



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

SEP 21 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Renee Olney
Environmental Manager
Liberty Casting Company, LLC
550 South Liberty Road
Delaware, Ohio 43015

Re: Finding of Violation
Liberty Casting Company, LLC
Delaware, Ohio

Dear Ms. Olney:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Liberty Casting Company, LLC (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you are violating the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries at 40 C.F.R. Part 63, Subpart EEEEE at your Delaware, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. 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 FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

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 Patrick Miller. You may call him at (312) 886-4044 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: Kelly Toth, APC Manager
Central District Office
Ohio Environmental Protection Agency

Bob Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

work practice standard, and operation and maintenance requirement in this subpart that applies to you upon initial startup.

6. 40 C.F.R. § 63.7690(a)(1) requires that for each electric induction metal melting furnace, you must not discharge emissions through a conveyance to the atmosphere that exceed either 0.005 grains of particulate matter (PM) per dry standard cubic foot (gr/dscf) or 0.0004 gr/dscf of total metal hazardous air pollutants (HAP).

7. 40 C.F.R. § 63.7690(a)(7) requires that for each building or structure housing any iron and steel emissions source at the iron and steel foundry you must not discharge any fugitive emissions to the atmosphere from foundry operations that exhibit opacity greater than 20 percent (6-minute average), except for one 6-minute average per hour that does not exceed 27 percent opacity.

8. 40 C.F.R. § 63.7720(a) requires you to be in compliance with the emissions limitations, work practice standards, and operation and maintenance requirements of the Foundry NESHAP at all times, except during periods of startup, shutdown, or malfunction.

9. 40 C.F.R. § 63.7720(c) requires you to develop a written startup, shutdown, and malfunction plan.

10. 40 C.F.R. § 63.7730(a) requires you to conduct an initial performance test no later than 180 calendar days after the compliance date of April 23, 2007 for existing affected sources (*i.e.* October 20, 2007) and no later than 180 after the initial startup date for new affected sources, to demonstrate compliance with the PM limit in § 63.7690(a)(1) and the opacity limit in § 63.7690(a)(7).

11. 40 C.F.R. § 63.7731(b) requires you to conduct subsequent opacity tests, to demonstrate compliance with the opacity limit in § 63.7690(a)(7), no less frequently than once every 6 months.

12. 40 C.F.R. § 63.7750(b) requires you to submit an initial notification no later than August 20, 2004.

13. 40 C.F.R. § 63.7751(a) requires you to submit a semiannual compliance report to your permitting authority. Pursuant to 40 C.F.R. § 63.7751(a)(2), the first semiannual compliance report was due July 31, 2005.

Permits

14. The Ohio Environmental Protection Agency (OEPA) issued PTI No. 01-6432 to Liberty on March 25, 1998, which identifies, among other things, electric induction furnace, LRFU5, and electric induction furnace, LRFU4, as emission units P034 and P036, respectively, at the 550 South Liberty Road facility.

15. OEPA issued PTI No. 01-01288 to Liberty on November 22, 2005, superseding terms identified in PTI 01-01288 issued on September 13, 2005, which identifies, among other

things, electric induction furnace, LRUF3, as emission unit P055 at the 550 South Liberty Road facility.

EXPLANATION OF VIOLATIONS

16. Liberty owns and operates an iron foundry at 550 South Liberty Road in Delaware, Ohio.

17. On December 16, 2014, EPA inspected the Liberty facility at 550 South Liberty Road in Delaware, Ohio.

18. On April 28, 2015, EPA issued a request for information pursuant to Section 114 of the CAA, 42 U.S.C. § 7414.

19. On May 7, 2015 and June 28, 2015, Liberty submitted responses to EPA's request for information.

20. Based on information provided by Liberty and from documents provided by OEPA, EPA has determined that the Liberty facility is subject to the requirements of Section 112 of the CAA, 42 U.S.C. § 7412, and the Foundry NESHAP at 40 C.F.R. Part 63, Subpart EEEEE. EPA calculated that the total HAP emissions from the Liberty facility exceed 25 tons per year combined, making the Liberty facility a major source, as defined in 40 C.F.R. § 63.7681, and therefore subject to the Foundry NESHAP.

21. Emission units P034 and P036 are considered existing affected sources under the Foundry NESHAP since construction occurred before December 23, 2002, as provided by 40 C.F.R. § 63.7682(c).

22. Emission unit P055 is considered a new affected source under the Foundry NESHAP since construction began on December 1, 2005, and initial startup was February 1, 2005, as provided by 40 C.F.R. § 63.7682(d).

23. Liberty failed to submit an initial notification as required by the Foundry NESHAP in violation of 40 C.F.R. § 63.7750(b).

24. Liberty failed to develop a written startup, shutdown, and malfunction plan as required by the Foundry NESHAP for emission unit P055, in violation of 40 C.F.R. § 63.7720(c).

25. Liberty failed to conduct a PM performance test as required by the Foundry NESHAP on P055 to determine compliance with the emission limitation specified in 40 C.F.R. § 63.7690(a)(1), in violation of 40 C.F.R. § 63.7730(a).

26. Liberty failed to develop a written startup, shutdown, and malfunction plan as required by the Foundry NESHAP for emissions units P034 and P036, in violation of 40 C.F.R. § 63.7720(c).

27. Liberty failed to submit a semiannual compliance report as required by the Foundry NESHAP to the permitting authority in violation of 40 C.F.R. §§ 63.7751(a) and (a)(2).

28. Liberty failed to conduct a PM performance test as required by the Foundry NESHAP on P034 and P036 to determine compliance with the emission limitation specified in 40 C.F.R. § 63.7690(a)(1), in violation of 40 C.F.R. § 63.7730(a).

29. Liberty failed to conduct an initial Method 9 opacity performance test to determine compliance with the opacity limit in 40 C.F.R. § 63.7690(a)(7), in violation of 40 C.F.R. § 63.7730(a).

30. Liberty failed to conduct subsequent performance tests, at a frequency of no less than once every 6 months, to determine compliance with the opacity limit in 40 C.F.R. § 63.7690(a)(7), in violation of 40 C.F.R. § 63.7731(b).

9/20/15

Date



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-22, by Certified Mail, Return Receipt Requested, to:

Renee Olney
Environmental Manager
Liberty Casting Company, LLC
550 South Liberty Road
Delaware, Ohio 43015

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

Kelly Toth
Air Pollution Control Manager
Central District Office
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, Ohio 43215

Bob Hodanbosi
Division of Air Pollution Control
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

On the 21st day of September 2015

Kathy Jones
for Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9581 4229

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.