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

REPLY TO THE ATTENTION OF:

SEP 27 2010

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Elson, Vice President
Fritz Products, Incorporated
255 Marion Road
River Rouge, Michigan, 48218

Re: Finding of Violation
Fritz Products, River Rouge, Michigan

Dear Mr. Elson:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Fritz Products, Inc. (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you have violated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, 40 C.F.R. Part 63, Subpart RRR, at your River Rouge, Michigan facility.

Section 113 of the Clean Air Act, 42 U.S.C. § 7413, 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.

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 Katharina Bellairs. You may call her at (312) 353-1669 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,

Cheryl L. Newton
Director
Air and Radiation Division

cc: Teresa Seidel, District Supervisor

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF: Fritz Products, Inc. 255 Marion Road River Rouge, Michigan Proceedings Pursuant to Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3)	)))))))))	**FINDING OF VIOLATION** **EPA-5-10-MI-01**

FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Finding of Violation under Section 113(a)(3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3). EPA finds that Fritz Products, Inc. (Fritz) has violated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, 40 C.F.R. Part 63, Subpart RRR (Subpart RRR NESHAP), as follows:

Statutory and Regulatory Background

1. Pursuant to 40 C.F.R. § 63.1500(a), the requirements of the Subpart RRR NESHAP apply to the owner or operator of each secondary aluminum production facility.

2. Under 40 C.F.R. § 63.1503, a "secondary aluminum production facility" is defined as any establishment using clean charge, aluminum scrap, or dross from aluminum production, as the raw material and performing one or more of the following processes: scrap shredding, scrap drying/delacquering/decoating, thermal chip drying, furnace operations (that is, melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in-line fluxing, or dross cooling.

3. Pursuant to 40 C.F.R. § 63.1500(c), the requirements of the Subpart RRR NESHAP pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements apply to new and existing secondary aluminum processing units located at secondary aluminum production facilities that is an area source of hazardous air pollutants as defined in 40 C.F.R. § 63.2.

4. Under 40 C.F.R. § 63.1503, a "secondary aluminum processing unit" is defined as all group 1 furnaces within a secondary aluminum production facility.

5. Under 40 C.F.R. § 63.1503 a "group 1 furnace" is defined as a furnace of any design that melts, holds, or processes aluminum that contains paint, lubricants, coatings, or other foreign materials with or without reactive fluxing, or processes clean charge with reactive fluxing.

6. Pursuant to 40 C.F.R. § 63.1500(c)(4), the requirements of the Subpart RRR NESHAP pertaining to dioxin and furan (D/F) emissions and the associated operating, monitoring, reporting and recordkeeping requirements apply to each new or existing secondary aluminum processing unit containing one or more group 1 furnace emission units processing other than clean charge.

7. Pursuant to 40 C.F.R. § 63.1501(a), the owner or operator of an existing affected source must comply with the requirements of the Subpart RRR NESHAP by March 24, 2003.

8. Pursuant to 40 C.F.R. § 63.1501(b), the owner or operator of an affected source constructed before February 11, 1999 is an existing affected source.

9. Pursuant to 40 C.F.R. § 63.1505(i)(3), on and after the compliance date of March 24, 2003, the owner or operator of a group 1 furnace must not discharge or cause to be discharged to the atmosphere emissions in excess of 15 micrograms of D/F per megagram of feed/charge (2.1×10^{-4} grains per ton).

10. Under 40 C.F.R. § 63.1506(n)(3), the owner or operator of a group 1 furnace (including a group 1 furnace that is part of a secondary aluminum processing unit) without add-on air pollution controls must operate each group 1 melting/holding furnace subject to the emission standards in 40 C.F.R. § 63.1505(i)(2) using only clean charge as the feedstock.

11. Pursuant to 40 C.F.R. § 63.1510(f), "the owner or operator of an affected source or emission unit using a fabric filter or lime-injection fabric filter to comply with the requirements of this subpart must install, calibrate, maintain, and continuously operate a bag leak detection system as required in paragraph (f)(1) of this section or a continuous opacity monitoring system as required in paragraph (f)(2) of this section."

12. Pursuant to 40 C.F.R. § 63.1510(i)(3), "[a]n owner or operator who intermittently adds lime to a lime coated fabric filter must obtain approval from the permitting authority for a lime addition monitoring procedure."

13. Pursuant to 40 C.F.R. § 63.1510(v), "[t]he owner or operator of a lime-coated fabric filter that employs intermittent or noncontinuous lime addition may apply to the Administrator for approval of an alternative method for monitoring the lime addition schedule and rate based on monitoring the weight of lime added per ton of feed/charge for each operating cycle or time period used in the performance test."

14. Pursuant to 40 C.F.R. § 63.10(b), "(1) [t]he owner or operator of an affected source subject to the provisions of this part shall maintain files of all information (including all

reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. . . . (2) [t]he owner or operator of an affected source subject to the provisions of this part shall maintain relevant records for such source of- (vii) [a]ll required measurements needed to demonstrate compliance with a relevant standard. . . ."

15. Pursuant to 40 C.F.R. § 63.1510(j) an owner or operator of a group 1 furnace (with or without add-on air pollution control devices) must: (1) Install, calibrate, operate, and maintain a device to continuously measure and record the weight of gaseous or liquid reactive flux injected to each source or unit; (i) the monitoring system must record the weight for each 15-minute block period, during which reactive fluxing occurs, over the same operating cycle or time period used in the performance test.

16. Under 40 C.F.R. § 63.1512(o)(1), the owner or operator must use this procedure to establish an operating parameter value or range for the total reactive flux injection rate: continuously measure and record the weight or gaseous or liquid reactive flux injected for each 15-minute period during the HCl and D/F tests, determine and record the 15-minute block average weights, and calculate and record the total weight of the gaseous or liquid reactive flux for the 3 test runs.

17. Under 40 C.F.R. § 63.1510(b), "[t]he owner or operator must prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance, and monitoring (OM&M) plan. . . . [t]he owner or operator must comply with all of the provisions of the OM&M plan as submitted to the permitting authority. . . ."

Factual Allegations

18. Fritz owns and operates a secondary aluminum production facility at 255 Marion Road, River Rouge, Michigan (the facility).

19. Fritz uses aluminum scrap as the primary charge into its reverbatory furnace. The charge is melted and then poured into ingots and sows.

20. The 130,000 pound capacity reverbatory furnace is defined as a group 1 furnace because it is a secondary aluminum processing unit that processes unclean charge, and is therefore subject to the Subpart RRR NESHAP.

21. The facility was in operation before February 11, 1999.

22. On May 31, 2002, Fritz sent a letter to the Michigan Department of Environmental Quality (MDEQ) stating that the Subpart RRR NESHAP did not apply to their facility because it only melted clean charge.

23. On October 28, 2002, U.S. EPA Region 5 informed MDEQ via email that Fritz did not charge materials that were defined as "clean charge".

24. On January 17, 2003, Fritz sent a letter to MDEQ stating Fritz understood MDEQ did not agree with Fritz's conclusion that it was not subject to the Subpart RRR NESHAP, and that Fritz would undergo compliance testing for D/F in accordance with the NESHAP.

25. On August 1, 2007, Fritz conducted a performance test to determine D/F emissions from its stack attached to the group 1 furnace baghouse.

26. The results of the August 1, 2007 performance test demonstrated D/F emission rates averaging 5.64×10^{-4} grains D/F per TEQ/ton of raw material feed.

27. Fritz operates a fabric filter baghouse with air intake from the group 1 furnace.

28. At the facility baghouse, Fritz does not have a bag leak detection system (BLDS).

29. At the facility baghouse, Fritz does not have a continuous opacity monitor system (COMS).

30. Fritz stated in its August 11, 2010 response to a 114 Information Request that it injects lime into the facility baghouse three times a week. Fritz therefore does not continuously inject lime into the facility baghouse.

31. Fritz did not obtain approval from the Michigan Department of Natural Resources and Environment (MDNRE, previously MDEQ) for a lime addition monitoring procedure for its intermittent or noncontinuous lime addition to the facility baghouse.

32. Fritz did not apply to the Administrator for approval of an alternative method for monitoring the lime addition schedule and rate in order to employ intermittent or noncontinuous lime addition to the facility baghouse during performance testing.

33. Fritz possesses facility baghouse lime injection records from January 2008 to the present.

34. Fritz possesses facility baghouse inlet temperature records from October 28, 2007 to the present. Fritz stated in its August 11, 2010 response to a 114 Information Request that the furnace is equipped with a continuous temperature monitor and records the baghouse inlet temperature once every 12-hour period.

35. Fritz records chlorine flux injection rates into the group 1 furnace on a monthly basis.

Violations

36. The August 1, 2007 D/F testing demonstrated that the average D/F emission rate exceeded the applicable emission standard of 2.1 X 10^{-4} grains D/F per TEQ/ton of raw material feed, in violation of 40 C.F.R. § 63.1505(i)(3) and Section 112 of the Act, 42 U.S.C. 7412.

37. Fritz's failure to have a BLDS or COMS to monitor operations on the baghouse controlling the group 1 furnace is a violation of 40 C.F.R. § 63.1510(f), and Section 112 of the Act, 42 U.S.C. 7412.

38. Fritz's failure to install, calibrate, operate and maintain a device to continuously measure and record the weight of gaseous and liquid reactive flux injected into its group 1 furnace is a violation of 40 C.F.R. § 63.1510(j)(1), and Section 112 of the Act, 42 U.S.C. 7412.

39. Fritz's failure to establish an operating parameter value or range for the total reactive flux injection rate by continuously measuring and recording the weight or gaseous or liquid reactive flux injected for each 15-minute period during D/F testing is a violation of 40 C.F.R. § 63.1512(o), and Section 112 of the Act, 42 U.S.C. 7412.

40. Fritz's failure to obtain approval from the MDNRE for a lime addition monitoring procedure for its intermittent lime addition into the facility baghouse furnace is a violation of 40 C.F.R. § 63.1510(i)(3), and Section 112 of the Act, 42 U.S.C. 7412.

41. Fritz's failure to apply to the Administrator for approval of an alternative method for monitoring the lime addition schedule and rate in order to employ intermittent or noncontinuous lime addition into the facility baghouse during performance testing is a violation of 40 C.F.R. § 63.1511(v), and Section 112 of the Act, 42 U.S.C. 7412.

42. Fritz's failure to retain records of lime injection amounts into the facility baghouse for at least 5 years from the date of each measurement is a violation of 40 C.F.R. § 63.10(b), and Section 112 of the Act, 42 U.S.C. 7412.

43. Fritz's failure to retain records of the facility baghouse inlet temperature in 15-minute block averages to and calculate and record the average temperature for each 3-hour block period is a violation of 40 C.F.R. § 63.1510(h)(2), and Section 112 of the Act, 42 U.S.C. 7412.

44. Fritz's failure to comply with all of the provisions of the facility's OM&M plan as submitted to the permitting authority is a violation of 40 C.F.R. § 63.1512(b), and Section 112 of the Act, 42 U.S.C. 7412.

Enforcement Authority

45. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in part that if the Administrator finds that a person has violated, or is in violation of any requirement or prohibition of any rule. . . promulgated. . . under. . . [Title I or Title V of the Act], the Administrator may issue an administrative penalty order under Section 113(d), 42 U.S.C. 7413(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b), 42 U.S.C. 7413(b), for injunctive relief and/or civil penalties.

9/27/10
Date

Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation by Certified Mail, Return Receipt Requested, to:

William Elson, Vice President
Fritz Products
255 Marion Road
River Rouge, Michigan, 48218

I also certify that I sent a copy of the Finding of Violation by First Class Mail to:

Teresa Seidel, District Supervisor
Michigan Department of Environmental Quality
Southeast Michigan District Office
27700 Donald Court
Warren, Michigan 48092-2793

on the 21 day of September 2010.

Tracy Jamison
Office Automation Assistant
AECAS (MI/WI)

Certified Mail Receipt Number: 7009 1680 0000 7667 4706