the following minerals or a combination of these minerals: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, fuller's earth, gypsum, industrial sand, kaolin, lightweight aggregate, magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite.
8. 40 C.F.R. § 60.736(b) provides that the owner or operator of an affected facility that is subject to the requirements of 40 C.F.R. Part 60, Subpart UUU shall use Method 9 of appendix A of Part 60 and the procedures in 40 C.F.R. § 60.11 to determine opacity from stack emissions.
9. 40 C.F.R. § 60.734 requires the owner or operator of an affected facility subject to the provisions of 40 C.F.R. Part 60, Subpart UUU who uses a dry control device to comply with the mass emission standard to install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device, subject to the exceptions recited in 40 C.F.R. § 60.734(b) and (c).
10. 40 C.F.R. § 60.735(a) requires retention of the measurements described in 40 C.F.R. § 60.734 for at least two years.

Iron and Steel Foundries MACT for Area Sources

11. Under Section 112 of the Act, 42 U.S.C. § 7412, the Administrator promulgated the NESHAP General Provisions at 40 C.F.R. Part 63, Subpart A, and the NESHAP for Iron and Steel Foundries Area Sources at 40 C.F.R. Part 63, Subpart ZZZZZ, which apply to iron and steel foundries that are area sources of hazardous air pollutants (HAP). 73 Fed. Reg. 226 (January 2, 2008).
12. Motor Casting's facility is subject to the requirements of Section 112 of the Act, 42 U.S.C. § 7412, and the Iron and Steel Foundry NESHAP at 40 C.F.R. Part 63, Subpart ZZZZZ.
13. The NESHAP, at 40 C.F.R. § 63.10880, requires the owner or operator of an iron and steel foundry that is an area source of HAP emissions to submit a notification to the Administrator that identifies that foundry as a small foundry or large foundry based on annual metal melt production by January 2, 2009.

14. The NESHAP, at 40 C.F.R. § 63.10895, requires that the owner or operator of a large foundry, as that term is defined in 40 C.F.R. § 63.1090, to comply with specified pollution prevention management practices, including the operation and maintenance requirements contained in the owner or operator's operation and maintenance (O&M) plan prepared pursuant to 40 C.F.R. § 63.10896.

Wisconsin State Implementation Plan

15. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, each State is responsible for submitting to EPA for approval a SIP which specifies how the State will achieve, maintain, and enforce all primary and secondary National Ambient Air Quality Standards (NAAQS) in the State.
16. Under Section 110(a) of the Act, each SIP must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. SIPs must include enforceable emission limitations, control measures, and schedules for compliance. Upon EPA's approval of a SIP, the plans become independently enforceable by the federal government, as stated under Section 113(a) of the Act, 42 U.S.C. § 7413(a).
17. On January 18, 1995, EPA approved Wisconsin Administrative Code NR 406 as part of the federally enforceable SIP for Wisconsin. 60 Fed. Reg. 3543 (January 18, 1995). 40 C.F.R. § 52.2570(c)(75).
18. Wisconsin Administrative Code NR 406 requires air contaminant sources to obtain construction permits unless specifically exempted.

FACTUAL BACKGROUND

19. Motor Castings owns and operates an iron foundry at 1325 South 65th Street, West Allis, Wisconsin.
20. On December 6-8, 2010, EPA conducted a Clean Air Act inspection of Motor Castings.
21. On September 28, 2011, EPA issued an information request under Section 114 of the Act. On November 23, 2011, Motor Castings provided its response to the information request.
22. According to its 2009 emissions inventory submittal to Wisconsin Department of Natural Resources (Wisconsin DNR), Motor Castings installed a thermal sand reclaim system that includes an industrial sand calciner on January 26, 1998.
23. The industrial sand calciner, as part of the sand reclaim system, processed industrial sand in a manner that meets the definitions of "calciner" and "mineral processing plant" at 40 C.F.R. § 60.731.
24. Motor Castings commenced construction of a replacement industrial sand calciner in early 2012, that also meets the definitions identified in the preceding paragraph.

25. After commencing construction of the new calciner, Motor Castings applied for a construction permit for the calciner on May 21, 2012. Wisconsin DNR issued a final construction permit authorizing construction of the new calciner on August 21, 2012. WDNR's Analysis and Preliminary Determination for the thermal sand reclaiming process described the calciner as a Gudgeon Brothers fluidized bed thermal sand reclaimer.
26. On January 2, 2009, Motor Castings submitted its notification that identified it as a "large" foundry.
27. Motor Castings prepared operation and maintenance plans for each control device, including such a plan for the baghouse (known as the "Melt Torit dust collector") serving the electric induction melt furnaces.
28. At the time of the December 6-10, 2010, inspection, Motor Casting was unable to produce records of the calibration required in its operation and maintenance plan.
29. Motor Castings did not have a certified visible emissions observer measure and record three 6-minute averages of the opacity of visible emissions to the atmosphere each day of operation in accordance with Method 9 of Appendix A of 40 C.F.R. Part 60.

VIOLATIONS

30. In early 2012, Motor Casting commenced construction of a replacement calciner at its facility prior to being issued a permit to install, in violation of Wisconsin Administrative Code NR 406 and the Wisconsin SIP.
31. For the calciner installed in 1998, Motor Castings failed to use Method 9 and the procedures and practices set forth in 40 C.F.R. § 60.11 to determine opacity from stack emissions, and failed to install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the dry control device attached to the calciner, in violation of 40 C.F.R. § 60.736(b)(2) and 40 C.F.R. § 60.734.
32. Motor Castings violated 40 C.F.R. § 60.735(a), by failing to retain records of the measurements required in 40 C.F.R. § 60.734 for at least 2 years.
33. Motor Castings violated the NESHAP, at 40 C.F.R. § 63.10896, by not calibrating the magnahelic gauge used to measure the pressure drop across the melting furnace baghouse as required by its operation and maintenance plan.

ENFORCEMENT AUTHORITY

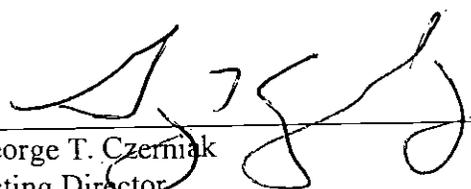
34. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), provides that at any time after the expiration of 30 days following the issuance of an NOV, the Administrator may, without regard to the period of violation, issue an order requiring compliance with the requirements of the state implementation plan or permit, issue an administrative penalty order pursuant

to Section 113(d) of the CAA, or bring a civil action pursuant to Section 113(b) of the CAA for injunctive relief and/or civil penalties.

35. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), provides in part that if the Administrator finds that a person has violated, or is violation of any requirement or prohibition in any rule...promulgated...under [Title I or Title V of the Act], the Administrator may issue an administrative penalty order under Section 113(d) of the CAA, issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b) of the CAA for injunctive relief and/or civil penalties.
36. Violation of the requirements affecting particulate matter emissions may increase public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.
37. Iron foundries emit air toxicants such as formaldehyde, which can cause watery eyes, burning sensations in the eyes and throat, nausea, and difficulty in breathing in some humans exposed at elevated levels. High concentrations may trigger attacks in people with asthma. There is evidence that some people can develop sensitivity to formaldehyde. It has also been shown to cause cancer in animals and may cause cancer in humans. Health effects include: eye, nose, and throat irritation; wheezing and coughing; fatigue; skin rash; and severe allergic reactions.

Date

9/27/12


George T. Czerniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-12-WI-12, by Certified Mail, Return Receipt Requested, to:

Joseph Kempen
President
Motor Castings Company
1323 South 65th Street
West Allis, Wisconsin 53214

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

William Baumann, Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street, P.O. Box 7921 (AM/7)
Madison, Wisconsin 53703

Dan Schramm, Supervisor
Southeast District Office
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
P.O. Box 12436
West Allis, Wisconsin 53212

On the 28 day of September 2012.

Loretta Shaffer

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 6335