



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

FEB 21 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Kochevar
General Manager
Empire Iron Mining Partnership
PO Box 2000
Ishpeming, Michigan 49849-0901

Re: Notice of Violation and Finding of Violation
Empire Iron Mining Partnership
Ishpeming, Michigan

Dear Mr. Kochevar:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Empire Iron Mining Partnership (Empire). We find that Empire is in violation of the Clean Air Act (CAA), Section 112, 42 U.S.C. § 7412, and associated state or local pollution control requirements at your Ishpeming, Michigan facility.

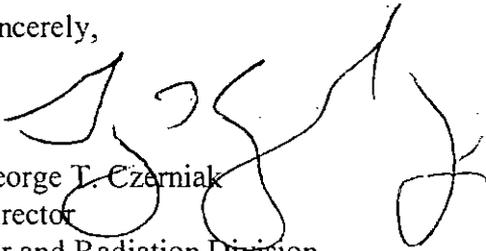
We have several enforcement options under Section 113(a) of the CAA, 42 U.S.C. § 7413(a). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you 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 Molly Smith. You may call her at (312) 353-8773 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage Empire's compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

cc: Tom Hess
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

Chris Hare, District Supervisor
Michigan Department of Environmental Quality
Saginaw Bay District Office
401 Ketchum Street
Bay City, Michigan 48708

Scott Gischia
Director, Environmental Compliance
US Iron Ore Operations
Cliffs Natural Resources
227 West 1st Street, Suite 500
Duluth, Minnesota 55802

Enclosure

National Emission Standards for Hazardous Air Pollutants

2. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAP) that present or may present a threat of adverse effects to human health or the environment.
3. Section 112(a) of the Act, 42 U.S.C. § 7412(a), defines "major source" as 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 or more of any HAP or 25 tons per year (tpy) or more of any combination of HAP.
4. Section 112(c) of the Act, 42 U.S.C. § 7412(c), 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" or "NESHAPs." EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.
5. The NESHAPs are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAP that EPA determines is achievable for each source category.
6. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

NESHAP for Taconite Iron Ore Processing at 40 C.F.R. Part 63, Subpart RRRRR

7. The Part 63 NESHAP General Provisions at 40 C.F.R. § 63.6(e)(1)(i) state 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."
8. On October 30, 2003, EPA promulgated the NESHAP for Taconite Iron Ore Processing at 40 C.F.R. Part 63, Subpart RRRRR. 68 Fed. Reg. 61888.
9. The NESHAP for Taconite Iron Ore Processing applies to, among other things, owners and operators of taconite iron ore processing plants. 40 C.F.R. § 63.9581.
10. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "taconite ore" to mean a low-grade iron ore suitable for concentration of magnetite or hematite by fine grinding and magnetic or floatation treatment, from which pellets containing iron can be produced.

11. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "taconite iron ore processing" to mean the separation and concentration of iron ore from taconite, a low-grade iron ore, to produce taconite pellets.
12. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "deviation" to mean any instance in which an affected source subject to this subpart, or an owner or operator of such a source: (1) Fails to meet any requirement or obligation established by the subpart, emission limitation (including operating limits) or operation and maintenance requirement; (2) Fails to meet any term or condition that is adopted to implement an applicable requirement in the subpart and that is included in the operating permit for any affected source required to obtain such a permit; or (3) Fails to meet any emission limitation in the subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by the subpart.
13. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "emission limitation" to mean an emission limit, opacity limit, or operating limit.
14. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "grate kiln indurating furnace" to mean a furnace system that consists of a traveling grate, a rotary kiln, and an annular cooler. The grate kiln indurating furnace begins at the point where the grate feed conveyor discharges the green balls onto the furnace traveling grate and ends where the hardened pellets exit the cooler. The atmospheric pellet cooler vent stack is not included as part of the grate kiln indurating furnace.
15. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "ore crushing and handling" to mean the process whereby dry taconite ore is crushed and screened. Ore crushing and handling includes, but is not limited to, all dry crushing operations (e.g., primary, secondary, and tertiary crushing), dry ore conveyance and transfer points, dry ore classification and screening, dry ore storage and stockpiling, dry milling, dry cobbing (i.e., dry magnetic separation), and the grate feed. Ore crushing and handling specifically excludes any operations where the dry crushed ore is saturated with water, such as wet milling and wet magnetic separation.
16. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9590(b)(1), provides that each wet scrubber required to meet the particulate matter emission limitations in Table 1 of Subpart RRRRR must maintain the daily average pressure drop and daily average scrubber water flow rate at or above the minimum levels established during the initial performance test.
17. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9590(b)(3), provides that each dry electrostatic precipitator (ESP) required to meet the emission limitations in Table 1 of Subpart RRRRR must maintain the 6-minute average opacity exiting the stack at or below the opacity level established during initial performance testing.
18. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(e)(1), provides that each wet scrubber with pressure drop and water flow rates with emission limitations required in 40 C.F.R. § 63.9590(b)(1) must show continuous compliance. Each wet scrubber must

maintain the daily average pressure drop and water flow rates established during the initial or subsequent performance tests.

19. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(e)(4), provides that if the daily average pressure drop and/or water flow rates drop below those established during the initial or subsequent performance tests, as required by 40 C.F.R. § 63.9634(e)(1), corrective action procedures described in 40 C.F.R. § 63.9634(j) must be followed.
20. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(g)(1), provides that each dry ESP with emission limitations required in 40 C.F.R. § 63.9590(b)(1) must maintain the 6-minute average opacity at or below the maximum level established during the initial or subsequent performance tests. Each stack with an opacity limitation must maintain a continuous opacity monitor (COMS).
21. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(g)(1)(iii), provides that, if opacity levels for a dry ESP are above the limits established during the initial or subsequent performance test, corrective action procedures described in 40 C.F.R. § 63.9634(j) must be followed.
22. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(1), provides the initial corrective action for wet scrubbers and dry ESP deviating from performance test limitations. The facility must initiate and complete initial corrective action within 10 calendar days and demonstrate that the initial corrective action was successful. During any period of corrective action, the facility must continue to monitor and record all required operating parameters for equipment that remains in operation. After 10 calendar days, measure and record the daily average operating parameter value for the emission unit or group of similar emission units on which corrective action was taken. After the initial corrective action, if the daily average operating parameter value for the emission unit or group of similar emission units meets the operating limit established for the corresponding unit or group, then the corrective action was successful and the emission unit or group of similar emission units is in compliance with the established operating limits.
23. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(2), provides that, if an initial corrective action required in 40 C.F.R. § 63.9634(j)(1) was not successful, then the facility must complete additional corrective action within 10 calendar days and demonstrate that the subsequent corrective action was successful. During any period of corrective action, the facility must continue to monitor and record all required operating parameters for equipment that remains in operation. After the second set of 10 calendar days allowed to implement corrective action, the facility must again measure and record the daily average operating parameter value for the emission unit or group of similar emission units. If the daily average operating parameter value for the emission unit or group of similar emission units meets the operating limit established for the corresponding unit or group, then the corrective action was successful and the emission unit or group of similar emission units is in compliance with the established operating limits.
24. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(3), provides that, if a second attempt at corrective action required in 40 C.F.R. § 63.9634(j)(2) was not

successful, then the facility must repeat the procedures in 40 C.F.R. § 63.9634(j)(2) until the corrective action is successful. If the third attempt at corrective action is unsuccessful, the facility must conduct another performance test in accordance with the procedures in 40 C.F.R. § 63.9622(f) and report to the Administrator as a deviation the third unsuccessful attempt at corrective action.

25. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(4), provides that, after the third unsuccessful attempt at corrective action, as detailed in 40 C.F.R. § 63.9634(j)(3), the facility must submit to the Administrator the written report required in 40 C.F.R. § 63.9634(j)(3) within five calendar days after the third unsuccessful attempt at corrective action. This report must notify the Administrator that a deviation has occurred and document the types of corrective measures taken to address the problem that resulted in the deviation of established operating parameters and the resulting operating limits.

Federal Title V Requirements

26. Pursuant to Section 502(a) of the Act, 42 U.S.C. § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. 57 Fed. Reg. 32295; 40 C.F.R. Part 70.
27. Section 502(a) of the Act provides that, after the effective date of any permit program approved or promulgated under Title V, it shall be unlawful for any person to violate any requirement of a permit issued under Title V.
28. Federal regulations at 40 C.F.R. § 70.6(b)(1) provide that Title V permits are federally enforceable and that all terms and conditions in a Title V permit, including any provisions designed to limit a source's potential to emit, are enforceable by EPA.
29. Federal regulations at 40 C.F.R. § 70.2 define "major source," in part, as any stationary source belonging to a single major industrial grouping and that directly emits or has to potential to emit greater than 100 tons per year (tpy) of any criteria air pollutant, 10 tpy of a single HAP, or 25 tpy of all HAPs combined.
30. Section 503 of the Act, 42 U.S.C. § 7661b, sets forth the requirement to submit a timely, accurate, and complete permit application for a permit, including information required to be submitted with the application.
31. Section 504(a) of the Act, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance, and compliance certification requirements to assure compliance with the permit terms and conditions.
32. Federal regulations at 40 C.F.R. § 70.1(b) provide that all sources subject to Title V shall have a permit to operate that assures compliance by the source with all applicable requirements.

33. Federal regulations at 40 C.F.R. § 70.2 define “applicable requirement” to include, among other things, any standard or other requirements provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act.
34. Federal regulations at 40 C.F.R. § 70.5(b) provide that no source subject to 40 C.F.R. Part 70 requirements may operate without a permit as specified in the Act.

Michigan State Implementation Plan

35. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in the state. Upon approval by EPA, the plan becomes part of the applicable State Implementation Plan for the state.
36. On June 1, 2006, EPA approved Rule 336.1301 of the Michigan Administrative Code as part of the federally enforceable SIP for Michigan. 71 Fed. Reg. 31093 (June 1, 2006).
37. On February 24, 2003, EPA approved the Michigan SIP requirement at Rule 336.1105, Definitions, as part of the federally approved Michigan SIP (effective April 25, 2003). 68 Fed. Reg. 8550.
38. On June 11, 1992, EPA approved Rules 336.1101, 336.1116, and 336.1119 of the Michigan Administrative Code as part of the federally enforceable Michigan SIP. 57 Fed. Reg. 24752.
39. Michigan Rules 336.1101, 336.1116, and 336.1119 provide the following definitions for Michigan’s air pollution control rules:
 - a) “Person” means any of the following: (i) An individual person; . . . (vii) Firm; . . . (ix) Company; (x) Corporation . . . Rule 336.1116(h).
 - b) “Process equipment” means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process. Rule 336.1116(q).
 - c) “Air contaminant” means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof. Rule 336.1101(f).
 - d) “Stationary source” means all buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have the same 2-digit major group code associated with their primary activity. Rule 336.1119(r).
40. On May 6, 1980, EPA approved Rule 336.1201 of the Michigan Administrative code as part of the federally approved Michigan SIP. 45 Fed. Reg. (May 6, 1980).

41. Michigan Rule 336.1201(3) provides that, "an application for a permit to install may be approved subject to any conditions, specified in writing that is reasonably necessary to assure compliance with these rules."
42. Michigan Rule 336.1301 provides that a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than a 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity.

Title V Permit Requirements

43. On July 1, 2008, the Michigan Department of Environmental Quality (MDEQ) issued a renewable operating permit, permit number MI-ROP-B1827-2008 ("Title V permit") and a source-wide permit-to-install, permit number MI-PTI-B1827-2008 (PTI), to the Empire facility.
44. Empire's Title V permit and PTI, at Section A, General Conditions, Emission Limits, Number 11, provides that a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than the most stringent limit of Rule 336.1301(1). Specially, a 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity, must be continuously maintained.
45. Empire's Title V permit and PTI, at Section C, Emission Unit Conditions, Taconite Maximum Achievable Control Technology (MACT) Requirements, provides that on or after October 30, 2006, Empire shall comply with all applicable requirements of the NESHAP for Taconite Iron Ore Processing. Empire's Title V permit sets the requirement for Unit #2, Unit #3, and Unit #4.

FINDINGS OF FACT AND LEGAL CONCLUSIONS

General

46. Empire operates a taconite iron ore processing plant at 101 Empire Mine Street, Palmer, Michigan.
47. Cliffs Natural Resources, Inc. is the majority owner and manager of the Empire facility.
48. Empire is a "person," as that term is defined in Rule 336.1116(g).
49. Empire's facility is a "stationary source," as that term is defined in Rule 336.1119(r).
50. EPA issued Section 114 Information Requests to Empire on August 8, 2011, and November 4, 2013.
51. EPA received Section 114 Information Request responses from Empire on September 7, 2011, and December 30, 2013. Empire's responses included 6-minute average opacity

readings for Unit #2, Unit #3, and Unit #4 from October 30, 2006, to June 30, 2013. Additionally, Empire supplied the average opacity readings and 99% confidence intervals taken during the furnace performance tests performed on the following dates: October 17, 2006, November 13, 2007, February 20, 2008, February 3, 2010, and February 11, 2010.

52. EPA conducted an unannounced inspection at the Empire facility on August 14, 2012.

ESP-Related Facts and Conclusions

53. Visible emissions from the stacks of the dry ESP at Empire's facility are "air contaminants," as that term is defined in Rule 336.1101(f).

54. Equipment used in the indurating furnace process and corresponding dry ESPs at Empire's facility is "process equipment," as that term is defined in Rule 336.1116(q).

55. Emissions from Empire's indurating furnace Units #2, #3, and #4 and corresponding dry ESPs are subject to the opacity regulations in the Michigan SIP at Rule 336.1301.

56. Based on evaluation of the January 1, 2009, through June 30, 2013, 6-minute average opacity reading data provided by Empire, for furnaces Unit #2, Unit #3, and Unit #4, Table 1 summarizes the number of 6-minute-average exceedances of the 20% opacity limit at each furnace (exempting one 6-minute average per hour of not more than 27% opacity). The data summarized in Table 1 was calculated in accordance with Rule 336.1301 and excludes periods of start-up or shut-down.

Table 1: Summary of 20% Opacity Deviations from January 1, 2009, to June 30, 2013

	Unit #2 Number of 6-Minute Averages Exceeding 20% Opacity Limit	Unit #3 Number of 6-Minute Averages Exceeding 20% Opacity Limit	Unit #4 Number of 6-Minute Averages Exceeding 20% Opacity Limit
2009	161	132	417
2010	50	327	277
2011	181	477	221
2012	27	120	94
2013	7	125	86

57. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(g)(1)(iii) provides that, in order to demonstrate continuous compliance with applicable emission limitations, if opacity levels for a dry ESP are above the limits established during the initial or subsequent performance tests, corrective-action procedures described in 40 C.F.R. § 63.9634(j) must be followed.

58. Based on the data provided by Empire in the December 30, 2013, Section 114 Information Request response, Table 2 presents the opacity limits set from the 99% confidence interval of compliant performance testing data:

Table 2: Opacity Limits Established by 99% Confidence Interval of Compliant Performance Testing

Test Date	Unit	Opacity Limit set by 99% Confidence Interval From All Runs
February 20, 2008	Unit #2	7.64%
February 4, 2010	Unit #2	2.49%
November 13, 2007	Unit #3	9.56%
February 3, 2010	Unit #3	3.53%
February 11, 2010	Unit #4	6.62%

59. According to the December 30, 2013, Section 114 Information Request response from Empire, the following are the opacity limits for the corresponding emission unit:
- Unit 2 – 7.64% opacity;
 - Unit 3 – 9.56% opacity; and
 - Unit 4 – 6.62% opacity.
60. Based on the evaluation of the 2009-2013 opacity data provided by Empire, for furnaces Unit #2, Unit #3, and Unit #4, Table 3 summarizes the number of minutes each furnace emitted air contaminants greater than unit specific emission limits listed in paragraph 59. The data listed in Table 3 was calculated excluding periods of start-up or shut-down.

Table 3: Summary of Unit Specific Opacity Deviations from January 1, 2009, to June 30, 2013

Year	Furnace Stack	Time Out of Compliance with Unit Specific Opacity Limit (Minutes)
2009	Unit #2	9,774
2009	Unit # 3	12,600
2009	Unit #4	82,422
2010	Unit #2	86,598
2010	Unit # 3	56,328
2010	Unit #4	59,181
2011	Unit #2	22,131
2011	Unit # 3	2,838
2011	Unit #4	26,965
2012	Unit #2	2,686
2012	Unit # 3	666
2012	Unit #4	3,132
2013	Unit #2	219
2013	Unit # 3	1,069
2013	Unit #4	903

61. According to the Title V Certification Report dated March 14, 2012, Empire's dry ESP for Unit #2 was out of operation October 19 through October 25, 2011, and November 13 through December 6, 2011, for a total of 31 days. The dry ESP was without power.
62. According to the Title V Certification Report dated March 14, 2012, Empire's dry ESP for Unit #4 was out of operation October 1 through October 18, 2011, for a total of 18 days. The dry ESP was without power.

Scrubber-Related Facts and Conclusions

63. Table 4 summarizes the scrubber deviation information submitted by Empire in the December 30, 2013, Section 114 Information Request response. The table includes deviations from both the water flow and pressure differential limits set at the Empire facility during the initial or subsequent performance tests.

Table 4: Summary of Empire's Pressure Drop and Water Flow Rate Deviations from January 1, 2009, to June 30, 2013 (Summarized from Attachment 1)

Scrubber Unit	Date Range of Exceedences	Type of Exceedence (Water Flow or Pressure)	Total Duration of All Exceedences (Number of Days)	Duration of Exceedences Over 30 Days (Number of Days)
32 CONV FEED	12/30/11-3/28/13	Water Flow	307	187
	11/6/08-3/28/13	Pressure	712	442
U2 GRATE	2/7/09-8/8/11	Water Flow	98	38
	12/20/09-12/22/10	Pressure	354	324
U2 COOLER	12/13/08-3/28/13	Water Flow	510	300
	11/5/08-3/28/13	Pressure	485	305
U2 31-2CONV DIS	4/13/12-3/28/13	Water Flow and Pressure	227	137
U3 31-4 DIS	11/27/08-1/15/12	Water Flow	156	66
	10/15/11-11/27/11	Pressure	44	14
U3 GRATE	11/23/08-8/23/11	Water Flow	83	23
	12/6/08-8/24/11	Pressure	489	279
U3 COOLER	3/14/09-4/29/09	Water Flow	47	17
	10/29/08-10/27/10	Pressure	125	65
U3 31-4FEED	3/14/09-4/27/09	Water Flow	45	15
	12/5/08-4/28/09	Pressure	82	52
U4 PAN CON	6/5/10-12/16/12	Pressure	170	80
U4 GRATE FEED	5/6/11-1/4/12	Water Flow	207	117
	7/22/11-8/23/11	Pressure	33	3
U4 GRATE STRIP	12/16/08-7/2/11	Water Flow	275	185
	10/1/08-1/9/11	Pressure	723	483
U4 COOLER	10/1/08-9/8/10	Water Flow	337	187

	10/14/08-6/26/11	Pressure	468	318
U4 31-5 FEED	1/8/09-1/2/12	Water Flow	505	385
	2/16/10-1/2/12	Pressure	214	124
U4 31-5 DIS	11/24/08-11/7/12	Water Flow	965	635
	11/25/08-11/12/12	Pressure	122	32
U4 32-1 DIS	10/1/08-1/3/13	Water Flow	765	495
	12/2/10-1/3/13	Pressure	161	71

VIOLATIONS

MI SIP and Title V and PTI Permit Requirements

64. The excess opacity emissions from Unit #2, Unit #3, and Unit #4 from January 1, 2009, to June 30, 2013, as summarized in Table 1, are violations of the opacity limit in Section A, General Conditions, Emission Limits, Number 11 of the facility's Title V Permit, PTI and applicable Michigan SIP requirement specified in the Title V Permit and PTI. Table 1 also summarizes violations of R. 336.1301 of the SIP, which provides that a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than a 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity. 71 Fed. Reg. 31093 (June 1, 2006).
65. The time periods when Empire was operating Unit #2 during the time period when the dry ESP was not operating, as detailed in paragraph 61, are violations of Rule 336.1201(3) of the SIP and Section C, Emission Unit Conditions, MACT Requirements for Unit #2 in the facility's Title V Permit.
66. The time periods when Empire was operating Unit #4 during the time period when the dry ESP was not operating, as detailed in paragraph 62, are violations of Rule 336.1201(3) of the SIP and Section C, Emission Unit Conditions, MACT Requirements for Unit #4 in the facility's Title V Permit.

NESHAP

67. On the occasions listed in Table 3, Empire is in violation of the NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9590(b)(3), which provides that each dry electrostatic precipitator (ESP) required to meet the emission limitations in Table 1 of Subpart RRRRR must maintain the 6-minute average opacity exiting the stack at or below the opacity level established during initial performance testing.
68. On fifty-eight occasions between January 1, 2009, through June 30, 2013, when a water flow deviation was identified at the facility, Empire failed to conduct the third and final attempt at a corrective action required by the NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(3). Specifically, for each of the fifty-eight periods listed in Table 4, Empire failed to conduct an effective corrective action to return the unit's daily average scrubber water flow rate at or above the minimum levels established during the initial or subsequent

performance tests. Additionally, Empire failed to conduct the required performance tests described at 40 C.F.R. § 63.9622(f) and required by 40 C.F.R. § 63.9634(j)(3) and failed to submit to the Administrator the written report within five calendar days after the third unsuccessful attempt at corrective action, as described at 40 C.F.R. § 63.9634(j)(3) and required by 40 C.F.R. § 63.9634(j)(4).

69. On fifty-six occasions between January 1, 2009, through June 30, 2013, when a differential pressure drop deviation was identified at the facility, Empire failed to conduct the third and final attempt at a corrective action required by the NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(3). Specifically, for each of the fifty-six periods listed in Table 4, Empire failed to conduct an effective corrective action to return the unit's daily average pressure differential rate at or above the minimum levels established during the initial or subsequent performance tests. Additionally, Empire failed to conduct the required performance tests described 40 C.F.R. § 63.9622(f) and required by 40 C.F.R. § 63.9634(j)(3) and failed to submit to the Administrator the written report within five calendar days after the third unsuccessful attempt at corrective action, as described at 40 C.F.R. § 63.9634(j)(3) and required by 40 C.F.R. § 63.9634(j)(4).
70. For the units referenced in Tables 1, 2, and 4, UTAC is in violation of 40 C.F.R. § 63.6(e)(1)(i) which state 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." Extensive and prolonged violations of pollution control equipment demonstrates a failure to properly maintain pollution control equipment.

ENVIRONMENTAL IMPACT OF VIOLATIONS

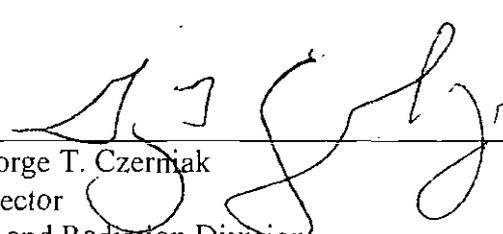
71. *Violations of the opacity standards increase public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths. Particulate matter emitted from taconite iron ore processing facilities also contains metallic hazardous air pollutants, mainly manganese, which can cause certain adverse neurological effects.*

ENFORCEMENT AUTHORITY

72. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), provides in part that at any time after the expiration of 30 days following the date of the issuance of a Notice of Violation, EPA may, without regard to the period of violation, issue an order requiring compliance with the requirements of the applicable SIP, issue an administrative penalty order pursuant to Section 113(d), or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.
73. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in part that if EPA finds that a person has violated or is in violation of any requirement or prohibition of any rule promulgated under Title I and/or Title V of the Act, EPA may issue an administrative penalty order under Section 113(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

2/23/79

Date



George T. Czerniak
Director
Air and Radiation Division

ATTACHMENT 1

Summary of Empire's Pressure Drop Deviations and Water Flow Rate
Deviations from January 1, 2009, to June 30, 2013

Scrubber Unit	Dates of Exceedence	Type of Exceedence (Water Flow or Pressure)	Total Duration of All Exceedences (Number of Days)	Duration of Exceedences Over 30 Days (Number of Days)
32 CONV FEED	12/30/11 - 3/18/12	Water Flow	80	50
	4/13/12 - 5/28/12	Water Flow	46	16
	9/17/12 - 11/2/12	Water Flow	47	17
	11/12/12 - 3/28/13	Water Flow	134	104
	11/6/08 - 12/9/08	Pressure	34	4
	2/6/09 - 4/4/09	Pressure	58	28
	10/12/09 - 11/21/09	Pressure	41	11
	12/1/09 - 4/19/10	Pressure	140	110
	5/26/10 - 10/8/10	Pressure	132	102
	12/30/11 - 3/18/12	Pressure	80	50
	4/13/12 - 5/28/12	Pressure	46	16
	9/17/12 - 11/2/12	Pressure	47	17
	11/12/12 - 3/28/13	Pressure	134	104
	U2 GRATE	2/7/09 - 4/4/09	Water Flow	57
6/29/11 - 8/8/11		Water Flow	41	11
12/20/09 - 12/22/10		Pressure	354	324
U2 COOLER	12/13/08 - 1/19/09	Water Flow	38	8
	2/7/09 - 4/4/09	Water Flow	57	27
	6/7/10 - 7/20/10	Water Flow	44	14
	8/13/11 - 9/19/11	Water Flow	38	8
	12/30/11 - 5/28/12	Water Flow	151	121
	9/17/12 - 11/3/12	Water Flow	48	18
	11/12/12 - 3/28/13	Water Flow	134	104
	11/5/08 - 12/9/08	Pressure	35	5
	12/30/08 - 4/4/09	Pressure	93	63
	10/12/09 - 11/25/09	Pressure	45	15

	1/20/12 - 5/28/12	Pressure	130	100
	9/17/12 - 11/3/12	Pressure	48	18
	11/12/12 - 3/28/13	Pressure	134	104
U2 31- 2CONV DIS	4/13/12 - 5/28/12	Pressure and Water Flow	46	16
	9/17/12 - 11/2/12	Pressure and Water Flow	47	17
	11/12/12 - 3/28/13	Pressure and Water Flow	134	104
U3 31-4 DIS	11/27/08 - 4/28/09	Water Flow	90	60
	11/30/10 - 1/2/11	Water Flow	34	4
	12/15/11 - 1/15/12	Water Flow	32	2
	10/15/11 - 11/27/11	Pressure	44	14
U3 GRATE	11/23/08 - 12/30/08	Water Flow	38	8
	7/10/11 - 8/23/11	Water Flow	45	15
	12/6/08 - 1/9/09	Pressure	35	5
	9/17/09 - 11/13/09	Pressure	58	28
	11/24/09 - 3/5/10	Pressure	102	72
	5/7/10 - 10/25/10	Pressure	172	142
	3/3/11 - 4/15/11	Pressure	44	14
	5/12/11 - 6/22/11	Pressure	42	12
	7/20/11 - 8/24/11	Pressure	36	6
U3 COOLER	3/14/09 - 4/29/09	Water Flow	47	17
	10/29/08 - 12/4/08	Pressure	37	7
	8/1/10 - 10/27/10	Pressure	88	58
U3 31- 4FEED	3/14/09 - 4/27/09	Water Flow	45	15
	12/5/08 - 4/28/09	Pressure	82	52
U4 PAN CON	6/5/10 - 9/7/10	Pressure	95	65
	7/25/11 - 9/7/11	Pressure	45	15
	11/16/12 - 12/16/12	Pressure	30	0
U4 GRATE FEED	5/6/11 - 9/10/11	Water Flow	128	98
	10/1/11 - 11/5/11	Water Flow	36	6
	11/23/11 - 1/4/12	Water Flow	43	13
	7/22/11 - 8/23/11	Pressure	33	3
U4	12/16/08 -	Water Flow	89	59

GRATE STRIP	3/14/09			
	8/9/10 - 1/9/11	Water Flow	149	119
	5/27/11 - 7/2/11	Water Flow	37	7
	10/1/08 - 11/13/08	Pressure	44	14
	11/24/08 - 3/14/09	Pressure	111	81
	4/3/09 - 6/19/09	Pressure	78	48
	6/29/09 - 8/16/09	Pressure	49	19
	8/23/09 - 11/4/09	Pressure	74	44
	12/1/09 - 4/18/10	Pressure	139	109
	4/23/10 - 10/10/10	Pressure	169	139
	11/12/10 - 1/9/11	Pressure	59	29
	U4 COOLER	10/1/08 - 11/11/08	Water Flow	42
12/10/08 - 3/13/09		Water Flow	94	64
4/2/09 - 5/31/09		Water Flow	60	30
7/6/09 - 10/4/09		Water Flow	86	56
7/16/10 - 9/8/10		Water Flow	55	25
10/14/08 - 11/13/08		Pressure	31	1
4/2/09 - 5/31/09		Pressure	60	30
7/6/09 - 10/4/09		Pressure	85	55
1/28/10 - 10/10/10		Pressure	252	222
5/18/11 - 6/26/11		Pressure	40	10
U4 31-5 FEED	1/8/09 - 3/3/09	Water Flow	55	25
	8/1/10 - 4/15/11	Water Flow	236	206
	5/2/11 - 9/4/11	Water Flow	121	91
	10/1/11 - 1/2/12	Water Flow	93	63
	2/16/10 - 4/12/10	Pressure	56	26
	6/27/11 - 9/4/11	Pressure	65	35
	10/1/11 - 1/2/12	Pressure	93	63
U4 31-5 DIS	11/24/08 - 3/16/09	Water Flow	111	81
	4/8/09 - 5/27/09	Water Flow	50	20
	6/26/09 - 10/3/09	Water Flow	95	65
	11/8/09 - 12/28/09	Water Flow	51	21
	1/28/10 - 3/10/10	Water Flow	42	12
	4/24/10 - 10/31/10	Water Flow	187	157

	12/6/10 - 4/15/11	Water Flow	113	83
	5/2/11 - 9/4/11	Water Flow	121	91
	10/1/11 - 1/2/12	Water Flow	93	63
	2/2/12 - 3/27/12	Water Flow	55	25
	9/19/12 - 11/4/12	Water Flow	47	17
	11/25/08 - 12/27/08	Pressure	33	3
	6/25/10 - 7/28/10	Pressure	34	4
	9/19/12 - 11/12/12	Pressure	55	25
U4 32-1 DIS	10/1/08 - 11/4/08	Water Flow	35	5
	11/24/08 - 3/17/09	Water Flow	112	82
	11/24/08 - 3/17/09	Water Flow	32	2
	6/23/10 - 10/14/10	Water Flow	110	80
	10/26/10 - 4/15/11	Water Flow	154	124
	5/2/11 - 9/4/11	Water Flow	121	91
	10/1/11 - 1/2/12	Water Flow	90	60
	2/2/12 - 4/2/12	Water Flow	61	31
	11/15/12 - 1/3/13	Water Flow	50	20
	12/2/10 - 1/7/11	Pressure	37	7
	5/2/11 - 7/14/11	Pressure	74	44
	11/15/12 - 1/3/13	Pressure	50	20

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, Return Receipt Requested, to:

Jim Kochevar
General Manager
Empire Iron Mining Partnership
PO Box 2000
Ishpeming, Michigan 49849-0901

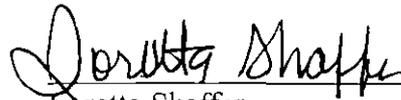
I also certify that I sent a copy of the Notice and Finding of Violation by First Class Mail to:

Chris Hare, District Supervisor
Michigan Department of Environmental Quality
Saginaw Bay District Office
401 Ketchum Street
Bay City, Michigan 48708

Tom Hess
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

Scott Gischia
Director, Environmental Compliance
US Iron Ore Operations
Cliffs Natural Resources
227 West 1st Street, Suite 500
Duluth, Minnesota 55802

on the 21st day of Feb 2014.



Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

Certified Mail Receipt Number: 70091680 0000 7676 2519