



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

MAR 13 6 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael A. Schumann
Registered Agent
I Schumann & Co. LLC
22500 Alexander Road
Bedford, Ohio 44146

Re: Finding of Violation under 42 U.S.C. § 7413 (a)(3)

Dear Mr. Schumann:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to I Schumann & Co. LLC (Schumann or the company) for violations of the Clean Air Act (the Act) identified at the facility located at 22500 Alexander Road, Bedford, Ohio 44146 (Facility). The FOV is issued in accordance with Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3).

As explained in the FOV, the EPA finds that Schumann violated the Act and its implementing regulations at the Facility. Section 113 of the Act, 42 U.S.C. § 7413, gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order; issuing an administrative penalty order; and bringing a judicial civil action.

We are offering Schumann the opportunity to request a conference to confer with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide the company with a chance to present information on the identified violations, any efforts the company has taken to comply, and the steps it will take to prevent future violations. Please plan for the company's technical and management personnel to take part in these discussions. Schumann may have an attorney at this conference.

The EPA contact in this matter is Dakota Prentice. A company representative may call him at 312.886.6761 or email him at prentice.dakota@epa.gov to request a conference. The EPA hopes that this FOV will encourage Schumann's compliance with the requirements of the Act.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Mark Budge
Ohio EPA NW District
Division of Air Pollution Control

Michael S. McMahon, Esquire

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**I Schumann & Co. LLC
Bedford, Ohio**

)
)
) Proceeding Pursuant to the Clean Air Act,
) 42 U.S.C. §§ 7401-7671q
)
)
)

EPA-5-14-OH-06

FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Finding of Violation (FOV) to I Schumann & Co. LLC (I Schumann or you) to notify you that we have found violations of the Clean Air Act, 42 U.S.C. §§ 7401-7671q (CAA or the Act) and its implementing regulations at the facility located at 22500 Alexander Road, Bedford, Ohio (Facility). The relevant statutory and regulatory background, factual background, finding of violations, and environmental impact of these violations are set forth in detail below.

This FOV is issued in accordance with Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), which authorize the Administrator to take certain enforcement actions after notifying a person that it is in violation of the Act. The authority to issue this FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Relevant Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants

1. Section 112 of the Act, 42 U.S.C. § 7412(c), requires the EPA to promulgate a list of all categories and subcategories of new and existing “major sources” of hazardous air pollutants (HAP), and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA codified these standards at 40 C.F.R. Parts 61 and 63.
2. 40 C.F.R. Part 63, Subpart A, contains the general provisions for the NESHAP.
3. “Major source” is defined 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 hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.” 42 U.S.C. § 7412(a)(1).

4. "Area source" is defined as "any stationary source of hazardous air pollutants that is not a major source." 42 U.S.C. § 7412(a)(2).
5. "Stationary source" is defined as "any building, structure, facility, or installation, which emits or may emit any air pollutant." 42 U.S.C. § 7411(a)(3).
6. "Hazardous air pollutant" is defined as "any air pollutant listed in or pursuant to" Section 112(b) of the Act. 42 U.S.C. § 7412(a)(6).
7. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and § 63.4.

The NESHAP for Secondary Nonferrous Metal Processing Area Sources

8. Pursuant to Section 112 of the Act, the EPA promulgated the NESHAP for Secondary Nonferrous Metal Processing Area Sources at 40 C.F.R. Part 63, Subpart TTTTTT, 40 C.F.R. §§ 63.11462 - 63.11474, on December 26, 2007. 72 Fed. Reg. 73207.
9. The NESHAP at 40 C.F.R. Part 63, Subpart TTTTTT, applies to the owner or operator of a secondary nonferrous metals processing facility that is an area source of HAP emissions. 40 C.F.R. § 63.11462(a).
10. 40 C.F.R. § 63.11463(a) provides that this subpart applies to any existing or new affected source located at a secondary nonferrous metals processing facility.
11. 40 C.F.R. § 63.11463(b) provides that the affected source includes all crushing and screening operations at a secondary zinc processing facility and all furnace melting operations located at any secondary nonferrous metals processing facilities.
12. 40 C.F.R. § 63.11472 defines "furnace melting operation" as the collection of processes used to charge post-consumer nonferrous scrap material to a furnace, melt the material, and transfer the molten material to a forming medium.
13. 40 C.F.R. § 63.11472 defines "secondary nonferrous metals processing facility" as a brass and bronze ingot making, secondary magnesium processing, or secondary zinc processing plant that uses furnace melting operations to melt post-consumer nonferrous metal scrap to make products including bars, ingots, blocks, or metal powders.
14. 40 C.F.R. § 63.11463(d) states that an affected source is new if you commenced construction or reconstruction of the affected source after September 20, 2007.
15. 40 C.F.R. § 63.11464(b)(2) provides that the compliance date for a new affected source started after December 26, 2007, is at startup.
16. 40 C.F.R. § 63.11465(b) states that you must route the emissions from each new affected source through a fabric filter or baghouse that achieves a PM control efficiency of at least

99.5 percent or an outlet PM concentration limit of 0.010 grains per dry standard cubic foot (gr/dscf).

Relevant Factual Background

17. I Schumann owns and operates the Facility located at 22500 Alexander Road, Bedford, Ohio.
18. The Facility produces brass and bronze ingots.
19. The Facility is a “secondary nonferrous metals processing facility.”
20. The Facility is an area source of HAPs.
21. The Facility is subject to the requirements of 40 C.F.R. Part 63, Subpart TTTTTT and certain General Provisions at 40 C.F.R. §§ 63.1 through 63.15.
22. The Facility has two electric induction furnaces (EIFs) (Furnaces No. 1 and No. 2).
23. Furnaces No. 1 and No. 2 are furnace melting operations.
24. Ohio EPA issued a Permit-to-Install and Operate, No.: 13-04754, to the Facility on September 16, 2008. This permit allowed I Schumann to replace the existing EIFs with new EIFs (Furnace No. 1 and Furnace No. 2).
25. Furnaces No. 1 and No. 2 are new affected sources.
26. On May 1, 2013, I Schumann conducted performance testing at Baghouse No. 2 (May 2013 Performance Test). The performance test identified a filterable particulate emission rate of 0.01251 gr/dscf.
27. Baghouse No. 2 was used to control emissions from Furnace No. 1 and Furnace No. 2 during the May 2013 Performance Test.

Finding of Violations

Violations of the NESHAP for Secondary Nonferrous Metal Processing Area Sources

28. Particulate emissions from the baghouse controlling emissions from Furnace No. 1 exceeded 0.010 gr/dscf during the May 2013 Performance Test in violation of 40 C.F.R. § 63.11465(b).
29. Particulate emissions from the baghouse controlling emissions from Furnace No. 2 exceeded 0.010 gr/dscf during the May 2013 Performance Test in violation of 40 C.F.R. § 63.11465(b).

Environmental Impact of Violations

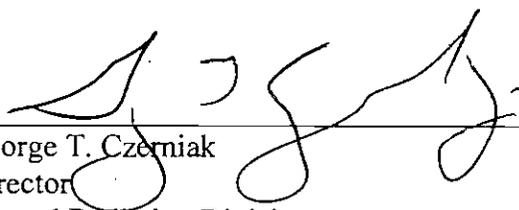
30. These violations have caused excess emissions of PM. PM, especially fine particulates, contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. PM exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

31. The violations of the above-referenced NESHAP resulted in increased emissions of metal HAPs, including arsenic, chromium, lead, manganese, and nickel. Lead can affect almost every organ in the body, but is most detrimental to the nervous system. In children, low levels of lead in the blood can result in permanent damage to the brain and nervous system, leading to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In adults, lead has nervous system effects, cardiovascular effects, and causes decreased kidney function. Lead can also lead to reproductive problems for both men and women and has resulted in serious effect on pregnancy and developing fetuses for women.

Date

3/6/19


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-OH-06 by Certified Mail, Return Receipt Requested, to:

Michael A. Schumann
Registered Agent
I Schumann & Co. LLC
22500 Alexander Road
Bedford, Ohio 44146

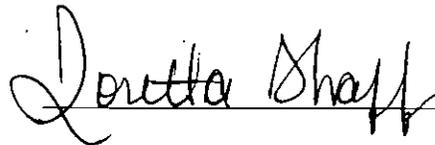
I also certify that I sent copies of the Finding of Violation by first-class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216

Mark Budge
Ohio EPA NW District
Division of Air Pollution Control
347 N. Dunbridge Road
Bowling Green, Ohio 43402

Michael S. McMahon, Esquire
McMahon DeGulis LLP
812 Huron Road
Suite 650
Cleveland, Ohio 44115

On the 10 day of March 2014.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 0481