



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

JAN 17 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Walker
Summit Processors, Inc.
200 East Alton Avenue
East Alton, Illinois 62024

Re: Finding of Violation
Summit Processors, Inc.
East Alton, Illinois

Dear Mr. Walker:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Summit Processors, Inc. (Summit). The FOV is being issued under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you are in violation of the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the National Emissions Standards for Hazardous Air Pollutants for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR, and the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F.

We have several enforcement options under Section 113(a)(3) of the CAA, 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 action.

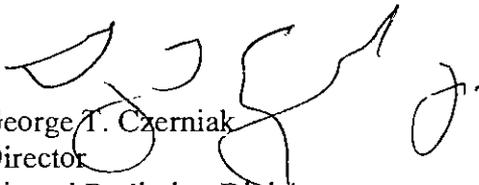
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

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 EPA contact in this matter is Natalie Topinka. You may call her at (312) 886-3853 to request a conference. Alternatively, your attorney may contact Tom Williams at (312) 886-0814.

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,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

Lon D. Weaver, Esq.

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	FINDING OF VIOLATION
)	
Summit Processors, Inc.)	EPA-5-13-IL-13
East Alton, Illinois)	
)	
Proceedings Pursuant to Section 113(a)(3))	
of the Clean Air Act,)	
42 U.S.C. § 7413(a)(3).)	

FINDING OF VIOLATION

The U. S. Environmental Protection Agency finds that Summit Processors, Inc. (Summit) is violating the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* Specifically, Summit is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR, and the Protection of Stratospheric Ozone under Recycling and Emissions Reduction at 40 C.F.R. Part 82, Subpart F as follows:

Statutory and Regulatory Authority

1. The CAA, 42 U.S.C. § 7401 *et seq.*, and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.

NESHAP - Secondary Aluminum Production

2. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA promulgated the NESHAP for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR (Subpart RRR).
3. Subpart RRR applies to the owner or operator of each secondary aluminum production facility as defined at 40 C.F.R. § 63.1503.
4. Subpart RRR at 40 C.F.R. § 63.1500(c)(3) states that the requirements of Subpart RRR pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements apply to certain affected sources located at a secondary aluminum production facility that is an area source of Hazardous Air Pollutants (HAP). Among

the affected sources covered by the D/F Subpart RRR requirements are all new and existing “sweat furnaces.”

5. “Sweat furnace” is defined at 40 C.F.R. § 63.1503 as “a furnace used exclusively to reclaim aluminum from scrap that contains substantial quantities of iron by using heat to separate the low-melting-point aluminum from the scrap while the higher melting point iron remains in solid form.”

6. Subpart RRR, at 40 C.F.R. § 1505(f)(2), provides that the owner or operator of a sweat furnace at a secondary aluminum production facility must not discharge or cause to be discharged into the atmosphere emissions in excess of 0.80 nanograms of D/F TEQ per dry standard cubic meter (3.5×10^{-10} grams per dry standard cubic feet) at 11 percent oxygen. If the sweat furnace is not equipped with an afterburner, the owner or operator of the sweat furnace is required to conduct a performance test to demonstrate compliance with these emission limits, pursuant to 40 C.F.R. § 63.1511(b).

Protection of Stratospheric Ozone

7. In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. As stated in 40 C.F.R. § 82.150(a), the purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances.

8. Under 40 C.F.R. § 82.156(f), persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to either:

- a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156(g) or (h); or
- b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f)(2). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. § 82.166 (i) and (m).

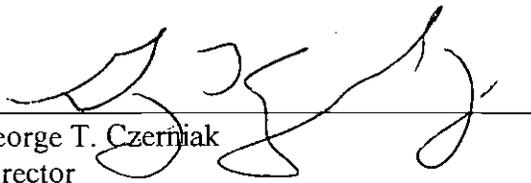
Factual Background

9. Summit owns and operates a scrap metal recycling and secondary aluminum production facility (the facility) at 200 East Alton Avenue in East Alton, Illinois.
10. On August 24, 2012, EPA inspected the facility for compliance with the CAA. At the time of the inspection, the facility included one aluminum sweat furnace.
11. On October 16, 2012, under Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent a Request for Information to Summit seeking information about the facility's compliance with the CAA. On November 20, 2012, Summit submitted a response to EPA.
12. The facility is a secondary aluminum production facility, as that term is defined in Subpart RRR, and is an area source of HAPs.
13. As the owner or operator of a secondary aluminum production facility that is an area source of HAPs, Summit is subject to the NESHAP at 40 C.F.R. Part 63, Subparts A and RRR, and the sweat furnace at the facility is subject to sweat furnace requirements under Subpart RRR.
14. Based on information collected during the August 24, 2012 inspection, Summit takes the final step in the disposal process for small appliances and MVAC components.
15. Based on information collected during the August 24, 2012 inspection, Summit has not at any time used equipment to recover refrigerant from appliances or MVACs.
16. Based on information collected during the August 24, 2012 inspection, Summit does not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliances or MVACs to the facility.

Violations

17. Summit has violated 40 C.F.R. § 63.1511(b) for failing to conduct a performance test to demonstrate compliance with the D/F emission limits of 40 C.F.R. § 1505(f)(2).
18. Summit is in violation of 40 C.F.R. § 82.156 for not meeting applicable refrigerant recovery requirements.

1/27/13
Date


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Elizabeth Rosado, do hereby certify that a Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

John Walker
Summit Processors, Inc.
200 East Alton Avenue
East Alton, Illinois 62024

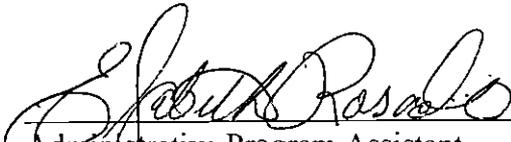
I also certify that I sent copies of the FOV by first class mail to:

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

and

Lon D. Weaver
Attorney at Law
114 South Prairie Street
Bethalto, Illinois 62010

on the 17 day of January, 2013.



Administrative Program Assistant
AECAS, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669-7385