



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**

Santi Romani  
General Manager  
United Taconite LLC  
PO Box 180  
Eveleth, Minnesota 55734

**Re: Notice of Violation and Finding of Violation**  
United Taconite, LLC  
Forbes, Minnesota

Dear Mr. Romani,

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to United Taconite, LLC (UTAC). We find that UTAC 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 Forbes, Minnesota facility.

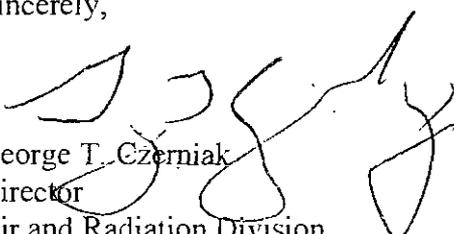
We have several enforcement options under Section 113(a) of the CAA, 42 U.S.C. § 7413(a). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

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 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

cc: Jeff T. Connell, Manager  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

Steven Palzkill, Air Compliance Inspector  
Air Quality Division, Land & Air Compliance  
Minnesota Pollution Control Agency  
525 Lake Avenue South  
Suite 400  
Duluth, Minnesota 55802

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

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**United Taconite, LLC**

**Forbes, Minnesota**

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

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**NOTICE OF VIOLATION AND  
FINDING OF VIOLATION**

**EPA-5-14-MN-01**

**NOTICE OF VIOLATION AND FINDING OF VIOLATION**

United Taconite, LLC (UTAC) owns and operates a taconite iron ore processing plant in Forbes, Minnesota (the "facility"). The U.S. Environmental Protection Agency is sending this *Notice of Violation and Finding of Violation (NOV/FOV or "Notice")* to notify you that we have found violations of the National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing ("Subpart RRRRR" or "NESHAP for Taconite Iron Ore Processing"). We have also found violations of your permit number 13700113-005 ("Title V permit") issued to UTAC by the Minnesota Pollution Control Agency (MPCA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. 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 the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

**STATUTORY AND REGULATORY BACKGROUND**

1. The Act is designed to, among other things, protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

**National Emission Standards for Hazardous Air Pollutants (NESHAP)**

2. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAPs) 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 HAPs 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.
7. The NESHAP General Provisions at 40 C.F.R. § 63.6(e)(1)(i) states 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." 40 C.F.R. § 63.6(e)(1)(ii) states that "malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices."

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

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(a) states that each affected source must "meet each emission limit in Table 1 to this subpart that applies to you."
17. The NESHAP for Taconite Iron Ore Processing, at Table 1 Emission Limits, identifies existing source grate kiln indurating furnaces processing magnetite iron ore to comply with a 0.01 grains per dry standard cubic feet (gr/dscf) emission limit.
18. 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.
19. 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.

20. 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.
21. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(1), provides the initial corrective action for wet scrubbers 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.
22. 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.
23. 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.
24. 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.

## Minnesota State Implementation Plan

25. On May 24, 1995, EPA approved Chapters 7007 and 7011 as part of the federally enforceable SIP for Minnesota, with an effective date of July 24, 1995. 60 Fed. Reg. 27411.
26. On May 18, 1999, EPA approved revisions to Chapters 7007 and 7011 as part of the federally enforceable SIP for Minnesota. 64 Fed. Reg. 26880.
27. On February 24, 2005, EPA revised the format of 40 C.F.R. Part 52 for materials submitted by the State of Minnesota that are incorporated by reference into its SIP (an administrative change affecting Chapters 7007 and 7011, among others). 64 Fed. Reg. 26880.
28. August 10, 2011, EPA approved revisions to the Minnesota SIP requirement at 7005.0100, Definitions, as part of the federally approved Minnesota SIP (Minn. Rule) (effective October 11, 2011). 76 Fed. Reg. 49303.
29. Minn. Rule 7005.0100 provides the following definitions for Minnesota SIP definitions:
  - a) "Emissions unit" means each activity that emits or has the potential to emit any air contaminant or pollutant. This includes each piece of equipment, machinery, device, apparatus, activity, or any other means whereby an emission is caused to occur or has the potential to occur. Minn. Rule 7005.0100, Subpart 10b.
  - b) "Existing facility" means an emission facility at which construction, modification, or reconstruction was commenced before the effective date of the applicable New Source Performance Standard or the applicable state air pollution control rule. Minn. Rule 7005.0100, Subpart 11a.
  - c) "Federally enforceable" means enforceable by the administrator of the EPA. Federally enforceable limitations, conditions, and requirements include requirements in or developed pursuant to Code of Federal Regulations, title 40, parts 60 and 61, requirements within any applicable state implementation plan, and any permit requirements established according to Code of Federal Regulations, title 40, section 51.166 or 52.21, or Code of Federal Regulations, title 40, part 51, subpart I. Minn. Rule 7005.0100, 11b.
30. On May 24, 1995, EPA approved Minn. Rule 7007.0800, Subpart 4(D), which provides that each permit shall specify operating and maintenance requirements for each piece of control equipment located at the stationary source. As necessary, the permit shall require the permittee to install, use, and maintain monitoring equipment or use monitoring methods. 60 Fed. Reg. 2711 (effective July 24, 1995).
31. On May 24, 1995, EPA approved Minn. Rule 7007.0800, Subpart 14, which provides that each permit shall specify operating and maintenance requirements for each piece of control equipment located at the stationary source.
32. On May 24, 1995, EPA approved Minn. Rule 7007.0800, Subpart 16(J), which provides 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. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. 60 Fed. Reg. 2711 (effective July 24, 1995).

### **Title V Permit Requirements**

33. On June 22, 2010, the Minnesota Pollution Control Agency (MPCA) issued a renewable operating permit, permit number 13700113-005 ("Title V permit") to the UTAC facility.
34. UTAC's Title V permit delineates the monitoring requirements for the facility's wet scrubbers. UTAC is required to maintain the daily average pressure drop and daily average scrubber water flow rate for each control device at or above the minimum levels established during the initial or subsequent performance tests. Minn. Rule 7007.0800, Subpart 4(D), Subpart 14, and Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995).
35. UTAC's Title V permit delineates that air pollution control equipment must operate "whenever the corresponding process equipment and emission units are operated, unless otherwise noted in Table A." Minn. Rule 7077.0800, Subpart 2 and Minn. Rule 7007.0800, Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995).

### **FINDINGS OF FACT**

#### **General**

36. UTAC owns and operates a taconite iron ore processing facility at 1200 County Highway 16, Forbes, Minnesota.
37. Cliffs Natural Resources, Inc. is the owner of the UTAC facility.
38. UTAC operates two existing source, grate-kiln indurating furnaces, referred to as Unit #1 and Unit #2. The stacks for Unit #1 are referred to as SV046 and SV097. The stacks for Unit #2 are referred to as SV048 and SV049.
39. UTAC processes magnetite iron ore.
40. EPA issued UTAC Section 114 Information Requests on March 30, 2012, and November 4, 2013.
41. EPA received Section 114 Information Request responses from UTAC in letters dated May 4, 2012, and November 27, 2013.
42. EPA conducted an unannounced inspection at the UTAC facility on August 19, 2012.
43. In its November 27, 2013, Section 114 Information Request response, UTAC reported the following pressure-drop deviations from the facility's wet scrubbers. The deviations are from the NESHAP for Taconite Iron Ore Mining. Table 1 below is a summary of the deviations.

*Table 1: Summary of Pressure Drop Deviations from Wet Scrubbers from October 28, 2008, to June 30, 2013. Deviations Are From the NESHAP for Taconite Iron Ore Mining*

<b>Emission Unit and Associated Stack Vent</b>	<b>Name</b>	<b>Dates of Pressure Drop Exceedances</b>	<b>Total Duration of All Exceedances (Number of Days)</b>	<b>Duration of Exceedances over 30 Days (Number of Days)</b>
EU 042, SV048	Line 2 Pellet Induration (2A Waste Gas)	10/28/2008-1/19/2009	75	45
EU 042, SV 049	Line 2 Pellet Induration (2B Waste Gas)	11/26/2008-3/16/2009	101	71
EU 035, SV 111	Pellet Load Out	12/14/2008-1/27/2009	45	15
EU 039, SV 116	Line 1 Cooler New	4/28/2010-6/2/2010	36	6
EU 022, SV 028	South Transfer House	10/1/2011-11/4/2011	35	5
EU 035, SV 070	Line 2 Cooler New	4/5/2012-5/9/2012	34	4
EU 035, SV 111	Pellet Load Out	12/16/2012-1/18/2013	33	3

44. Table 2, below, summarizes water flow deviations reported by UTAC in its November 27, 2013, Section 114 Information Request response. The deviations are from the NESHAP for Taconite Iron Ore Mining.

*Table 2: Summary of Water Flow Deviations from Wet Scrubbers from January 1, 2009 to June 30, 2013*

<b>Stack Vent #</b>	<b>Name</b>	<b>Dates of Water Flow Rate Exceedances</b>	<b>Total Duration of All Exceedances (# of days)</b>	<b>Duration of Exceedances over 30 Days (# of days)</b>
EU 022, SV 028	South Transfer House	10/2/2011-11/4/2011	34	4
EU 035, SV 111	Pellet Load Out	12/18/2012-1/18/2013	31	1

45. Table 3, below, combines the duration of pressure drop and water flow deviations summarized in Tables 1 and 2. After thirty-days out of compliance with the operating limits set during the initial or subsequent performance testing, UTAC did not conduct performance testing on these units.

*Table 3: Summary of Units Not Performance Tested After Being Out of Compliance for 30 Days*

<b>Stack Vent #</b>	<b>Name</b>	<b>Deviation Category</b>	<b>Dates of Water Flow Rate Exceedances</b>	<b>Total Duration of Exceedances (# of days)</b>	<b>Duration of Exceedances over 30 Days (# of days)</b>
EU 022, SV 028	South Transfer House	Water Flow	10/2/2011-11/4/2011	34	4
EU 035, SV 111	Pellet Load Out	Water Flow	12/18/2012-1/18/2013	31	1
EU 022, SV 028	South Transfer House	Pressure Drop	10/1/2011-11/4/2011	35	5
EU 035, SV 070	Line 2 Cooler New	Pressure Drop	4/5/2012-5/9/2012	34	4
EU 035, SV 111	Pellet Load Out	Pressure Drop	12/16/2012-1/18/2013	34	4

46. UTAC Submitted the following Title V compliance reports for 2010, 2011, 2012, and 2013 under cover letters with the corresponding dates as presented in Table 4, below:

*Table 4: Title V Compliance Report Submittal Dates*

<b>Title V Compliance Report Reporting Period</b>	<b>Cover letter Submittal Date</b>
January – June 2010	July 30, 2010
July – December 2010	January 27, 2011
January – June 2011	July 29, 2011
July – December 2011	January 20, 2012
January – June 2012	July 31, 2012
July – December 2012	February 8, 2013
January – June 2013	July 30, 2013

47. Table 5 below identifies periods of time, from July 1, 2011 through June 30, 2013, when the control device and continuous emission monitor (CEMS) were bypassed at the facility. The CEMS units monitor nitrogen oxide (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>).

Table 5: Periods of time from January 1, 2011, through June 30, 2013, when the control device and CEMS units were bypassed

CEMS Monitor ID Number	Emission Unit	Pollutants	Dates of Bypass	Total Duration of Bypass (min)
MR001, 002	SV046 (Line 1)	NO <sub>x</sub> , SO <sub>2</sub>	7/6/2011-12/31/2011	3,135
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO <sub>x</sub> , SO <sub>2</sub>	7/9/2011-12/28/2011	3,162
MR001, 002	SV046 (Line 1)	NO <sub>x</sub> , SO <sub>2</sub>	4/9/12-6/24/12	8,186
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO <sub>x</sub> , SO <sub>2</sub>	4/2/12-6/27/12	4,677
MR001, 002	SV046 (Line 1)	NO <sub>x</sub> , SO <sub>2</sub>	10/22/12-12/24/12	2,629
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO <sub>x</sub> , SO <sub>2</sub>	10/2/12-12/31/12	6,100
MR001, 002	SV046 (Line 1)	NO <sub>x</sub> , SO <sub>2</sub>	4/4/2013-6/26/13	12,023
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO <sub>x</sub> , SO <sub>2</sub>	4/1/13-6/25/13	4,255

48. Table 6 below identifies periods of time, from January 1, 2013 through June 30, 2013, when the control device was bypassed at the facility releasing uncontrolled particulate matter (PM) into the atmosphere. A complete list of bypass dates and emission units can be reviewed in Attachment 1 to this NOV/FOV.

Table 6: Summary of periods of time from July 2012, through June 30, 2013, when the control device was bypassed for PM

Emission Unit	Month and Year	Duration of Bypass (Minutes)
Line 2, SV048, SV049	January 2013	690
Line 1, SV046	January 2013	142.2
Line 2, SV048, SV049	February 2013	84.6
Line 1, SV046	February 2013	1190.4
Line 2, SV048, SV049	March 2013	947.4
Line 1, SV046	March 2013	2647.4
Line 2, SV048, SV049	April 2013	718.8
Line 1, SV046	April 2013	845.4
Line 2, SV048, SV049	May 2013	2942.4
Line 1, SV046	May 2013	2949.6
Line 2, SV048, SV049	June 2013	187.8
Line 1, SV046	June 2013	7955.2
Line 2, SV048, SV049	July 2012	2346
Line 1, SV046	July 2012	297
Line 2, SV048, SV049	August 2012	1584.6

Line 1, SV046	August 2012	1142.4
Line 2, SV048, SV049	September 2012	721.8
Line 1, SV046	September 2012	707.4
Line 2, SV048, SV049	October 2012	2811.6
Line 1, SV046	October 2012	1612.2
Line 2, SV048, SV049	November 2012	1274
Line 1, SV046	November 2012	1455
Line 2, SV048, SV049	December 2012	313.2
Line 1, SV046	December 2012	209.4

49. Table 7, below, summarizes the deviations from the wet scrubber pressure-drop differential requirements contained in UTAC's Title V Permit:

*Table 7: Wet Scrubber Pressure Drop Differential Deviations from January 1, 2010, to June 30, 2012, as Reported by UTAC in Title V Compliance Reports*

Stack Vent Number	Averaging Period (Block Average)	Reporting Quarters	Reporting Year	Total Number of Readings Taken During Reporting Period	Total Number of Readings Reporting Pressure Drop Differential Deviation	Percent of Readings Indicating Pressure Drop Differential Deviation
SV007	24-hours	Q1,Q2	2010	177	5	3%
SV008	24-hours	Q1,Q2	2010	177	4	2%
SV010	24-hours	Q1,Q2	2010	173	4	2%
SV016	24-hours	Q1,Q2	2010	155	40	26%
SV008	24-hours	Q3,Q4	2010	175	4	2%
SV009	24-hours	Q3,Q4	2010	175	4	2%
SV010	24-hours	Q3,Q4	2010	179	4	2%
SV007	24-hours	Q1,Q2	2011	179	7	4%
SV009	24-hours	Q1,Q2	2011	179	4	2%
SV007	24-hours	Q3,Q4	2011	181	20	11%
SV007	24-hours	Q1,Q2	2012	175	7	4%
SV009	24-hours	Q1,Q2	2012	174	6	3%
SV010	24-hours	Q1,Q2	2012	174	17	10%
SV070	24-hours	Q1,Q2	2012	164	65	40%
SV025	24-hours	Q1,Q2	2012	177	5	3%
SV022	24-hours	Q1,Q2	2012	178	21	12%
SV007	24-hours	Q1,Q2	2012	177	5	3%
SV046	24-hours	Q1,Q2	2012	139	3	2%
SV050	24-hours	Q1,Q2	2012	166	6	4%
SV070	24-hours	Q1,Q2	2012	159	23	14%

SV048	24-hours	Q1,Q2	2012	163	16	10%
SV007	24-hours	Q3, Q4	2012	180	6	3%
SV020	24-hours	Q3, Q4	2012	170	4	2.4%
SV021	24-hours	Q3, Q4	2012	168	13	7.7%
SV022	24-hours	Q3, Q4	2012	172	36	20.9%
SV046	24-hours	Q3,Q4	2012	123	3	2.4%
SV041	24-hours	Q3,Q4	2012	167	41	24.6%
SV111	24-hours	Q3,Q4	2012	165	22	11.9%
SV021	24-hours	Q1,Q2	2013	168	10	6%
SV043	24-hours	Q1,Q2	2013	133	3	2.3%
SV050	24-hours	Q1,Q2	2013	159	5	3.1%
SV111	24-hours	Q1,Q2	2013	181	34	19%
SV048	24-hours	Q1,Q2	2013	161	6	3.1%

50. Table 8, below, summarizes the deviations from the wet scrubber water flow requirements contained in UTAC's Title V permit:

*Table 8: Wet Scrubber Water Flow Deviations from January 1, 2010, to June 30, 2013, As Reported by UTAC in Title V Compliance Reports*

Stack Vent Number	Averaging Period (Block Average)	Reporting Quarters	Reporting Year	Total Number of Readings Taken During Reporting Period	Total Number of Readings Reporting Water Flow Deviation	Percent of Readings Indicating Water Flow Deviation
SV017	24-hours	Q1,Q2	2012	177	11	6%
SV116	24-hours	Q1,Q2	2012	140	4	3%
SV041	24-hours	Q1,Q2	2012	160	32	20%
SV070	24-hours	Q1,Q2	2012	161	77	48%
SV111	24-hours	Q1,Q2	2012	185	8	4%
SV049	24-hours	Q1,Q2	2012	163	73	45%
SV017	24-hours	Q3,Q4	2012	172	36	20.9%
SV041	24-hours	Q3,Q4	2012	167	19	11.4%
SV070	24-hours	Q3,Q4	2012	167	66	39.6%
SV111	24-hours	Q3,Q4	2012	165	18	9.7%
SV049	24-hours	Q3,Q4	2012	167	64	36.3%
SV022	24-hours	Q1,Q2	2013	170	7	4.1%
SV070	24-hours	Q1,Q2	2013	169	6	3.6%
SV049	24-hours	Q1,Q2	2013	161	4	2.5%
SV111	24-hours	Q1,Q2	2013	181	31	17%

51. Table 9, below, summarizes UTAC reported periods of time between September 2012 and June 2013 when the facility operated an emission unit without the associated control device:

*Table 9: Periods of Time When UTAC Operated Equipment Without a Control Device*

<b>Emission Unit</b>	<b>Dates</b>	<b>Period of Time Unit Was Operated Without Controls (Hours)</b>
SV040	9/18/2012-9/18/2012	3
SV070	10/19/2012-10/19/2012	2
SV029	11/11/2012-11/12/2012	11
SV007, 008, 009	11/16/2012-11/19/2012	76
SV028	11/16/2012-11/17/2012	14
SV007, 008, 009	10/30/2012-12/3/2012	91.5
SV111	12/16/2012-1/8/2013	787
SV007	12/24/2012-12/26/2012	54.5
SV050	1/3/2013-1/3/2013	4.25
SV048	1/22/2013-1/23/2013	13.5
SV111	2/7/2013-2/7/2013	4
SV111	2/14/2013-2/14/2013	4
SV111	2/20/2013-2/20/2013	3
SV111	3/25/2013-3/25/2013	2
SV008	5/25/2013-5/25/2013	9.75
SV008	6/8/2013-6/11/2013	87.5
SV050	6/18/2013-6/18/2013	2.3

## VIOLATIONS

### NESHAP

52. For the time periods delineated in Table 3, on the occasions when UTAC failed to make successful corrective action attempts to correct pressure drop and water flow deviations, as described in 40 C.F.R. § 63.9634(j) (1) and 40 C.F.R. § 63.9634(j)(2), UTAC 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).
53. On the occasions listed in Tables 1 and 2 UTAC failed to submit to the Administrator the written report required by 40 C.F.R. § 63.9634(j)(3) within five calendar days after the third unsuccessful attempt at corrective action, as detailed in 40 C.F.R. § 63.9634(j)(4). The 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.

54. On the occasions listed in Table 5, UTAC was in violation of the emissions limits established in 40 C.F.R. § 63.9590(a), which states each affected source must “meet each emission limit in Table 1 to this subpart that applies to you.” The NESHAP for Taconite Iron Ore Processing, at Table 1 Emission Limits, identifies existing source grate kiln indurating furnaces processing magnetite iron ore to comply with a 0.01 gr/dscf emission limit.
55. For the units listed in Tables 1 and 2, UTAC was in violation of the NESHAP General Provisions at 40 C.F.R. Part 63 § 63.6(e)(1)(i) which states 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.” 40 C.F.R. Part 63 § 63.6(e)(1)(ii) states that “malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices.”

#### **MN SIP and Title V Permit Requirements**

56. For the time periods delineated in Table 7, UTAC was in violation of maintaining the daily average pressure differential at the corresponding scrubber stack vents. UTAC is required to maintain both the daily average pressure drop and the daily average scrubber water flow rate for each control device at or above the minimum levels established during the initial or subsequent performance tests, as required by the SIP and the Facility’s Title V permit. Minn. Rule 7007.0800, Subpart 4(D), Subpart 14, and Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995). Permit Number 13700113 – 005, Table A, Limits and Other Requirements.
57. For the time periods delineated in Table 8, UTAC was in violation of maintaining the daily average water flow rate at the corresponding scrubber stack vents. UTAC is required to maintain both the daily average pressure drop and the daily average scrubber water flow rate for each control device at or above the minimum levels established during the initial or subsequent performance tests, as required by the SIP and the Facility’s Title V permit. Minn. Rule 7007.0800, Subpart 4(D), Subpart 14, and Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995). Permit Number 13700113 – 005, Table A, Limits and Other Requirements.
58. For the time periods delineated in Table 9, UTAC was in violation of Minn. Rule 7007.0800, Subpart 16(J), which provides 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. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. 60 Fed. Reg. 2711.

#### **ENFORCEMENT AUTHORITY**

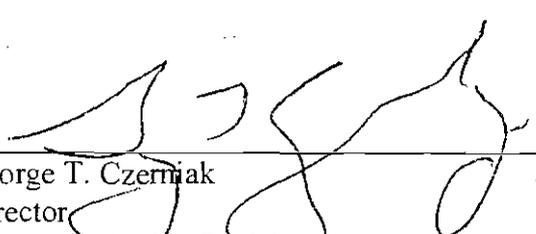
59. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), provides in part that at any time after the expiration of 30 days following the date of the issuance of a NOV/FOV, EPA may,

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.

60. 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.

2/21/14

Date

  
George T. Czerniak  
Director  
Air and Radiation Division

**Attachment 1:**

Complete List of Bypass Dates and Units When Particulate Matter Was Released Uncontrolled to the Atmosphere

<b>Emission Unit</b>	<b>Dates of Bypass</b>	<b>Duration of Bypass (Minutes)</b>
SV048, SV049	1/12/2013-1/12/2013	94.8
SV048, SV049	1/16/2013-1/16/2013	215.4
SV048, SV049	1/20/2013-1/20/2013	113.4
SV048, SV049	1/23/2013-1/23/2013	266.4
SV046	1/29/2013-1/29/2013	142.2
SV046	2/1/2013-2/1/2013	126
SV046	2/15/2013-2/16/2013	814.2
SV048, SV049	2/24/2013-2/24/2013	84.6
SV046	2/8/2013-2/8/2013	250.2
SV048, SV049	3/14/2013-3/14/2013	117.6
SV048, SV049	3/15/2013-3/15/2013	108.6
SV046	3/20/2013-3/20/2013	459.8
SV048, SV049	3/20/2013-3/20/2013	721.2
SV046	3/27/2013-3/29/2013	1875.6
SV046	3/4/2013-3/4/2013	168
SV046	3/8/2013-3/8/2013	144
SV048, SV049	4/1/2013-4/1/2013	74.4
SV046	4/10/2013-4/10/2013	64.2
SV048, SV049	4/12/2013-4/12/2013	144
SV048, SV049	4/13/2013-4/13/2013	118.2
SV046	4/13/2013-4/13/2013	277.8
SV046	4/20/2013-4/20/2013	216.6
SV048, SV049	4/29/2013-4/30/2013	319.8
SV048, SV049	4/9/2012-4/9/2013	62.4
SV046	4/9/2013-4/10/2013	286.8
SV046	5/10/2013-5/10/2013	79.8
SV048, SV049	5/14/2013-5/14/2013	246.6
SV046	5/19/2013-5/19/2013	64.2
SV048, SV049	5/22/2013-5/23/2013	2335.8
SV048, SV049	5/31/2013-5/31/2013	360
SV046	5/5/2013-5/7/2013	2805.6
SV046	6/10/2013-6/11/2013	1567.8
SV046	6/11/2013-6/12/2013	436.2

SV046	6/12/2013-6/13/2013	1101
SV046	6/15/2013-6/16/2013	1198.8
SV046	6/17/2013-6/17/2013	91.2
SV046	6/18/2013-6/19/2013	1172.4
SV046	6/20/2013-6/20/2013	199.8
SV046	6/20/2013-6/21/2013	92.4
SV046	6/25/2013-6/25/2013	133.2
SV046	6/26/2013-6/27/2013	675
SV046	6/4/2013-6/4/2013	829.8
SV048, SV049	6/6/2013-6/6/2013	187.8
SV046	6/8/2013-6/8/2013	376.6
SV046	7/12/2012-7/13/2012	81
SV048, SV049	7/14/2012-7/15/2012	1252.8
SV048, SV049	7/15/2012-7/15/2012	863.4
SV048, SV049	7/25/2012-7/25/2012	229.8
SV046	7/7/2012-7/7/2012	216
SV046	8/11/2012-8/11/2012	289.8
SV046	8/12/2012-8/12/2012	93.6
SV046	8/13/2012-8/13/2012	264
SV048, SV049	8/17/2012-8/17/2012	1244.4
SV048, SV049	8/20/2012-8/20/2012	69.6
SV048, SV049	8/27/2012-8/27/2012	270.6
SV046	8/29/2012-8/29/2012	495
SV046	9/10/2012-9/10/2012	341.4
SV048, SV049	9/28/2012-9/28/2012	721.8
SV046	9/6/2012-9/6/2012	366
SV048, SV049	10/17/2012-10/18/2012	1863
SV048, SV049	10/2/2012-10/2/2012	433.8
SV046	10/25/2012-10/25/2012	46.2
SV046	10/26/2012-10/27/2012	1381.8
SV046	10/27/2012-10/28/2012	184.2
SV048, SV049	10/29/2012-10/29/2012	514.8
SV046	11/16/2012-11/16/2012	91.2
SV046	11/17/2012-11/17/2012	755.4
SV046	11/20/2012-11/20/2012	547.8
SV046	11/26/2012-11/26/2012	60.6
SV048, SV049	11/28/2012-11/29/2012	60
SV048, SV049	11/3/2012-11/3/2012	114.6
SV048, SV049	11/30/2012-12/1/2012	605.4

SV048, SV049	11/4/2012-11/4/2012	258.2
SV048, SV049	11/5/2012-11/5/2012	235.8
SV046	12/16/2012-12/16/2012	193.2
SV046	12/24/2012-12/24/2012	16.2
SV048, SV049	12/31/2012-12/31/2012	313.2
SV046	12/7/2012-12/7/2012	589.8

CERTIFICATE OF MAILING

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

Santi Romani  
General Manager  
United Taconite LLC  
PO Box 180  
Eveleth, Minnesota 55734

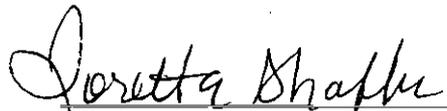
I also certify that I sent a copy of the Notice of Violation by First Class Mail to:

Jeff T. Connell, Manager  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

Steven Palzkill, Air Compliance Inspector  
Air Quality Division, Land & Air Compliance  
Minnesota Pollution Control Agency  
525 Lake Avenue South  
Suite 400  
Duluth, Minnesota 55802

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

on the 21<sup>ST</sup> day of Feb 2014.



Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

Certified Mail Receipt Number: 7009 1680 0000 7672 8850