



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

NOV 15 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Greg Palen, President  
Spectro Alloys Corporation  
13220 Doyle Path East  
Rosemount, Minnesota 55068

Re: Spectro Alloys Corporation  
Administrative Order EPA-5-15-113(a)-MN-01

Dear Mr. Palen:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-6073.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens  
Chief  
Air Enforcement and Compliance Assurance Section (OH/MN)

Enclosure:

cc: Katie Koelfgen, Minnesota Pollution Control Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-15-113(a)-MN-01</b>
	)	
<b>Spectro Alloys Corporation</b>	)	<b>Proceeding Under Sections 113(a)(1)(3) and</b>
<b>Rosemount, Minnesota</b>	)	<b>114(a)(1) of the Clean Air Act, 42 U.S.C.</b>
	)	<b>§§ 7413(a)(1)(3) and 7414(a)(1)</b>
	)	
	)	
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**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Spectro Alloys Corporation (Spectro) under Sections 113(a)(1) and (3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1) and (3) and 7414(a)(1).

**Statutory and Regulatory Background**

2. On May 24, 1995, EPA approved Rule 7007.0800 as part of the Federally Enforceable State Implementation Plan (SIP) for Minnesota.
3. Minnesota SIP Rule 7007.0800, Subpart 5(c), requires that the facility's permit include a requirement that the permittee retain records of all monitoring data and support information for a period of five years, or longer as specified by the commissioner, from the date of the monitoring sample, measurement, or report. This rule defines support information to include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, and copies of all reports required by the permit and requires that the records be kept at the stationary source unless the permit allows otherwise.

4. Minnesota SIP Rule 7007.0800, Subpart 14, requires that the facility's permit include operating and maintenance requirements for each piece of control equipment located at the stationary source.
5. Minnesota SIP Rule 7007.0800, Subpart 16J, requires that the permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit.
6. Spectro's Permit 03700066-001 incorporates, by reference, the Minnesota SIP Section, and 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1).
7. EPA proposed final approval of Minnesota's Title V program on October 30, 2001.  
66 Fed. Reg. 54739.
8. EPA granted Minnesota final approval of its Title V Clean Air Act Permit/Program, effective November 30, 2001. 66 Fed. Reg. 62967. 40 C.F.R. Part 70, Appendix A.
9. Title V regulations at 40 C.F.R. § 70.3 provide that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
10. Title V regulations at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by the EPA under the CAA.
11. Under Section 112 of the CAA, the Administrator of EPA promulgated the General Provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. Part 63, Subpart A; 40 C.F.R. §§ 63.1 – 63.16 on March 16, 1994. 59 Fed. Reg. 12430 (March 16, 1994).

12. The NESHAP at 40 C.F.R. § 63.2 defines “major source” as, for pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) or more of any Hazardous Air Pollutant (HAP) which has been listed pursuant to section 112(b) of the CAA, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule.
13. Effective March 23, 2000, EPA promulgated regulations governing the NESHAP for Secondary Aluminum Production in 40 C.F.R. Part 63, Subpart RRR. 65 Fed. Reg. 15710 (March 23, 2000).
14. On August 14, 2015, EPA promulgated revised regulations governing the NESHAP for Secondary Aluminum Production. Those final regulations were published in the Federal Register on September 18, 2015. 80 Fed. Reg. 56700 (Sept. 18, 2015).
15. Pursuant to the NESHAP at 40 C.F.R. § 63.1501, the owner or operator of an existing affected source must comply with the requirements of Subpart RRR by March 24, 2003; and the owner or operator of a new affected source that commences construction or reconstruction after February 11, 1999, must comply with the requirements by March 24, 2000, or upon startup, whichever is later.
16. The NESHAP as revised by the August 14, 2015 amendments at 40 C.F.R. § 63.1501(b), sets the compliance date for the amendments for existing affected sources is March 16, 2016.
17. Subpart RRR applies to owners and operators of each secondary aluminum production facility and secondary aluminum processing unit, including new and existing Group 1

furnaces with add-on pollution control devices and continuous lime-injection systems, as those terms are defined at 40 C.F.R. § 63.1503.

18. The NESHAP, at 40 C.F.R. § 63.1506(b), requires the owner or operator to provide and maintain easily visible labels posted at each group 1 furnace, group 2 furnace, in-line fluxer and scrap dryer/delacquering kiln/decoating kiln which identify the applicable emission limits and means of compliance, including: the type of affected source or emission unit; the operational standards and control methods in the operating parameter ranges; and requirements in the operation, maintenance and monitoring (OM&M) plan.
19. The NESHAP, at 40 C.F.R. § 63.1511(g), requires that the owner or operator of the facility, during required performance tests, establish a minimum or maximum operating parameter value, or an operating parameter range for each parameter to be monitored as required by 40 C.F.R. § 63.1510 which ensures the facility's compliance with the applicable emission limit or standard.
20. The NESHAP, at 40 C.F.R. § 63.1506 (m)(4), currently requires that the facility operating a continuous lime injection system maintain free-flowing lime in the hopper to the feed device at all times and maintain the lime feeder setting at the same level established during the performance test.
21. The NESHAP, at 40 C.F.R. § 63.1506 (m)(4), effective March 16, 2016, requires that the facility operating a continuous lime injection system maintain free-flowing lime in the hopper to the feed device at all times and maintain the lime feeder setting at or above the level established during the performance test.

22. The NESHAP, at 40 C.F.R. § 63.1510(b), requires that the owner or operator prepare and implement for each new or existing affected source and emission unit, a written OM&M plan.
23. The NESHAP, at 40 C.F.R. § 63.1510(b)(1-8), lists specific elements which are required in a facility's OM&M plan. These elements include, but are not limited to, a maintenance schedule for each process and control device that is consistent with the manufacturer's instructions and recommendations for routine and long-term maintenance. 40 C.F.R. § 63.1510(b)(7).
24. The NESHAP, at 40 C.F.R. § 63.1510(i)(2), requires that the facility inspect each lime feed hopper or silo at least once each 8-hour period and record the results of each inspection. The NESHAP, at 40 C.F.R. § 63.1517(b)(4), requires the owner or operator of the facility to retain the records of the lime feed hopper or silo inspections.
25. The NESHAP, at 40 C.F.R. § 63.1515(b); requires that each owner or operator of an existing affected source must submit a Notification of Compliance Status report (NOCS) within 60 days after the compliance date established by § 63.1501(a). Each owner or operator of a new affected source must submit a notification of compliance status report within 90 days after conducting the initial performance test required by § 63.1511(b), or within 90 days after the compliance date established by § 63.1501(b) if no initial performance test is required.
26. The NESHAP, at 40 C.F.R. § 63.1515(b)(4), requires that the NOCS include the compliant operating parameter value or range established for each affected source or emission unit with supporting documentation and a description of the procedure used to establish the value (e.g., lime injection rate, total reactive chlorine flux injection rate, afterburner operating

temperature, fabric filter inlet temperature), including the operating cycle or time period used in the performance test.

27. The NESHAP, at 40 C.F.R. § 63.1516(b), requires the owner or operator submit semiannual reports according to the requirements in § 63.10(e)(3), including a certification of compliance with all monitoring, recordkeeping, and reporting requirements during the year.
28. The NESHAP, at 40 C.F.R. § 63.1517(a), requires that the owner or operator of the facility, as required by § 63.10(b), maintain files of all information (including all reports and notifications) required by the general provisions and this subpart.
29. The General Provisions of the NESHAP, at 40 C.F.R. § 63.6(e)(1)(i), require that at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.
30. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for violations that occurred after January 12, 2009 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

### **Findings**

31. Spectro owns and operates the facility located at 13220 Doyle Path East, Rosemount, Minnesota (Facility).
32. Spectro emits dioxins and furans and hydrochloric acid, which are HAPs listed under Section 112(b) of the CAA, 42 U.S.C. § 7412(b).
33. Spectro is a "major source" for HAP.

34. As a secondary aluminum production facility with Group 1 furnaces and associated continuous lime-injection systems, Spectro's facility is an emission source subject to the requirements of the CAA, including 40 C.F.R. Part 63, Subpart RRR.
35. The Minnesota Pollution Control Agency (MPCA) issued a Total Facility Operating Permit 03700066-001 to Spectro on June 15, 1995 and a final Title V Permit 03700066-001 to Spectro on April 22, 2005.
36. Spectro's Permit 03700066-001 incorporates by reference both the NESHAP for Secondary Aluminum Production at Subpart RRR and the General Provisions of the NESHAP at Subpart A.
37. On March 8, 2013, as required by the NESHAP at Subpart RRR, Spectro submitted its Notification of Compliance Status (NOCS) to EPA and MPCA, establishing alkaline (lime) reagent feed settings for its Group 1 furnaces based on August 23, 2012, December 6, 2012, December 13, 2012, and January 17, 2013 performance tests. During each performance test, Spectro achieved compliance with HCl limits using lime feed rates of 25%, 14.5%, 23.5%, and 13.5% at the Furnace #1 scrap dryer, Furnace #1 charge well, Furnace #3 charge well, and Furnace #3 scrap dryer, respectively.
38. On April 8, 2014 and April 30, 2014, MPCA inspected Spectro's facility.
39. During the April 8, 2014 inspection, MPCA identified discrepancies among Spectro's lime feed hopper labels, lime feed digital settings, and lime feed rates established during its most recent performance tests and subsequently submitted in its NOCS. MPCA also noted that Spectro did not have multiple maintenance and operation files related to the OM&M plan requirements available for inspection. During the April 30, 2014 inspection, MPCA

noted that Spectro had failed to change the previously identified deviations to the lime feed settings required by the NESHAP.

40. EPA issued a Notice and Finding of Violation (NOV/FOV) to Spectro on January 13, 2015,

alleging Spectro:

- a. failed to maintain free-flowing lime in the continuous lime-injection system hoppers to the feed devices at the same levels established during the performance tests required by 40 C.F.R. § 63.1511(g);
- b. failed to document inspections and maintenance required by 40 C.F.R. § 63.1517(b)(4) and 63.1510(i)(2), and the Minnesota SIP at 7007.0800, Subpart 5(c);
- c. failed to monitor and keep records of all parameters and standards required by 40 C.F.R. § 63.10(b), its Title V Permit 03700066-001, Table B, and the Minnesota SIP at 7007.0800, Subpart 5(c);
- d. failed to provide to MPCA relevant records of all required maintenance performed on the air pollution and monitoring equipment as required by 40 C.F.R. § 63.10(b); and
- e. failed to identify deviations in its Compliance Certification Reports for the years 2012 and 2013 as required by 40 C.F.R. §§ 63.1516(b) and 63.1515(b), and its Title V Permit 03700066-001, Table B.

41. In response to the NOV/FOV, EPA and Spectro conferred via phone on March 26, 2015.

Both before and after this conference, Spectro provided EPA with the following documents regarding actions taken by Spectro to correct the issues identified in the NOV/FOV: a revised draft Operations and Maintenance, Startup, Shutdown, and Malfunction Plan (OM&M-SSM

Plan), records of pH test results and tracking and sodium bicarbonate catch (bicarb catch) records including corrective action sheets and waste stream audits measuring weights of each catch to determine feed rates, and auger speed settings during the most recent performance test.

### Compliance Program

42. Respondent is ordered to conduct the compliance program described in this section of this Order.
43. By no later than three months after the Effective Date of this Order, Spectro shall incorporate into its OM&M-SSM plan the following measures and parameters for each lime injection system associated with each baghouse at the Facility:
  - a. At least once per week, until March 16, 2016, verify that the lime injection rate in pounds per hour (lb/hr) is no less than 90 percent of the lime injection rate used to demonstrate compliance during Spectro's most recent performance test. If the weekly check of the lime injection rate is below the 90 percent of the lime injection rate used to demonstrate compliance during Spectro's most recent performance test, then Spectro must repair or adjust the lime injection system to restore normal operation, as set forth in 40 CFR Part 63, Subpart RRR, within 45 days. Spectro may request an extension of up to an additional 45 days to demonstrate that the lime injection rate is no less than 90 percent of the lime injection rate used to demonstrate compliance during Spectro's most recent performance test. In the event that a lime feeder is repaired or replaced, the feeder must be calibrated, and the feed rate must be restored to the lb/hr feed rate operating limit established during the most recent performance test within 45

days. Spectro may request an extension of up to an additional 45 days to complete the repair or replacement and establishing a new setting. The repair or replacement, and the establishment of the new feeder setting(s) must be documented in accordance with the recordkeeping requirements of 40 C.F.R. § 63.1517.

- b. Inspect lime feeders and augers for free flowing lime visually once every eight hours, and clean out accumulation in the system once every two weeks.
- c. Ensure hopper and lime feed rate labels are updated and displayed at each furnace in accordance with the most recent performance test at each charge well and scrap dryer.
- d. Create compliance checklist which requires documentation of lime feed rate inspections, baghouse bag blowdown and maintenance, and furnace burner cleanings, and all other inspections, to be completed at respective frequencies required by the NESHAP Subpart RRR.
- e. Maintain records of all required maintenance performed on air pollution and monitoring equipment as required by the NESHAP Subpart RRR, and maintain files of all information (including all reports and notifications), as required by Spectro's Title V Permit and the NESHAP Subpart RRR, available for expeditious inspection and review.
- f. Submit quarterly reports through March 30, 2016 to EPA all maintenance records required by (e) above.

44. By no later than three months after the Effective Date of this Order, Spectro must send the updated OM&M-SSM plan incorporating these parameters and photographs of the hopper and feed rate labels for all furnaces to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

#### General Provisions

45. This Order does not affect Spectro's responsibility to comply with other federal, state and local laws.
46. This Order does not restrict EPA's authority to enforce the Minnesota SIP, the Minnesota Title V Permit Rules or the NESHAP for Secondary Aluminum Production, any revisions to the NESHAP for Secondary Aluminum Production, and any other section of the CAA.
47. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Spectro's violation of the Minnesota SIP, Title V, or any applicable NESHAP requirement.
48. Failure to comply with this Order, to the extent a court determines such failure is a violation of the Clean Air Act, may subject Spectro to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.
49. The terms of this Order are binding on the Parties, their assignees and successors. Spectro must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the address provided in paragraph 42, that it has given the notice.

50. Spectro 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 Spectro 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 CAA, 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.
51. 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 recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.
52. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.
53. Spectro does not admit any of the allegations contained herein, and without making any admissions, agrees to the terms of this Order.
54. Spectro waives any remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Administrative Consent Order, including any right of judicial review under Section 307(b) of the CAA.

55. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate April 30, 2016, upon Spectro's submission of the last quarterly report required under compliance program required in paragraphs 41-43 of this Order.

**Administrative Consent Order  
Spectro Alloys Corporation**

10/1/2015

Date



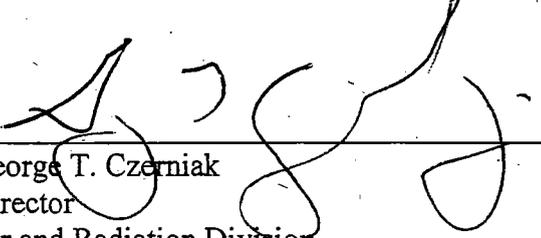
Greg Palen  
President  
Spectro Alloys Corporation

*Greg Palen  
VP OPS  
for Greg Palen*

**Administrative Consent Order  
Spectro Alloys Corporation**

11/5/15

Date



George T. Czerniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-MN-01 by certified mail, return receipt requested, to:

Greg Palen  
President  
Spectro Alloys Corporation  
13220 Doyle Path East  
Rosemount, Minnesota  
55068

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-MN-01 by first-class mail to:

Katie Koelfgen  
Air Compliance and Enforcement Unit  
Supervisor  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155-4194

On the 5 day of November 2015.



for

Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7014 2870 0001 9581 3529



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

JAN 13 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Greg Palen, Chairman  
Spectro Alloys Corporation  
13220 Doyle Path  
Rosemount, Minnesota 55068

Re: Notice and Finding of Violation  
Spectro Alloys  
Rosemount, Minnesota

Dear Mr. Palen:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Spectro Alloys (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C § 7413(a)(1). We find that you are violating the Minnesota State Implementation Plan and federal regulations under Title V of the Clean Air Act at your Rosemount, Minnesota facility.

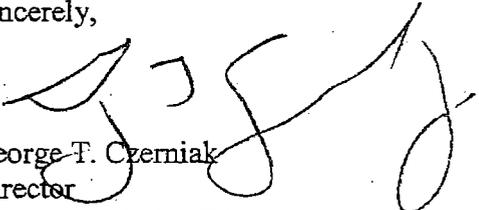
Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil or criminal action.

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.

The EPA contact in this matter is Gina Harrison. You may call her at (312) 353-6956 if you wish 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,



George T. Czerniak  
Director  
Air and Radiation Division



reconstruction after February 11, 1999, must comply with the requirements by March 24, 2000, or upon startup, whichever is later.

4. The NESHAP, at 40 C.F.R. § 63.1506(b), requires the owner or operator to provide and maintain easily visible labels posted at each group 1 furnace, group 2 furnace, in-line fluxer and scrap dryer/delacquering kiln/decoating kiln which identify the applicable emission limits and means of compliance, including: the type of affected source or emission unit; and the operational standards and control methods.
5. The NESHAP, at 40 C.F.R. § 63.1511(g), requires that the owner or operator of the facility, during required performance tests, establish a minimum or maximum operating parameter value, or an operating parameter range for each parameter to be monitored as required by 40 C.F.R. § 63.1510 which ensures the facility's compliance with the applicable emission limit or standard.
6. The NESHAP, at 40 C.F.R. § 63.1506 (m)(4), requires that the facility operating a continuous lime injection system maintain free-flowing lime in the hopper to the feed device at all times and maintain the lime feeder setting at the same level established during the performance test.
7. The NESHAP, at 40 C.F.R. § 63.1510(b), requires that the owner or operator prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance and monitoring (OM&M) plan.
8. The NESHAP, at 40 C.F.R. § 63.1510(b)(1-8), lists specific elements which are required in a facility's OM&M plan. These elements include, but are not limited to, a maintenance schedule for each process and control device that is consistent with the manufacturer's instructions and recommendations for routine and long-term maintenance. 40 C.F.R. § 63.1510(b)(7).
9. The NESHAP, at 40 C.F.R. § 63.1510(i)(2), requires that the facility inspect each lime feed hopper or silo at least once each 8-hour period and record the results of each inspection. The NESHAP, at 40 C.F.R. § 63.1517(b)(4) requires the owner or operator of the facility to retain the records of the lime feed hopper or silo inspections.
10. The NESHAP, at 40 C.F.R. § 63.1515(b), requires that each owner or operator of an existing affected source must submit a Notification of Compliance Status report (NOCS) within 60 days after the compliance date established by §63.1501(a). Each owner or operator of a new affected source must submit a notification of compliance status report within 90 days after conducting the initial performance test required by §63.1511(b), or within 90 days after the compliance date established by §63.1501(b) if no initial performance test is required.

11. The NESHAP, at 40 C.F.R. § 63.1515(b)(4), requires that the NOCS include the compliant operating parameter value or range established for each affected source or emission unit with supporting documentation and a description of the procedure used to establish the value (e.g., lime injection rate, total reactive chlorine flux injection rate, afterburner operating temperature, fabric filter inlet temperature), including the operating cycle or time period used in the performance test.
12. The NESHAP, at 40 C.F.R. § 63.1516(b), requires the owner or operator submit semiannual reports according to the requirements in §63.10(e)(3), including a certification of compliance with all monitoring, recordkeeping, and reporting requirements during the year.
13. The NESHAP, at 40 C.F.R. § 63.1517(a), requires that the owner or operator of the facility, as required by § 63.10(b), maintain files of all information (including all reports and notifications) required by the general provisions and this subpart.
14. The General Provisions of the NESHAP, at 40 C.F.R. § 63.10(b), require that the owner or operator of the facility maintain relevant records of all required maintenance performed on the air pollution and monitoring equipment and maintain files of all information (including all reports and notifications) required by Part 63 recorded in a form suitable and readily available for expeditious inspection and review.

#### **Title V Regulations**

15. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each State to develop and submit to EPA an operating permit program which meets the requirements of Title V. EPA granted interim approval to Minnesota's Title V program on June 16, 1995, effective July 16, 1995. 60 Fed. Reg. 31637. EPA proposed final approval of Minnesota's Title V program on October 30, 2001. 66 Fed. Reg. 54739. EPA granted Minnesota final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001. 66 Fed. Reg. 62967.
16. Title V regulations at 40 C.F.R § 70.3 provide that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
17. MPCA issued a Total Facility Operating Permit 03700066-001 to Spectro on June 15, 1995, and final Title V Permit 03700066-001 to Spectro on April 22, 2005.
18. Spectro's Permit 03700066-001 incorporates by reference the NESHAP for secondary aluminum production.
19. Spectro's Permit 03700066-001, Table B requires Spectro to submit, no later than 30 days

after the end of each calendar year, a Compliance Certification Report including an explanation of any period of excess emissions that occurred during the year, and certification that all monitoring, recordkeeping, and reporting requirements were met.

### **Minnesota State Implementation Plan**

20. On May 24, 1995, EPA approved Rule 7007.0800 as part of the Federally Enforceable State Implementation Plan (SIP) for Minnesota.
21. Minnesota SIP Rule 7007.0800, Subpart 5(c), requires that the facility's permit include a requirement that the permittee retain records of all monitoring data and support information for a period of five years, or longer as specified by the commissioner, from the date of the monitoring sample, measurement, or report. The Rule defines support information to include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, and copies of all reports required by the permit and requires that the records be kept at the stationary source unless the permit allows otherwise.
22. Minnesota SIP Rule 7007.0800, Subpart 14, requires that the facility's permit include operating and maintenance requirements for each piece of control equipment located at the stationary source.
23. Minnesota SIP Rule 7007.0800, Subpart 16J, requires that the permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit.
24. Spectro's Permit 03700066-001 incorporates, by reference, the Minnesota SIP.

### **Factual Background**

25. At all times relevant to this Notice, Spectro Alloys Corporation has owned and operated a secondary aluminum production facility, including Group 1 furnaces with add-on pollution control devices and continuous lime-injection systems, as those terms are defined at 40 C.F.R. § 63.1503, at its facility located at 13220 Doyle Path, Rosemount, Minnesota.
26. The facility is a "major source" as that term is defined at 40 C.F.R. § 63.2.
27. As a secondary aluminum production facility with Group 1 furnaces and associated continuous lime-injection systems, Spectro's facility is an emission source subject to the requirements of the Act, including 40 C.F.R. Part 63, Subpart RRR.
28. Spectro submitted its Notification of Compliance Status (NOCS) to EPA and MPCA on March 8, 2013, establishing alkaline (lime) reagent feed settings for its Group 1 furnaces

based on August 23, 2012, December 6, 2012, December 13, 2012, and January 17, 2013 performance tests. During each performance test, Spectro achieved compliance with HCl limits using lime feed rates of 25%, 14.5%, 23.5%, and 13.5% at the Furnace #1 scrap dryer, Furnace #1 charge well, Furnace #3 charge well, and Furnace #3 scrap dryer, respectively.

29. On April 8, 2014 and April 30, 2014, the Minnesota Pollution Control Agency (MPCA) inspected Spectro's facility.
30. During the April 8, 2014 inspection, MPCA identified discrepancies among Spectro's lime feed hopper labels, lime feed digital settings, and lime feed rates established during its most recent performance tests and subsequently submitted in its NOCS. MPCA also noted that Spectro did not have multiple maintenance and operation files related to the OM&M plan requirements available for inspection. During the April 30, 2014 inspection, MPCA noted that Spectro had failed to change the previously identified deviations to the lime feed settings required by the NESHAP. The following table reflects MPCA's observations during both the April 8, 2014 and April 30, 2014 inspections.

Emission Unit	Performance Test Date	Performance Test setting in reports	Setting on Label during 4/8 and 4/30 Inspections	Inspection setting 4/8/14	Inspection setting 4/30/14	Comment
CE001 Furnace #1 Charge Well	12/6/2012	14.50%	14.50%	55%	23.50%	Label showed north hopper when should be south
CE004 Furnace #3 Scrap Dryer	1/17/2013	13.50%	12%	11.20%	11.10%	
CE006 Furnace #1 Scrap Dryer	8/23/2012	25%	17%	Not recorded	25.00%	
CE009 Furnace #3 Charge Well	12/13/2012	23.50%	23.50%	23.50%	60.00%	Label showed south hopper when should be north

31. Additionally, MPCA noted two charge well lime feed hoppers were transposed and incorrectly labeled "north" and "south."

32. On June 13, 2014, as a followup to the April inspections, Spectro provided to MPCA maintenance records for the years 2012-2014. Upon review of these records MPCA noted that Spectro had failed to document certain inspections, baghouse bag blowdown and maintenance, and furnace burner cleanings, among other requirements specified in its OM&M Plan. Failure to document these activities also constitutes failure to maintain all relevant records of required maintenance performed on the air pollution and monitoring equipment and maintain files of all information (including all reports and notifications), required by both its Permit and the NESHAP.
33. Spectro submitted Excess Emission Reports to EPA and MPCA on May 28, 2013, November 21, 2013, January 15, 2014, and March 11, 2014, certifying compliance with lime injection requirements and standards for the years 2012 and 2013.

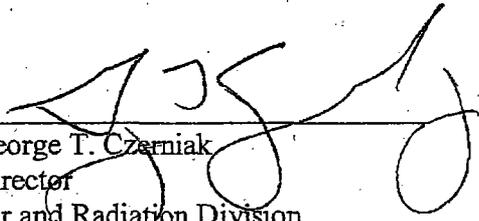
#### **Violations of Monitoring Requirements**

34. Spectro's failure to maintain free-flowing lime in the continuous lime-injection system hoppers to the feed devices at the same levels established during the performance tests required by 40 C.F.R. § 63.1511(g) is a violation of the NESHAP at 40 C.F.R. § 63.1511(g) and 63.1506 (m)(4), its Title V permit, and the Minnesota SIP at 7007.0800, Subpart 16J.
35. Spectro's failure to document inspections and maintenance required by the NESHAP is a violation of 40 C.F.R. § 63.1517(b)(4) and 63.1510(i)(2), and the Minnesota SIP at 7007.0800, Subpart 5(c).
36. Spectro's failure to monitor and keep records of all parameters and standards required by the NESHAP and its Title V permit is a violation of the NESHAP at 40 C.F.R. § 63.10(b), and its Title V Permit 03700066-001, Table B, and the Minnesota SIP at 7007.0800, Subpart 5(c).
37. Spectro's failure to provide to MPCA relevant records of all required maintenance performed on the air pollution and monitoring equipment and maintain files of all information (including all reports and notifications) required by Part 63 available for expeditious inspection and review is a violation of the NESHAP at 40 C.F.R. § 63.10(b).
38. Spectro's submittal of Compliance Certification Reports for the years 2012 and 2013 which certify compliance with all monitoring, recordkeeping, and reporting requirements despite failing to record certain inspections and maintenance procedures is a violation of the NESHAP at 40 C.F.R. § 63.1516(b) and 63.1515(b), and Table B of Permit 03700066-001.

**Environmental Impact of Violations**

39. Failure to meet operational limits may lead to violations of particulate emissions standards, which may increase public exposure to unhealthy particulate matter.

1/13/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

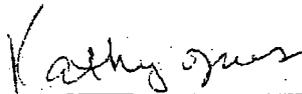
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-MN-01, by Certified Mail, Return Receipt Requested, to:

Greg Palen  
Chairman  
Spectro Alloys  
13220 Doyle Path  
Rosemount, Minnesota 55068

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

Sarah Kilgriff  
Air Compliance and Enforcement Unit Supervisor  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155-4194

on the 17<sup>th</sup> day of January, 2014.

  
for Loretta Shaffer, APA  
AECAB/PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 5946