



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

JUN 12 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Mickey Beyersdorfer, President
The Sawbrook Steel Castings Company
425 Shepherd Avenue
P.O. Box 15527
Cincinnati, Ohio 45215

Re: Finding of Violation
The Sawbrook Steel Castings Company
Cincinnati, Ohio

Dear Mr. Beyersdorfer:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to The Sawbrook Steel Castings Company (Sawbrook) pursuant to Section 113 (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). EPA finds that Sawbrook violated the requirements of the Standards of Performance for Calciners and Dryers in Mineral Industries and Section 111 of the Clean Air Act, 42 U.S.C. § 7411, at its Cincinnati, Ohio facility.

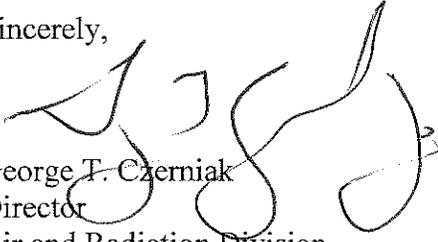
Section 113 of the Clean Air Act, 42 U.S.C. § 7413, gives EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

EPA is offering Sawbrook an opportunity to confer about the violations alleged in the FOV. The conference gives Sawbrook an opportunity to present information on the specific findings of violation, any efforts it has taken to comply, and the steps it will take to prevent future violations. In addition, in order to make the conference more productive, EPA encourages Sawbrook to submit to EPA information responsive to the FOV prior to the conference date.

Please plan for Sawbrook's technical and management personnel to attend the conference to discuss compliance measures and commitments. Sawbrook may have an attorney represent it at this conference.

The EPA contact in this matter is Kevin Vuilleumier. You may call him at (312) 886-6188 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

Enclosure

cc: Robert Hodanbosi, OEPA
Brad Miller, Southwest Ohio Air Quality Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
The Sawbrook Steel Castings Company, Cincinnati, Ohio)	FINDING OF VIOLATION
)	
)	EPA-5-15-OH-18
Proceedings Pursuant to the Clean Air Act 42 U.S.C. §§ 7401 - 7671q)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) issues this Finding of Violation (FOV) to notify the Sawbrook Steel Castings Company (Sawbrook) that EPA finds Sawbrook violated the Clean Air Act (the Act), 42 U.S.C. § 7401 *et seq.* Specifically, Sawbrook violated Section 111 of the Act, 42 U.S.C. § 7411, the Standards of Performance for Calciners and Dryers in Mineral Industries set forth at 40 C.F.R. §§ 60.730 – 60.737, and Subpart A of the Standards of Performance for New Stationary Sources set forth at 40 C.F.R. §§ 60.1 *et seq.*

EPA issues this FOV pursuant to Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). The authority to issue this FOV has been delegated to the Regional Administrator of EPA, Region 5, and re-delegated to the Director of the Air and Radiation Division, Region 5.

STATUTORY REGULATORY AUTHORITY

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. Section 108(a)(1) of the Act, 42 U.S.C. § 7408(a)(1), requires the Administrator of EPA (the Administrator) to publish, and from time to time revise, a list which includes each air pollutant: (A) emissions of which, in the Administrator's judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare; (B) the presence of which in the ambient air results from numerous or diverse mobile or stationary sources; and (C) for which air quality criteria had not been issued before the date of enactment of the CAA of 1970, but for which the Administrator plans to issue air quality criteria under this section.
2. Section 109 of the Act, 42 U.S.C. § 7409, requires the Administrator to promulgate national primary and secondary ambient air quality standards (NAAQS) requisite to protect the public health and welfare.

3. Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), requires the Administrator to publish, and from time to time revise, a list of categories of stationary sources which in the Administrator's judgment cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.
4. Section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), requires the Administrator to propose and promulgate regulations establishing federal Standards of Performance for New Stationary Sources (NSPS) within the listed stationary source categories.
5. On January 8, 1982, the Administrator published a list of source categories in accordance with Section 111 of the Act, 42 U.S.C. § 7411. *See* 47 Fed. Reg. 951 (codified at 40 C.F.R. § 60.16).
6. The prioritized list of source categories includes Non-Metallic Mineral Processing (priority 13) and Metallic Mineral Processing (priority 14). *See* 40 C.F.R. § 60.16.
7. Section 111(e) of the Act, 42 U.S.C. § 7411(e), provides that after the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any applicable standard of performance.
8. The NSPS regulations apply to the owner or operator of any "stationary source" which contains an "affected facility," the "construction" or "modification" of which is commenced after the date of publication in Part 60 of any standard or proposed standard applicable to that facility. *See* 40 C.F.R. § 60.1.
9. Section 111(a)(3) of the Act, 42 U.S.C. § 7411(a)(3), defines "stationary source" to be any building, structure, facility, or installation which emits or may emit any air pollutant.

NSPS GENERAL PROVISIONS

10. On December 23, 1971, the Administrator promulgated the NSPS General Provisions of 40 C.F.R. Part 60, Subpart A (General Provisions). *See* 36 Fed. Reg. 24877. The General Provisions are set forth at 40 C.F.R. §§ 60.1 through 60.19.
11. The requirements of the General Provisions relevant to this FOV are as follows:
 - a. 40 C.F.R. § 60.2 defines "construction" to mean fabrication, erection, or installation of an affected facility.
 - b. 40 C.F.R. § 60.2 defines an "affected facility" under the NSPS to be, with reference to a "stationary source," any apparatus to which a standard is applicable.
 - c. 40 C.F.R. § 60.7(a)(1) requires that any owner or operator subject to the provisions of Part 60 shall furnish the Administrator a notification of the date construction (or reconstruction) of an affected facility commenced postmarked no later than 30 days after such date.

- d. 40 C.F.R. § 60.7(a)(3) requires that any owner or operator subject to the provisions of Part 60 shall furnish the Administrator a notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
- e. 40 C.F.R. § 60.7(a)(6) requires that any owner or operator subject to the provisions of Part 60 shall furnish the Administrator a notification of the anticipated date for conducting the opacity observations required by 40 C.F.R. § 60.11(e)(1) postmarked not less than 30 days prior to such date.
- f. 40 C.F.R. § 60.8(a) requires that within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under Section 114 of the Act, the owner or operator of an affected facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
- g. 40 C.F.R. § 60.8(b) requires that performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart.
- h. 40 C.F.R. § 60.8(f) requires that each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard.
- i. 40 C.F.R. § 60.11(b) requires that compliance with opacity standards in Part 60 shall be determined by conducting observations in accordance with Method 9 in Appendix A of Part 60, any alternative method that is approved by the Administrator, or as provided in 40 C.F.R. § 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be three hours for the performance test or other set of observations.
- j. 40 C.F.R. § 60.11(e) requires that for the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 C.F.R. § 60.8.

NSPS SUBPART UUU

- 12. The Administrator promulgated the Standards of Performance for Calciners and Dryers in Mineral Industries (Subpart UUU) on September 28, 1992, which were subsequently amended on July 29, 1993 and October 17, 2000. *See* 57 Fed. Reg. 44503, 58 Fed. Reg. 40591 and 65 Fed. Reg. 61778. Subpart UUU is set forth at 40 C.F.R. §§ 60.730 through 60.737.
- 13. The affected facility to which the provisions of Subpart UUU applies is each “calciner” and “dryer” at a “mineral processing plant.” *See* 40 C.F.R. § 60.730(a).

14. The owner or operator of any facility under 40 C.F.R. § 60.730(a) that commences construction, modification, or reconstruction after April 23, 1986, is subject to the requirements of Subpart UUU. *See* 40 C.F.R. § 60.730(c).
15. The requirements of Subpart UUU relevant to this FOV are as follows:
 - a. 40 C.F.R. § 60.731 defines “calciner” to mean the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating.
 - b. 40 C.F.R. § 60.731 defines “mineral processing plant” to mean any facility that processes or produces any of the following minerals, their concentrates, or any mixture of which the majority (greater than fifty percent) is any of the following minerals, or a combination of these minerals: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, fuller’s earth, gypsum, industrial sand, kaolin, lightweight aggregate, magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite.
 - c. 40 C.F.R. § 60.732 requires that each owner or operator of any affected facility that is subject to the requirements of Subpart UUU shall comply with the emission limitations set forth in this section on and after the date on which the initial performance test required by 40 C.F.R. § 60.8 is completed, but not later than 180 days after the initial startup, whichever date comes first.
 - d. 40 C.F.R. § 60.734(a) requires that with the exception of the process units described in 40 C.F.R. § 60.734(b), (c), and (d), the owner or operator of an affected facility subject to the provisions of this subpart who uses a dry control device to comply with the mass emission standard shall install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device.
 - e. 40 C.F.R. § 60.735(a) requires that the owner or operator shall retain for at least two years the records of the measurements required in 40 C.F.R. § 60.734.
 - f. 40 C.F.R. § 60.736(a) requires that in conducting the performance tests required in 40 C.F.R. § 60.8, the owner or operator shall use the test methods in Appendix A of Part 60, or other methods and procedures as specified in 40 C.F.R. § 60.8.
 - g. 40 C.F.R. § 60.736(b)(1) requires that the owner or operator shall determine compliance with the particulate matter standards in 40 C.F.R. § 60.732 as follows: Method 5 in Appendix A of Part 60 shall be used to determine the particulate matter concentration. The sampling time for each test run shall be at least two hours and the sampling volume shall be at least 1.70 dry standard cubic meter (dscm).

ENFORCEMENT AUTHORITY

16. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in pertinent part that whenever the Administrator finds that any person has violated, or is in violation of any requirement or prohibition of Subchapter I of the CAA, including but not limited to, a requirement or prohibition of any rule issued or approved under Subchapter I (i.e. the NSPS), the Administrator may *inter alia*: (A) issue an administrative penalty order; (B) issue an order requiring such person to comply with such requirement or prohibition; or (C) bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

FACTUAL BACKGROUND

17. Sawbrook was and is a “person,” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
18. Sawbrook was and is an “owner” and an “operator” as those terms are defined in Section 111(a)(5) of the CAA, 42 U.S.C. § 7411(a)(5), and 40 C.F.R. § 60.2, of a “mineral processing plant,” as that term is defined in 40 C.F.R. § 60.731, located at 425 Shepherd Avenue, Cincinnati, Ohio (Facility).
19. Sawbrook’s Facility is a “stationary source” as that term is defined at Section 111(a)(3) of the Act, 42 U.S.C. § 7411(a)(3).
20. Sawbrook’s Facility includes a THERMFIRE Thermal Sand Reclaimer, consisting of a calcining fluid bed stacked above a cooling fluid bed sand reclamation unit (the Sand Reclamation Unit).
21. Sawbrook owns and operates the Sand Reclamation Unit at the Facility, which it uses to process industrial sand.
22. The Sand Reclamation Unit at the Facility is a “calciner” as that term is defined at 40 C.F.R. § 60.731.
23. On or after April 23, 1986 (approximately 2007), Sawbrook commenced “construction,” as that term is defined at 40 C.F.R. § 60.2, on the Sand Reclamation Unit at the Facility.
24. Sawbrook’s Sand Reclamation Unit is an “affected facility” located at a “mineral processing plant,” as those terms are defined at 40 C.F.R. §§ 60.731 and 60.2.
25. Sawbrook’s Sand Reclamation Unit was, and is, subject to Part 60, the General Provisions, and Subpart UUU at all times relevant to this FOV.
26. Sawbrook uses a baghouse to control particulate matter emissions from the Sand Reclamation Unit at the Facility.
27. The baghouse at the Facility is a dry control device regulated by 40 C.F.R. § 60.734(a).

28. Emissions testing for particulate matter, opacity, and carbon monoxide at the baghouse at the Facility was performed on November 10, 2009 (November 10, 2009 Testing).
29. The November 10, 2009 Testing consisted of three runs where each test run had a net sampling time equal to sixty minutes.
30. The November 10, 2009 Testing consisted of three runs where the volume of dry gas sampled at standard conditions was: (1) 1.12; (2) 1.24; and (3) 1.03 standard cubic meter, respectively.
31. The final report for the November 10, 2009 Testing stated the average concentration of filterable particulate matter across the three runs was 0.035 gr/dscf.
32. EPA conducted an unannounced inspection at Sawbrook on January 6, 2015.

EXPLANATION OF VIOLATIONS

EPA reviewed information provided during the January 6, 2015 inspection, as well as follow up information Sawbrook provided to EPA pursuant to its request. EPA's review of this information revealed Sawbrook violated the General Provisions, Subpart UUU, and the Act as follows.

33. Sawbrook failed to submit to the Administrator a notification of the date construction of an affected facility (i.e. the Sand Reclamation Unit at the Facility) commenced, postmarked no later than 30 days after such date, in violation of 40 C.F.R. § 60.7(a)(1) and Section 111 of the Act, 42 U.S.C. § 7411.
34. Sawbrook failed to submit to the Administrator a notification of the actual date of initial startup of an affected facility (i.e. the Sand Reclamation Unit at the Facility) postmarked within 15 days after such date, in violation of 40 C.F.R. § 60.7(a)(3) and Section 111 of the Act, 42 U.S.C. § 7411.
35. Sawbrook failed to submit to the Administrator a notification of the anticipated date for conducting the opacity observations required by 40 C.F.R. § 60.11(e)(1), postmarked no later than 30 days prior to such date, in violation of 40 C.F.R. § 60.7(a)(6) and Section 111 of the Act, 42 U.S.C. § 7411.
36. Sawbrook failed to conduct initial performance testing, and initial visible emission readings concurrently with the initial performance testing, of an affected facility (i.e. the Sand Reclamation Unit at the Facility) within 60 days after achieving the maximum production rate at which the affected facility will be operated, or no later than 180 days after initial startup of the affected facility, in violation of 40 C.F.R. §§ 60.8(a), 60.11(b) and 60.11(e), and Section 111 of the Act, 42 U.S.C. § 7411.

37. Sawbrook failed to conduct performance testing of an affected facility (i.e. the Sand Reclamation Unit at the Facility) in accordance with the test methods and procedures contained in an applicable subpart. Specifically, Sawbrook did not conduct performance testing for the time and under the conditions specified in Subpart UUU (sample time of at least two hours for each run and a sample volume of at least 1.70 dscm), in violation of 40 C.F.R. §§ 60.8(b) and (f), 60.736(a) and (b)(1), and Section 111 of the Act, 42 U.S.C. § 7411.
38. Sawbrook failed to install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device, in violation of 40 C.F.R. § 60.734(a) and Section 111 of the Act, 42 U.S.C. § 7411.
39. Sawbrook failed to retain for at least two years the records of the opacity of emissions discharged into the atmosphere from the control device using a continuous opacity monitoring system, in violation of 40 C.F.R. § 60.735(a) and Section 111 of the Act, 42 U.S.C. § 7411.

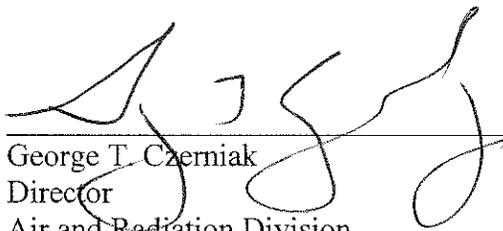
ENVIRONMENTAL IMPACT OF VIOLATIONS

40. Failing to demonstrate initial, and ensure ongoing compliance with 40 C.F.R. Part 60, The General Provisions, and Subpart UUU can increase public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate matter, contributes to respiratory problems and lung damage.

Date

6/2/15

George T. Czerniak
Director
Air and Radiation Division



CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-15-OH-18, by Certified Mail, Return Receipt Requested, to:

Mickey Beyersdorfer, President
Sawbrook Steel Castings
425 Shepherd Avenue
P.O. Box 15527
Cincinnati, Ohio 45215

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

Robert Hodanbosi
Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

Brad Miller
Southwest Ohio Air Quality Agency
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219

On the 15th day of June 2015.

for Kathy Jones
Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 4947