



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

DEC 21 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aaron Vest, Plant Manager
Muncie Casting Corporation
1406 East 18th Street
Muncie, Indiana 47302

Re: Finding of Violation
Muncie Casting Corporation
Muncie, Indiana

Dear Mr. Vest:

This letter is to advise you that the U.S. Environmental Protection Agency has determined that Muncie Casting Corporation's (Muncie Casting) facility at 1406 East 18th Street, Muncie, Indiana (facility) is in violation of the Clean Air Act (CAA). We are issuing to you the enclosed Finding of Violation (FOV) for these violations.

Section 111 of the CAA requires the Administrator of EPA to publish a list of stationary source categories which, in the Administrator's judgment, cause or contribute significantly to air pollution which may endanger public health and welfare. The Administrator is then required to publish regulations establishing Federal standards of performance for new sources for sources within those listed source categories. The Administrator published the General Provisions of 40 Code of Federal Regulations (C.F.R.) Part 60, and 40 C.F.R. Part 60, Subpart UUU – Standards of Performance for Calciners and Dryers in Mineral Industries in accordance with the requirements of Section 111 of the CAA. The General Provisions of 40 C.F.R. Part 60 and 40 C.F.R. Part 60, Subpart UUU require certain notification, testing and monitoring requirements with which affected sources must comply.

Section 112 of the CAA requires the Administrator of EPA to publish a list of all categories and subcategories of major sources and area sources of the hazardous air pollutants listed in Section 112 of the CAA. The Administrator is then required to promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation. These emission standards must require the maximum degree of reduction in emissions of hazardous air pollutants that is deemed achievable by the Administrator. The Administrator published the General Provisions of 40 C.F.R. Part 63 and 40 C.F.R. Part 63, Subpart ZZZZZZ - the National Emission Standards for Hazardous Air

Pollutants: Area Source Standards (NESHAP) for Aluminum, Copper and Other Nonferrous Foundries in accordance with Section 112 of the CAA. The General Provisions of 40 C.F.R. Part 63 and 40 C.F.R. Part 63, Subpart ZZZZZZ require certain notification, testing, reporting/recordkeeping, and monitoring.

EPA finds that Muncie Casting's facility has violated and continues to be in violation of the following requirements/regulations:

1. The General Provisions of 40 C.F.R. Part 60.
2. The Standards of Performance for Calciners and Dryers in Mineral Industries (40 C.F.R. Part 60, Subpart UUU).
3. The General provisions of 40 C.F.R. Part 63.
4. The NESHAP: Area Source Standards for Aluminum, Copper and Other Nonferrous Foundries (40 C.F.R. Part 63, Subpart ZZZZZZ).

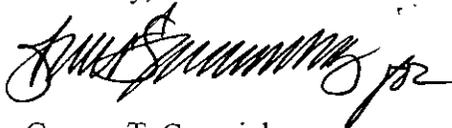
Violations of the General Provisions of 40 C.F.R. Part 60 and 40 C.F.R. 60, Subpart UUU are violations of the applicable regulations and Section 111 of the CAA. Violations of the General Provisions of 40 C.F.R. Part 63 and 40 C.F.R. Part 63, Subpart ZZZZZZ are violations of the applicable regulations and Section 112 of the CAA.

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, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the 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 Alexandra Letuchy. You may call her at 312-886-6035 if you wish to request a conference. EPA hopes that this FOV will encourage Muncie Casting's compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

cc: Matthew Chaifetz, Indiana Department of Environmental Management (IDEM)
Phil Perry, IDEM

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Muncie Casting Corporation
Muncie, Indiana**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. § 7401 et seq.

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**FINDING OF VIOLATION
EPA-5-13-IN-02**

FINDING OF VIOLATION

Muncie Casting Corporation (you or Muncie Casting) owns and operates a facility located at 1406 East 18th Street, Muncie, Indiana (facility). The facility is an aluminum foundry which melts and casts clean aluminum scrap mostly for large vehicle transmissions and other prototype parts.

The U.S. Environmental Protection Agency is sending this Finding of Violation (FOV or Finding) to notify you that we have found you have violated and continue to violate requirements of 40 C.F.R. Part 60, 40 C.F.R. Part 60, Subpart UUU, 40 C.F.R. Part 63, and 40 C.F.R. Part 63, Subpart ZZZZZZ which are violations of the Clean Air Act (CAA) and its implementing regulations.

I. Statutory Background

1. Under Section 111 of the CAA, 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. 57 Fed. Reg. 44503 (September 28, 1992). The requirements of 40 C.F.R. Part 60 relevant to this FOV include:
 - a. The General Provisions of 40 C.F.R. Part 60.
 - i. 40 C.F.R. § 60.7(a) requires the owner or operator to furnish the Administrator written notification of certain events.
 - ii. 40 C.F.R. § 60.7(b) requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

- iii. 40 C.F.R. § 60.7(c) requires that each owner or operator required to install a continuous monitoring device shall submit excess emissions monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report to the Administrator semiannually. The summary report must follow the format provided in 40 C.F.R. § 60.7(d).
- iv. 40 C.F.R. § 60.8(a) requires each owner or operator to conduct an initial performance test and furnish the Administrator a written report of the results of such performance test(s).
- v. 40 C.F.R. § 60.8(b) requires each owner or operator to conduct the performance test and data reduced in accordance with the test methods and processes contained in each applicable subpart.
- vi. 40 C.F.R. § 60.8(c) requires each owner or operator to conduct the performance test under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility.
- vii. 40 C.F.R. § 60.8(d) requires that each owner or operation provide the Administrator prior notice of the performance test to afford the Administrator the opportunity to have an observer present.
- viii. 40 C.F.R. § 60.11(b) provides that compliance with opacity standards shall be determined by conducting observations in accordance with Method 9 ... for purposes of determining initial compliance, the minimum total time of observations shall be 3 hours for the performance test or other set of observations.
- ix. 40 C.F.R. § 60.11(e)(2) provides that the owner or operator shall record the opacity of emissions and shall report to the Administrator the opacity results along with the results of the performance test.
- x. 40 C.F.R. § 60.13(b) requires that all continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 C.F.R. § 60.8. Verification of operational status shall, at a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.
- xi. 40 C.F.R. § 60.13(c) requires the owner or operator to conduct a performance evaluation of the CEMS.

- xii. 40 C.F.R. § 60.13(c)(2) requires the owner or operator to furnish the Administrator two copies of a written report of the performance evaluation of the CEMS.
 - xiii. 40 C.F.R. § 60.13(d)(1) requires the owners and operators of a CEMs installed in accordance with these regulations, to check the zero and span calibration drifts at least once daily in accordance with a written procedure.
 - xiv. 40 C.F.R. § 60.13(e) requires, among other things, that all continuous monitoring systems to be in continuous operation.
- b. The Standards of Performance for Calciners and Dryers in the Mineral Industries.
- i. 40 C.F.R. § 60.734(a) 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.
 - ii. 40 C.F.R. § 60.735(a) states that records of the measurements required in 40 C.F.R. § 60.734 shall be retained for at least 2 years.
 - iii. 40 C.F.R. § 60.735(c) states that the owner or operator shall submit written reports semiannually of exceedances of control device operating parameters required to be monitoring by 40 C.F.R. § 60.734(a).
 - iv. 40 C. F.R. § 60.736(b)(1) provides that Method 5 shall be used to determine the concentration of particulate matter, and that the sampling time and volume for each test run shall be at least 2 hours and 1.70 dry standard cubic meter ("dscm").
 - v. 40 C.F.R. § 60.736(b)(2) provides that Method 9 and the procedures and practices set forth in 40 C.F.R. § 60.11 shall be used to determine opacity from stack emissions.
2. Under Section 112 of the CAA, 42 U.S.C. § 7412, the Administrator promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions at 40 C.F.R. Part 63, Subpart A, and the Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries at 40 C.F.R. Part 63, Subpart ZZZZZZ. 74 Fed. Reg. 30393 (June 25, 2009). The requirements of 40 C.F.R. Part 63 relevant to this FOV include:

- a. The General Provisions to 40 C.F.R. Part 63.
- i. 40 C.F.R. § 63.6(c) requires the owner or operator to comply with subpart by the compliance date established by the Administrator in the applicable subparts.
 - ii. 40 C.F.R. § 63.9(b)(2) requires the owner or operator that has an initial startup before the effective date of the standard to notify the Administrator in writing that the source is subject to the relevant standard.
 - iii. 40 C.F.R. § 63.9(h) requires the owner or operator to submit to the Administrator a notification of compliance status.
 - iv. 40 C.F.R. § 63.10(b)(1) requires the owner or operator to maintain files of all information required by 40 C.F.R. Part 63, recorded in a form suitable and readily available for expeditious inspection and review.
 - v. 40 C.F.R. § 63.10(b)(2)(xiv) specifies that relevant records which the owner or operator must maintain include all documentation supporting initial notifications and notifications of compliance status.
- b. The Standards for Performance for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- i. 40 C.F.R. § 63.11545(a) requires the owner or operator to achieve compliance with the applicable provisions of 40 C.F.R. Part 63, Subpart ZZZZZ, no later than June 27, 2011.
 - ii. 40 C.F.R. § 63.11550(a)(1) requires the owner or operator to cover or enclose each melting furnace that is equipped with a cover or enclosure during the melting operation to the extent practicable (e.g., except when access is needed; including, but not limited to charging, alloy addition, and tapping).
 - iii. 40 C.F.R. § 63.11550(a)(3) requires that the owner or operator prepare and operate pursuant to a written management practice plan. The management practices plan must include the required management practices in paragraph 40 C.F.R. § 63.11550(a)(1) and 40 C.F.R. § 63.11550(a)(2).
 - iv. 40 C.F.R. § 63.11553(a) requires that the owner or operator submit the Initial Notification required by 40 C.F.R. § 63.9(b)(2) no later than 120 calendar days after June 25, 2009 or within 120 days after the source becomes subject to the standard.

- v. 40 C.F.R. § 63.11553(b) requires that the owner or operator submit the Notification of Compliance Status required by 40 C.F.R. § 63.9(h) no later than 120 days after the applicable compliance date specified in 40 C.F.R. § 63.11545 unless the facility must conduct a performance test.
- vi. 40 C.F.R. § 63.11553(c)(1) requires that the owner or operator keep a copy of each notification submitted to comply with 40 C.F.R. Part 63, Subpart ZZZZZZ.
- vii. 40 C.F.R. § 63.11553(c)(2) requires that the owner or operator keep records to document conformance with the management practices plan, required by 40 C.F.R. § 63.11550.
- viii. 40 C.F.R. § 63.11553(d) requires that records are maintained in a form suitable and readily available to expeditious review, according to 40 C.F.R. § 63.10(b)(1).

II. Factual Background

- 3. On April 17, 2012, EPA conducted an inspection at the facility.
- 4. Muncie Casting has not authored or submitted any notification or reports to EPA nor conducted any emissions testing or opacity monitoring as required by the Standards of Performance for Calciners and Dryers in the Mineral Industries at 40 C.F.R. Part 60, Subpart UUU.
- 5. Muncie Casting has not authored or submitted any notifications, reports, or plans to EPA, as required by the National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries at 40.C.F.R. Part 63, Subpart ZZZZZZ.

III. Violations

40 C.F.R. Part 60, Subpart A – General Provisions

40 C.F.R. Part 60, Subpart.UUU – Calciners and Dryers in the Mineral Industries

- 6. Muncie Casting failed to submit an initial notification identifying the sand reclamation unit (EU-17) as a calciner subject to the Standards of Performance for Calciners and Dryers in Mineral Industries. This is a violation of 40 C.F.R. § 60.7(a).
- 7. Muncie Casting failed to maintain records of start-up, shut-down, and malfunction events at EU-17. This is a violation of 40 C.F.R. § 60.7(b).
- 8. Muncie Casting failed to submit semi-annual excess emission/summary reports of opacity and/or visible emission readings conducted at EU-17. This is a violation of 40 C.F.R. § 60.7(c-d) and 40 C.F.R. § 60.735(c).

9. Muncie Casting failed to measure opacity using a Continuous Opacity Monitoring System (COMS) on EU-17. This is a violation of 40 C.F.R. § 60.734(a).
10. Muncie Casting failed to conduct initial performance testing of EU-17 for particulate matter using EPA Reference Method 5. This is a violation of 40 C.F.R. § 60.8(a-c) and 40 C.F.R. § 60.736(b)(1).
11. Muncie Casting failed to submit a report for initial performance testing of EU-17. This is a violation of 40 C.F.R. § 60.8(a).
12. Muncie Casting failed to submit prior notice of initial performance testing for EU-17. This is a violation of 40 C.F.R. § 60.8(d).
13. Muncie Casting failed to demonstrate initial compliance with opacity limits at EU-17. This is a violation of 40 C.F.R. § 60.11(b) and 40 C.F.R. § 60.736(b)(2).
14. Muncie Casting failed to submit a report for initial opacity readings at EU-17. This is a violation of 40 C.F.R. § 60.11(e)(2).
15. Muncie Casting failed to install, calibrate, maintain, and operate a COMS on EU-17. This is a violation of 40 C.F.R. § 60.13(b) and 40 C.F.R. § 60.734(a).
16. Muncie Casting failed to conduct a performance evaluation of a COMS on EU-17. This is a violation of 40 C.F.R. § 60.13(c).
17. Muncie Casting failed to submit a report on the performance evaluation of a COMS on EU-17. This is a violation of 40 C.F.R. § 60.13(c)(2).
18. Muncie Casting failed to perform daily zero and upscale calibration drift checks of a COMS on EU-17. This is a violation of 40 C.F.R. § 60.13(d)(1).
19. Muncie Casting failed to continuously operate a COMS on EU-17. This is a violation of 40 C.F.R. § 60.13(e).
20. Muncie Casting failed to retain records of opacity readings from a COMS on EU-17 for two years. This is a violation of 40 C.F.R. § 60.7(f) and 40 C.F.R. § 60.735(a).

40 C.F.R. Part 63, Subpart A – General Provisions

40 C.F.R. Part 63, Subpart ZZZZZZ – for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries

21. Muncie Casting failed to comply with the standard by June 27, 2011 for the aluminum foundry emission units, identified as EU7 – EU12. This is a violation of 40 C.F.R. § 63.6(c) and 40 C.F.R. § 63.11545(a).

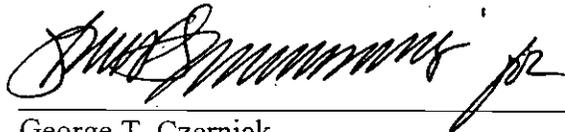
22. Muncie Casting failed to submit an initial notification identifying the sand reclamation unit (EU-17) as a calciner subject to the Standards of Performance for Calciners and Dryers in Mineral Industries. This is a violation of 40 C.F.R. § 60.7(a).
23. Muncie Casting failed to submit initial notification of applicability for EU7 – EU12. This is a violation of 40 C.F.R. § 63.9(b)(2) and 40 C.F.R. § 63.11553(a).
24. Muncie Casting failed to notify the Administrator of compliance obligations by the effective date of the rule for EU7 – EU12. This is a violation of 40 C.F.R. § 63.9(d).
25. Muncie Casting failed to submit the notification of compliance status report for EU7 – EU12. This is a violation of 40 C.F.R. § 63.9(h) and 40 C.F.R. § 63.11553(b).
26. Muncie Casting failed to keep copies of each notification submitted for compliance for EU7 – EU12. This is a violation of 40 C.F.R. § 63.10(b)(1)(xiv) and 40 C.F.R. § 63.11553(c)(1).
27. Muncie Casting failed to maintain required records in a form suitable and readily available for review for EU7 – EU12. This is a violation of 40 C.F.R. § 63.10(b)(1) and 40 C.F.R. § 63.11553(d).
28. Muncie Casting failed to prepare and operate under a written management practices plan for EU7 – EU12. This is a violation of 40 C.F.R. § 63.11550(a)(3).
29. Muncie Casting failed to keep records to document conformance with the management practices plan for EU7 – EU12. This is a violation of 40 C.F.R. § 63.11553(c)(2).

Environmental Impact of Violations

30. Failure to comply with the requirements of 40 C.F.R. Part 60 and 40 C.F.R. Part 63 increases public exposure to particulate matter and hazardous air pollutants (in particular toxic metals like lead). Toxic metals can contribute to a variety of health problems including respiratory problems, learning impairments, and central nervous system damage.

12/21/12

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-13-IN-02, by Certified Mail, Return Receipt Requested, to:

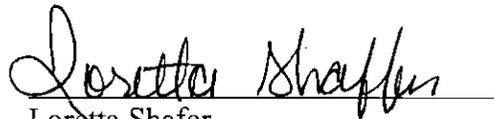
Aaron Vest
Plant Manager
Muncie Casting Corporation
1406 East 18th Street
Muncie, Indiana 47302

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

Matthew Chaifetz
Compliance and Enforcement Office of Air
Quality
Indiana Department of Environmental
Management
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46206-6015

Phil Perry
Compliance and Enforcement Office of Air
Quality
Indiana Department of Environmental
Management
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46206-6015

On the 21 day of December 2012.



Loretta Shafer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 4546