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REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

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February 8, 2008

Certified Mail

Kirby Thomas
General Manager, Staker Alloys
PO Box 1223
1075 James Street
Springfield, OH 45501

NOTICE OF VIOLATION - Non HPV

Summary:

On November 14, 2007, the Regional Air Pollution Control Agency (RAPCA) performed a full compliance inspection at Staker Alloys to determine whether emissions unit F001 and P001 were in compliance with all applicable rules and regulations. The following violations were documented during the inspection: (1) failure to maintain records for F001, (2) failure to monitor and maintain a continuous temperature monitor and recorder on P001, (3) failure to operate P001 at the required temperature, (4) failure to operate P001 in accordance with the operation, maintenance, and monitoring (OM&M) plan, (5) failure to operate P001 in accordance with the startup shutdown malfunction (SSM) plan, (6) failure to maintain a downtime log for P001, (7) failure to submit deviation reports for F001 and P001, (8) failure to submit an installation certification for P001, (9) failure to comply with the operating, record keeping, and reporting requirements of 40 CFR Part 63 Subpart A, (10) failure to comply with the operating, record keeping, and reporting requirements of 40 CFR Part 63 Subpart RRR, and (11) failure to comply with the U.S. EPA approved alternative monitoring method for P001. Enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Thomas:

Staker Alloys, located at 1075 James Street (OhioEPA facility 0812100596), operates unpaved roadways and parking areas and a scrap metal processing facility. The facility is permitted under Permit to Install (PTI) 08-04786, issued on September 26, 2006, to install F001-Unpaved

roadways and parking areas, and PTI 08-04779, issued on December 14, 2006, to install emissions unit P001-Secondary aluminum sweat furnace with afterburner. The Permit to Operate (PTO) for F001 was issued on March 22, 2007. Secondary aluminum smelting is subject to 40 CFR Part 63 Subpart RRR, the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production, promulgated on March 3, 2000. Any owner or operator of an affected source which is constructed after March 24, 2003 must comply with this rule upon startup. On September 21, 2006, the U.S.EPA approved an alternative monitoring method for the calibration procedures for the afterburner thermocouple at Staker Alloys. In lieu of complying with 40 Part 63.1510(b)(4)(i), Staker Alloys is required by the approved alternative monitoring method to install and operate a data logger, a dual thermocouple, and a digital readout. All facilities subject to NESHAP rules are also subject to the requirements of 40 CFR Part 63 Subpart A, the NESHAP General Provisions. On November 14, 2007, RAPCA performed a full compliance inspection at Staker Alloys to determine compliance with all applicable air pollution control regulations. During the inspection, RAPCA documented violations of PTI 08-04786, PTI 08-04779, the PTO for F001, 40 CFR Part 63 Subpart RRR, and 40 CFR Part 63 Subpart A. The purpose of this letter is to provide notification of the violations found with emissions units F001 and P001 and to seek your cooperation in their resolution. For your reference, attached is a summary of the monitoring, record keeping, and reporting requirements required by 40 CFR Part 63 Subpart A and 40 CFR Part 63 Subpart RRR.

I. Failure to Maintain Records for F001

Pursuant to PTI 08-04786 and the PTO, Staker Alloys is required to perform inspections of the unpaved roadways and parking areas daily and maintain records of the following information:

- a. the date and reason any required inspection was not performed,
- b. the date of each inspection where it was determined that it was necessary to implement control measures,
- c. the dates the control measures were implemented, and
- d. on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require control measures.

During the November 14, 2007 compliance inspection, RAPCA documented that Staker Alloys was not maintaining daily records for F001. Failure to maintain records is a violation of PTI 08-04786, the PTO for F001, and Ohio Revised Code (ORC) 3704.05.

II. Failure to Operate and Maintain a Continuous Temperature Recorder

Pursuant to PTI 08-04779, the September 21, 2006 U.S. EPA approved alternative monitoring method, and 40 CFR Part 63.1510(g), Staker Alloys shall operate and maintain a continuous temperature monitor and recorder (datalogger) which measures and records the temperature at the exit of the combustion zone for the afterburner, in degrees Fahrenheit. The monitoring system shall collect and record the average temperature for 15 minute block averages and determine the average temperature for each 3-hour block of time. During the November 14, 2007 compliance

inspection, the facility was not operating a continuous recorder and had no records documenting the average temperature for each 3-hour block of time. Instead, the facility was recording an instantaneous afterburner temperature every 3 hours. Failure to operate a continuous recorder is a violation of PTI 08-04779, the U.S. EPA approved alternative monitoring method, 40 CFR Part 63 Subpart RRR, and ORC 3704.05.

III. Failure to Operate P001 at the Required Temperature

Pursuant to PTI 08-04779 and the September 21, 2006 U.S. EPA approved alternative monitoring method, the afterburner installed on P001 shall operate with an average combustion temperature, for any 3-hour block of time when the emissions unit is in operation, of not less than 1650 degrees Fahrenheit. During the November 14, 2007 compliance inspection, RAPCA documented that Staker Alloy operated P001 on at least 2 occasions when the instantaneous combustion temperature was less than 1650 degrees Fahrenheit. Specifically, a review of the instantaneous temperature readings maintained by Staker Alloys indicated the facility operated P001 at 1533 and 1600 degrees Fahrenheit. Pursuant to 40 CFR Part 63.1506(p), when an add-on control device operating parameter deviates from the value or range incorporated into the OM&M plan, the owner or operator must initiate and record corrective actions. Failure to maintain P001 at the required temperature and failure to initiate and record corrective actions is a violation of PTI 08-04779, the U.S. EPA approved alternative monitoring method, 40 CFR Part 63 Subpart RRR, and ORC 3704.05.

IV. Failure to Follow the OM&M Plan

Pursuant to PTI 08-04779, 40 CFR Part 63.1510(b), and 40 CFR Part 63.6(e), Staker Alloys is required to develop an OM&M plan, following the manufacturer's recommendations, instructions, and operating manuals, and operate P001 in accordance with that plan. Pursuant to 40 CFR Part 63.1517(b), Staker Alloys is required to keep a copy of the OM&M plan on site at all times. The September 21, 2006 U.S. EPA approval letter requires Staker Alloys to incorporate the alternative monitoring method into the OM&M plan. Pursuant to PTI 08-04779 and the U.S. EPA approved alternative monitoring method, Staker Alloys is required to utilize three pieces of equipment: a data logger, a dual thermocouple, and a digital readout. During the November 14, 2007 compliance inspection, RAPCA documented that Staker Alloys was not operating a dual thermocouple or a data logger and did not have the OM&M plan onsite. Additionally, RAPCA documented Staker Alloys was not operating P001 in accordance with the OM&M plan, i.e., the facility was not maintaining the afterburner temperature in excess of 1650 degrees Fahrenheit and the facility was not operating a dual thermocouple and datalogger. Failure to operate P001 pursuant to the OM&M plan and to keep the OM&M onsite is a violation of PTI 08-04779, the U.S. EPA approved alternative monitoring method, 40 CFR Part 63 Subpart RRR, 40 CFR Part 63 Subpart A, and ORC 3704.05.

V. Failure to Follow the SSM Plan

Pursuant to 40 CFR Part 63.6(e) and 40 CFR Part 63.1516, Staker Alloys is required to develop and follow a SSM plan. Pursuant to 40 CFR Part 63.1517(b), Staker Alloys is required to keep a

copy of the SSM plan on site at all times. The SSM plan requires Staker Alloys to document that procedures taken during a startup, shutdown, or malfunction event are consistent with the SSM plan, to submit reports for malfunctions, and to maintain records of corrective actions taken during malfunction events. During the November 14, 2007 inspection, Staker Alloys did not have the SSM plan onsite. Additionally, due to a lack of records, RAPCA could not determine if the startup and shutdown procedures specified in the SSM plan had been followed and/or if any malfunction events had occurred on P001. To date, no malfunction reports have been received by RAPCA. Failure to operate P001 pursuant to the SSM plan and to keep the SSM plan on site is a violation of PTI 08-04779, 40 CFR Part 63 Subpart RRR, and ORC 3704.05.

VI. Failure to Maintain a Downtime Log

Pursuant to PTI 08-04779, Staker Alloys is required to collect and record the following information each day when P001 was in operation:

- a. a log of the downtime for the afterburner or monitoring equipment when P001 was in operation, and
- b. all 3-hour blocks of time during which the average combustion temperature of the afterburner was less than 1650 degrees Fahrenheit.

During the November 14, 2007 compliance inspection, RAPCA documented that Staker Alloys was not maintaining this downtime log. Failure to maintain a downtime log is a violation of PTI 08-04779 and ORC 3704.05.

VII. Failure to submit Quarterly Deviation Reports for F001 and P001

Pursuant to PTI 08-04786 and the PTO for F001, Staker Alloys is required to submit quarterly deviation reports that identify each day during which an inspection of the roadway was not performed and each instance when a required control measure was not implemented. Pursuant to PTI 08-04779 for P001, Staker Alloys is required to submit quarterly deviation reports that identify all periods of time during which the temperature of the afterburner was not maintained above the required temperature and quarterly summaries that include a log or records of the downtime for the afterburner and/or monitoring equipment. To date, Staker Alloys has not submitted any quarterly deviation reports to RAPCA. Failure to submit quarterly reports is a violation of PTI 08-04786, the PTO for F001, PTI 08-04779, and ORC 3704.05.

VIII. Failure to Comply with 40 CFR Part 63 Subpart A

40 CFR Part 63 Subpart A-General NESHAP Provisions applies to all facilities that operate an affected source under the NESHAP regulations, i.e., a source with the potential to emit of greater than 10 tons per year (TPY) of a single HAP or 25 TPY combined HAP. Wherever applicable, the requirements of 40 CFR Part 63 Subpart A have been cited in conjunction with the requirements of 40 CFR Part 63 Subpart RRR in this NOV. However, these general provisions also contain additional monitoring, record keeping, and reporting requirements that are not incorporated into PTI 08-04779 or 40 CFR Part 63 Subpart RRR. Pursuant to 40 CFR Part 63.8, Staker Alloys is required to keep necessary parts for routine repairs of the continuous monitoring

system (CMS) equipment readily available; is required to develop a written SSM plan for the CMS; must install and have the CMS operational prior to or in conjunction with the startup of the unit; must continuously operate the CMS; and must develop a quality control program for the CMS. Pursuant to 40 CFR Part 63.10, Staker Alloys is required to maintain additional records for the CMS including, but not limited to, all records involving malfunction events, corrective actions, and calibrations. During the November 14, 2007 compliance inspection, RAPCA documented that Staker Alloys was not complying with requirements of 40 CFR Parts 63.8 through 63.10. Failure to comply with the general NESHAP provisions is a violation of PTI 08-04779 and 40 CFR Part 63 Subpart A.

IX. Failure to Submit a Notification of Compliance Status Report

Pursuant to 40 CFR Part 63.9(h) and 40 CFR Part 63.1515(b), Staker Alloys is required to submit a notification of compliance status report 90 days after startup of P001. To date, no Notification of Compliance Status report has been received by RAPCA. Failure to submit a Notification of Compliance Status Report is a violation of PTI 08-04779, 40 CFR Part 63 Subpart A, and 40 CFR Part 63 Subpart RRR.

X. Failure to Submit an Installation Certification for P001

General Term and Condition A.14 of PTI 08-04779 requires Staker Alloys to provide a written certification that the facility has been constructed in accordance with the PTI application and terms and conditions of PTI 08-04779. The certification is required to be submitted upon completion of construction but prior to the startup of the source. P001 began operating in July 2007. To date, Staker Alloys has not submitted a construction compliance certification. Failure to submit a construction compliance certification is a violation of PTI 08-04779 and ORC 3704.05.

In order to address the violations identified above, RAPCA requires that Staker Alloys submit a compliance plan and schedule to bring F001 and P001 into compliance with all applicable air pollution control regulations. At a minimum, Staker Alloys shall submit: (1) a plan to comply with all applicable operating, monitoring, and record keeping requirements for F001 and P001, (2) all delinquent quarterly reports for F001 and P001, (3) the Notification of Compliance Status for P001, and (4) the Installation Certification for P001.

The compliance plan and schedule shall be submitted expeditiously, but in no event later than thirty (30) days after receipt of this letter. Acceptance of the compliance plan and schedule by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by Ohio EPA and RAPCA at a later date.

Additionally, please be aware that Staker Alloys is required to submit semiannual reports pursuant to 40 CFR Part 63 Subpart A and 40 CFR Part 63 Subpart RRR. These are due either 30 or 60

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days after the calendar year half ends, depending on the type of report.

If you have any questions regarding this matter, please contact Eileen Moran at (937) 225-4004 or me at (937) 496-7540.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

cc: John Paul, RAPCA
Jefferis Canan, RAPCA
Michael Matis, MCCHD
Lisa Holscher, USEPA
Tom Kalman, OEPA

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Springfield, OH 45501

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1. Article Addressed to:
Kirby Thomas, General Manager
Staker Alloys
PO Box 1223
1075 James Street
Springfield, OH 45501

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