



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

JAN 30 2013

REPLY TO THE ATTENTION OF.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard J. Wieland, President
Mid-City Foundry
1521 Bruce Street
Milwaukee, Wisconsin 53204

Re: Mid-City Foundry in Milwaukee, Wisconsin Administrative Consent Order
EPA-5-13-113(a)-WI-01

Dear Mr. Wieland:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at 312-886-6798.

Sincerely,

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

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

Enclosure: Administrative Consent Order EPA-5-13-113(a)-WI-01

cc: Bill Baumann, WDNR

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	EPA-5-13-113(a)-WI-01
)	
Mid-City Foundry)	Proceeding Under Sections 113(a)(3)
Milwaukee, Wisconsin)	and 114(a)(1) of the Clean Air Act,
)	42 U.S.C. §§ 7413(a)(3) and 7414(a)(1)
Respondent)	
_____)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this order to Mid-City Foundry, under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 United States Code (U.S.C.) §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), requires the Administrator of EPA to publish 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.

3. Section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), requires the Administrator of EPA to publish regulations establishing federal standards of performance for new sources within the listed stationary source categories.

4. The Administrator of EPA published a list of source categories in accordance with Section 111 of the Act, 42 U.S.C. § 7411 on January 8, 1982. 47 Fed. Reg. 951 (1982)(to be codified at 40 C.F.R. § 60.16).

5. The prioritized list of source categories includes Non-Metallic Mineral Processing (priority 13) and Metallic Mineral Processing (priority 14). 40 C.F.R. § 60.16.

6. The Administrator of EPA promulgated the General Provisions of 40 C.F.R. Part 60 on December 23, 1971. 36 Fed. Reg. 24877 (1971)(to be codified at 40 C.F.R. Part 60, Subpart A).

7. The General Provisions of 40 C.F.R. Part 60 establish requirements for owners or operators of stationary sources subject to a standard of performance for new sources. In the definitions section of the General Provisions, any apparatus to which a standard applies is termed an “affected facility.” 40 C.F.R. § 60.2. Owners or operators of an affected facility are required to:

- a. Submit written notification of the following:
 - i. The date construction of an affected facility is commenced, no later than 30 days after such date. 40 C.F.R. § 60.7(a)(1).
 - ii. The actual date of initial startup of an affected facility, postmarked within 15 days after such date. 40 C.F.R. § 60.7(a)(3).
 - iii. Any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, within 60 days, or as soon as practicable, before the change is commenced. 40 C.F.R. § 60.7(a)(4).
- b. Conduct performance test(s) and furnish to the Administrator of EPA a written report of the results of such performance test(s) within 60 days after achieving the maximum production rate at which an affected facility will be operated, but not later than 180 days after initial startup of such facility. 40 C.F.R. § 60.8(a).

8. The General Provisions of 40 C.F.R. Part 60 also provide the Administrator of EPA authority to review and approve alternative monitoring requests submitted by owners or operators of affected facilities. 40 C.F.R. § 60.13(i).

9. The Administrator of EPA promulgated the Standards of Performance for Calciners and Dryers in Mineral Industries on September 28, 1992. 57 Fed. Reg. 44503 (1992)(to be codified at 40 C.F.R. Part 60, Subpart UUU). These standards impose the following requirements on affected facilities subject to Subpart UUU:

- a. Each owner and operator of an affected facility must comply with the emission limitation of 0.092 gram per dry standard cubic meter (g/dscm) [0.040 grain per dry standard cubic foot (gr/dscf)] for calciners and for calciners and dryers installed in series 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. 40 C.F.R. § 60.732(a).
- b. No emissions discharged into the atmosphere from any affected facility may exhibit greater than 10 percent opacity. 40 C.F.R. § 60.732(b).
- c. The owner or operator of an affected facility who uses a dry control device must meet the requirements for monitoring of emissions and operations set forth in 40 C.F.R. § 60.734(a-c).
- d. The owner or operator of an affected facility must maintain certain records and submit certain reports. 40 C.F.R. §§ 60.7 and 60.735.

10. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), states whenever, on the basis of any information available to the Administrator of EPA, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of a rule promulgated

under Section 111 of the Act, the Administrator may issue an order requiring such person to comply with such requirement or prohibition. This authority has been delegated to the Director of the Air and Radiation Division, U.S. EPA, Region 5, EPA Delegation 7-6-A, 8/9/94; Region 5, Delegation 7-6-A, 2/4/00.

Findings

11. Mid-City Foundry owns and operates a gray and ductile iron foundry located at 1521 West Bruce Street in Milwaukee, Wisconsin (the facility).
12. The facility is a Stationary Source as that term is defined in the Act, 42 U.S.C. § 7602(z).
13. The facility includes a mineral processing plant as defined at 40 C.F.R. § 60.731.
14. Mid-City Foundry installed and began operation of a thermal sand reclamation unit within its mineral processing plant in 1995.
15. At the time of the most recent renewal of Mid-City Foundry's Part 70 Source Operating Permit (Permit Number 241029800-P10, January 13, 2012), the thermal sand reclamation unit was not identified as a calciner subject to 40 C.F.R. Part 60, Subpart UUU.
16. EPA has clarified that the thermal sand reclamation unit is a calciner as defined at 40 C.F.R. § 60.731 and is therefore an affected facility under 40 C.F.R. Part 60, Subpart UUU.
17. The thermal sand reclamation unit uses a dry control device.
18. EPA conducted an inspection at Mid-City Foundry, August 3-5, 2010.
19. EPA issued a Finding of Violation (FOV) to Mid-City Foundry on June 24, 2011, alleging Mid-City Foundry failed to comply with certain requirements of the General Provisions of 40 C.F.R. Part 60 and of 40 C.F.R. Part 60, Subpart UUU.

20. Representatives of Mid-City Foundry and EPA met August 11, 2011 to discuss the FOV.

21. EPA conducted a second inspection at Mid-City Foundry on January 18, 2012.

22. Representatives of Mid-City Foundry and EPA held a conference call on August 29, 2012 to discuss the outstanding FOV and a proposed path forward to resolve the alleged violations.

Compliance Program

23. Because Mid-City Foundry operates an affected facility utilizing a dry control device, its thermal sand reclamation unit must comply with the requirements of the General Provisions of 40 C.F.R. Part 60 and the Standards of Performance for Calciners and Dryers in Mineral Industries, 40 C.F.R. Part 60, Subpart UUU.

24. After considering any and all information available to the Administrator of EPA and the authorities provided to the Administrator by Sections 111, 113 and 114 of the Act as well as 40 C.F.R. Part 60, EPA has determined that the following compliance program must be implemented by Mid-City Foundry to comply with the General Provisions of 40 C.F.R. Part 60 and the requirements of 40 C.F.R. Part 60, Subpart UUU.

25. Mid-City Foundry must submit written notifications identifying the date construction of the thermal sand reclamation unit began and was complete; the actual date of initial startup of the thermal sand reclamation unit; and a statement identifying any physical or operational changes to the thermal sand reclamation unit which may have increased the emission rate of any air pollutant and which occurred since the date of initial startup. If Mid-City Foundry has not made any physical or operational changes to the thermal sand reclamation unit, it should provide such a statement in the written notification. These notifications must be submitted within 60 days after the effective date of this Order.

26. Mid-City Foundry must conduct performance testing in accordance with the requirements of 40 C.F.R. §§ 60.8, 60.732, and 60.736. The performance testing must include EPA Reference Method 5 for particulate matter (three runs at least two hours each run and a sample volume of 1.70 dscm) and Method 9 for opacity. This testing must be completed within 270 days after the effective date of this Order.

27. Mid-City Foundry must submit a complete report of the performance test results to EPA and Wisconsin Department of Natural Resources (WDNR) within 60 days after completing the performance testing.

28. Mid-City Foundry must install, calibrate, maintain, and continuously operate a bag leak detection system (BLDS) to monitor emissions from the sand reclamation unit during all periods the sand reclamation unit is operating. The BLDS must be installed prior to the date of the performance testing required by this Order. The calibration and initial adjustments (as outlined below), must be performed during the performance testing required by this Order.

29. The BLDS must be installed downstream of the baghouse used to control emissions of particulate matter from the sand reclamation unit.

30. The BLDS must meet the following requirements:

- a. The BLDS must be certified by the manufacturer to be capable of detecting emissions of particulate matter at concentrations of 1 milligram per cubic meter (0.0005 grains per dry standard cubic foot) or less.
- b. The BLDS must provide output of relative particulate matter loadings which are continuously recorded using a strip chart, recorder, data logger, or other means.
- c. The BLDS must be equipped with an audible alarm that will sound when an increase in relative particulate loading is detected over the alarm set point

established during initial adjustments of the system. This alarm must be located where it can be heard by the appropriate plant personnel.

- d. The initial adjustment of the BLDS must, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range), establishing the averaging period for the data, and establishing the alarm set points.

31. Mid-City Foundry must develop and prepare a site-specific monitoring plan for the BLDS which it will submit to EPA for review and approval. The site-specific monitoring plan must address, at a minimum, the following:

- a. Installation of the BLDS.
- b. Initial and periodic (no more frequent than quarterly for seasonable effects like temperature and humidity) adjustments including how the alarm set-point will be established.
- c. Operation of the BLDS including quality assurance procedures.
- d. Maintenance of the BLDS including a routine maintenance schedule and spare parts inventory list.
- e. How the BLDS output will be recorded and stored.
- f. Procedures for determining what corrective actions are necessary in the event of a BLDS alarm. These procedures must include, at a minimum: (1) Initiating corrective actions to determine the cause of the alarm within one hour of the alarm, (2) Initiating corrective action to correct the cause of the alarm within 24 hours of the alarm, and (3) Complete corrective action as soon as practicable, but no later than 10 calendar days from the date of the alarm.

32. The site-specific monitoring plan required by this Order must be submitted to EPA for review no later than 60 days after the initial adjustment of the BLDS and performance testing required by this Order.

33. Mid-City Foundry must continuously operate the BLDS in accordance with the approved site-specific monitoring plan.

34. Mid-City Foundry must maintain a written record of the BLDS output for a minimum of two years and this record must be readily available for review on site by either EPA or WDNR.

35. Mid-City Foundry must develop a corrective action plan which it will submit to EPA for review and approval. The corrective action plan may be incorporated into the site-specific monitoring plan, but must be submitted to EPA for review no later than 60 days following the performance testing required by this Order.

36. The corrective action plan required by this Order must describe actions the facility will take to minimize and/or eliminate increased particulate matter loading events which cause an alarm if such events occur. The details of the corrective action plan will be developed by the facility, but should include, at a minimum, actions which demonstrate good air pollution control practices to minimize or eliminate increased particulate matter loading events, root cause analyses of each increased particulate matter loading event, and preventative measures (where feasible) to be implemented to prevent such increased particulate matter loading events from occurring again. Other actions may include: reduced load, shut down of the process unit producing the particulate matter, improved dry control device maintenance, inspection of the dry control device for air leaks, torn or broken bags or filter media, cleaning the BLDS probe or otherwise repairing the dry control device and/or BLDS, or other similar actions. The corrective

action plan will initially be developed based on the facilities past experience with visible emissions (and/or current requirements in permits to install and/or operate) but may be modified periodically as root cause analyses are performed.

37. Mid-City Foundry must submit reports to EPA and WDNR summarizing the BLDS output data including: date and time of readings, any period of BLDS downtime, any periods of increased particulate matter loading alarms, the cause of any increased particulate loading alarms (i.e. the results of the root cause analyses), any corrective actions taken to minimize and/or eliminate the increased particulate loading alarms, and any updates/revisions to the approved site-specific monitoring plan or corrective action plan as a result of any increased particulate matter loading alarms. These reports must be submitted, at least, semiannually although these reports can be incorporated into existing reporting requirements which may be required on a quarterly basis. A reduced reporting schedule may be requested after one year of quarterly report submittals, in accordance with 40 C.F.R. § 60.7. The first report required by this paragraph must be submitted no later than 90 days after the performance testing required by this Order.

38. Mid-City Foundry must apply to WDNR for revisions to its existing federally enforceable state operating permit (FESOP) and other underlying permits.

39. The application for the permit revisions referenced above must request WDNR incorporate all of the requirements of this ACO into the respective permits as federally enforceable conditions. These include, but are not limited to, the applicability of the General Provisions of 40 C.F.R. Part 60 and the requirements of 40 C.F.R. Part 60, Subpart UUU, the installation and use of the BLDS, the requirement for a site-specific monitoring plan (and the

conditions in the monitoring plan), the requirement for a corrective action plan (and the conditions in the corrective action plan), and the reporting requirements related to the BLDS.

40. The application for the permit revisions, or other efforts to incorporate the requirements of this ACO into the respective permits, must be submitted no later than 120 days after the date this order is issued.

41. A copy of the application referenced above, as submitted, must be sent to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

42. This Order does not affect Mid-City Foundry's responsibility to comply with other local, state and federal laws and regulations.

43. This Order does not restrict EPA's authority to enforce any section of the Act.

44. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Mid-City Foundry's violation of the General Provisions of 40 C.F.R. Part 60 and 40 C.F.R. Part 60, Subpart UUU.

45. Failure to comply with this Order may subject Mid-City Foundry to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 74 Fed. Reg. 626 (2009) (amending 40 C.F.R. Part 19).

46. Failure to comply with the requirements of the General Provisions to 40 C.F.R. Part 60 and 40 C.F.R. Part 60, Subpart UUU following the issuance of this Order and completion of the Compliance Program above may subject Mid-City Foundry to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. 7413 and 74 Fed. Reg. 626

(2009) (amending 40 C.F.R. Part 19). Non-compliance under this paragraph may include violation of the emission limits established at 40 C.F.R. Part 60, Subpart UUU as found by the performance testing required in this Order.

47. The terms of this Order are binding on Mid-City Foundry, its assignees and successors. Mid-City Foundry must give notice of this Order, if still in effect, to any successors in interest, prior to transferring ownership and must simultaneously verify to EPA, at the above address, that Mid-City Foundry has given the notice.

48. Mid-City Foundry may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA, except emissions data. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Mid-City Foundry fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, (including emissions data from the performance testing required by this ACO) is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

49. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please furnish an electronic copy of required information on CD or thumb drive. If not possible, provide your response to this Order without staples; paper clips and binder clips, however, are acceptable.

50. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

51. Mid-City Foundry agrees to the terms of this Order.

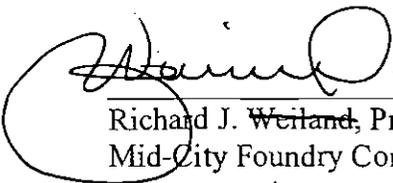
52. Mid-City Foundry neither admits nor denies the factual allegations and conclusions of law set forth above in this Order.

53. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

54. This Order will terminate two years from the effective date provided that Mid-City Foundry has complied with all terms of the Order throughout its duration.

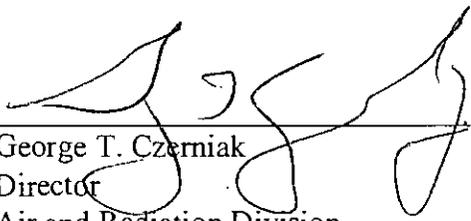
Mid-City Foundry

1-17-2013
Date


Richard J. Wieland, President
Mid-City Foundry Company
WIELAND

United States Environmental Protection Agency

1/31/13
Date


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

CERTIFICATE OF MAILING

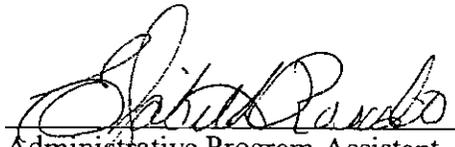
I, Elizabeth Rosado, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-13-113(a)-WI-01, by Certified Mail, Return Receipt Requested, to:

Richard J. Wieland, President
Mid-City Foundry Company
1521 West Bruce Street
Milwaukee, Wisconsin 53204

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-13-113(a)-WI-01, by First-Class Mail to:

Bill Baumann, WDNR

On the 1 day of February 2013.


Administrative Program Assistant
AECAB [Planning and
Administration Section]

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7669 5077