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

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

David Hartigan, Plant Manager
St. Paul Brass and Aluminum Foundry
954 Minnehaha Avenue
Saint Paul, Minnesota 55104
davidhartigan@stpaulfoundry.com

Re: Finding of Violation
St. Paul Brass and Aluminum Foundry
Saint Paul, Minnesota

Dear David Hartigan:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to St. Paul Brass and Aluminum Foundry (you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries (NESHAP Subpart ZZZZZZ) at your Saint Paul, Minnesota facility (the 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 Meaghan Pashen. You may call her at (312) 886-9296 or email her at pashen.meaghan@epa.gov 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,

Brian Dickens

Digitally signed by Brian Dickens
Date: 2023.06.20 12:09:41 -05'00'

Brian Dickens
Supervisor, Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure: SBREFA fact sheet

cc: Rachel Studanski, Manager
Land and Air Compliance Section
Industrial Division
Minnesota Pollution Control Agency (MPCA)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
St. Paul Brass and Aluminum Foundry	)	**FINDING OF VIOLATION**
Saint Paul, Minnesota	)	
	)	**EPA-5-23-MN-3**
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	
	)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that St. Paul Brass and Aluminum Foundry (St. Paul Brass) is violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412. Specifically, St. Paul Brass is violating the National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries at 40 C.F.R. Part 63, Subpart ZZZZZZ, as follows:

Relevant Statutory and Regulatory Authority

National Emission Standards for Hazardous Air Pollutants

1. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAPs) and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

2. The NESHAPs in 40 C.F.R. Part 63 are national technology-based performance standards for HAP sources in each source category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for each source category (maximum achievable control technology or MACT). *See* 42 U.S.C. § 7412(d)(2).

3. For categories of area sources listed pursuant to Section 112(c), 42 U.S.C. § 7412(c), EPA may promulgate standards or requirements which provide for the use of generally available control technologies (GACT) or management practices in lieu of MACT. *See* 42 U.S.C. § 7412(d)(5).

4. Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1), defines "major source" as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit (PTE) considering controls, in the aggregate, 10 tons per year (TPY) or more of any single HAP or 25 TPY or more of any combination of HAPs.

5. Section 112(a)(2) of the CAA, 42 U.S.C. § 7412(a)(2), defines "area source" as any stationary source of HAPs that is not a major source.

6. Section 112(i)(3)(A) of the CAA, 42 U.S.C. § 7412(i)(3)(A), and 40 C.F.R. § 63.4(a), prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

NESHAP for Nonferrous Foundry Area Sources

7. On June 25, 2009, EPA promulgated the NESHAP for Nonferrous Foundry Area Sources, codified at 40 C.F.R. Part 63, Subpart ZZZZZZ (NESHAP ZZZZZZ). 74 Fed. Reg. 30367. NESHAP ZZZZZZ establishes emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements for nonferrous foundry area sources. *See* 40 C.F.R. §§ 63.11550 - 6311553.

8. 40 C.F.R. § 63.11544(a) states, "You are subject to this subpart if you own or operate an aluminum foundry, copper foundry, or other nonferrous foundry as defined in § 63.11556, 'What definitions apply to this subpart?' that is an area source of hazardous air pollutant (HAP) emissions as defined in § 63.2 and meets the criteria specified in paragraphs (a)(1) through (4) of this section. Once you are subject to this subpart, you must remain subject to this subpart even if you subsequently do not meet the criteria in paragraphs (a)(1) through (4) of this section."

9. 40 C.F.R. § 63.11544(a)(1) states that "[You are subject to this subpart if] [y]our aluminum foundry uses material containing aluminum foundry HAP, as defined in § 63.11556 . . . ."

10. 40 C.F.R. § 63.11556 defines "aluminum foundry" as "a facility that melts aluminum and pours molten aluminum into molds to manufacture aluminum castings (except die casting) that are complex shapes. For purposes of this subpart, this definition does not include primary or secondary metal producers that cast molten aluminum to produce simple shapes such as sows, ingots, bars, rods, or billets."

11. 40 C.F.R. § 63.11556 defines "aluminum foundry HAP" as "any compound of the following metals: beryllium, cadmium, lead, manganese, or nickel, or any of these metals in the elemental form."

12. 40 C.F.R. § 63.11556 defines "material containing aluminum foundry HAP" as "a material containing one or more aluminum foundry HAP. Any material that contains beryllium, cadmium, lead, or nickel in amounts greater than or equal to 0.1 percent by weight (as the metal), or contains manganese in amounts greater than or equal to 1.0 percent by weight (as the metal), as shown in formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet for the material, is considered to be a material containing aluminum foundry HAP."

13. 40 C.F.R. § 63.11544(a)(2) states that "[You are subject to this subpart if] [y]our copper foundry uses material containing copper foundry HAP, as defined in § 63.11556 . . . ."

14. 40 C.F.R. § 63.11556 defines "copper foundry" as "a foundry that melts copper or copper-based alloys and pours molten copper or copper-based alloys into molds to manufacture copper or copper-based alloy castings (excluding die casting) that are complex shapes. For purposes of this subpart, this definition does not include primary or secondary metal producers that cast molten copper to produce simple shapes such as sows, ingots, billets, bars, anode copper, rods, or copper cake."

15. 40 C.F.R. § 63.11556 defines "copper foundry HAP" as "any compound of any of the following metals: lead, manganese, or nickel, or any of these metals in the elemental form."

16. 40 C.F.R. § 63.11556 defines "material containing copper foundry HAP" as "a material containing one or more copper foundry HAP. Any material that contains lead or nickel in amounts greater than or equal to 0.1 percent by weight (as the metal), or contains manganese in amounts greater than or equal to 1.0 percent by weight (as the metal), as shown in formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet for the material, is considered to be a material containing copper foundry HAP."

17. 40 C.F.R. § 63.11544(a)(4) states, "[You are subject to this subpart if] [y]our aluminum foundry, copper foundry, or other nonferrous foundry has an annual metal melt production (for existing affected sources) or an annual metal melt capacity (for new affected sources) of at least 600 tons per year (tpy) of aluminum, copper, and other nonferrous metals, including all associated alloys. You must determine the annual metal melt production and capacity for the time period as described in paragraphs (a)(4)(i) through (iv) of this section."

18. 40 C.F.R. § 63.11544(a)(4)(i) states, "If you own or operate a melting operation at an aluminum, copper or other nonferrous foundry as of February 9, 2009, you must determine if you are subject to this rule based on your facility's annual metal melt production for calendar year 2010."

19. 40 C.F.R. § 63.11544(b) states, "This subpart applies to each new or existing affected source located at an aluminum, copper or other nonferrous foundry that is an area source as defined by § 63.2. The affected source is the collection of all melting operations located at an aluminum, copper, or other nonferrous foundry."

20. 40 C.F.R. § 63.11544(c) states, "An affected source is an existing source if you commenced construction or reconstruction of the affected source on or before February 9, 2009."

21. For an existing affected source, 40 C.F.R. § 63.11556 defines "small foundry" as "a copper or other nonferrous foundry with an annual metal melt production of copper, other nonferrous metals, and all associated alloys (excluding aluminum) of less than 6,000 tons."

22. 40 C.F.R. § 63.11550(a)(1) states that existing affected sources subject to NESHAP ZZZZZZ must "[c]over or enclose each melting furnace that is equipped with a cover or enclosure during the melting operation to the extent practicable (e.g., except when access is needed; including, but not limited to charging, alloy addition, and tapping)."

23. 40 C.F.R. § 63.11550(a)(2) states that existing affected sources subject to NESHAP ZZZZZZ must "[p]urchase only metal scrap that has been depleted (to the extent practicable) of

aluminum foundry HAP, copper foundry HAP, or other nonferrous foundry HAP (as applicable) in the materials charged to the melting furnace, except metal scrap that is purchased specifically for its HAP metal content for use in alloying or to meet specifications for the casting. This requirement does not apply to material that is not scrap (e.g., ingots, alloys, sows) or to materials that are not purchased (e.g., internal scrap, customer returns)."

24. 40 C.F.R. § 63.11550(a)(3) states that existing affected sources subject to NESHAP ZZZZZZ must "[p]repare and operate pursuant to a written management practices plan. The management practices plan must include the required management practices in paragraphs (a)(1) and (2) of this section and may include any other management practices that are implemented at the facility to minimize emissions from melting furnaces. You must inform your appropriate employees of the management practices that they must follow. You may use your standard operating procedures as the management practices plan provided the standard operating procedures include the required management practices in paragraphs (a)(1) and (2) of this section."

25. 40 C.F.R. § 63.11553(a) requires all existing affected sources to submit an Initial Notification within 120 days after June 25, 2009, and specifies the information that must be provided in the notification.

26. 40 C.F.R. § 63.11553(b) requires an affected source to submit a Notification of Compliance Status (NOCS) within 120 days after the applicable compliance date specified in 40 C.F.R. § 63.11545, unless a performance test is required, and specifies the information that must be provided in the NOCS.

27. 40 C.F.R. § 63.11545(a) states, "If you own or operate an existing affected source, you must achieve compliance with the applicable provisions of this subpart no later than June 27, 2011."

Relevant Factual Background

28. St. Paul Brass owns and operates an aluminum and brass foundry at 954 West Minnehaha Avenue in St. Paul, Minnesota (the Facility).

29. EPA conducted a CAA inspection of the Facility on July 12, 2022.

30. EPA was informed during the CAA inspection that the Facility has been in operation since approximately the 1950s.

31. The Facility melts aluminum and copper-based alloys and pours molten aluminum and copper-based alloys into molds to produce castings that are complex shapes.

32. EPA's publicly available Enforcement and Compliance History Online (ECHO) website[1] reports that the Facility emitted 16.84 pounds of HAPs in 2017 and 2020.

[1] https://echo.epa.gov/air-pollutant-report?fid=110003745403

33. The Facility is an area source of HAPs.

34. EPA issued an information request pursuant to Section 114 of the CAA to St. Paul Brass on November 14, 2022 (Information Request).

35. St. Paul Brass submitted information responsive to EPA's Information Request on multiple dates throughout 2023.

36. St. Paul Brass provided information documenting the production of aluminum alloys with a concentration of nickel greater than 0.1 percent by weight.

37. Based on available information, the Facility is an aluminum foundry that uses material containing aluminum foundry HAP.

38. St. Paul Brass provided information documenting the production of copper alloys with a concentration of lead greater than 0.1 percent by weight.

39. Based on available information, the Facility is a copper foundry that uses material containing copper foundry HAP.

40. According to information provided by St. Paul Brass, the Facility's annual metal melt production was greater than 600 tons in 2010.

41. According to information provided by St. Paul Brass, the Facility's annual melt production is less than 6,000 tons.

42. The Facility is an existing affected source subject to the small foundry requirements of NESHAP ZZZZZZ and is required to achieve compliance no later than June 27, 2011.

43. The Facility has not submitted an Initial Notification.

44. The Facility has not submitted a NOCS.

Violations

45. St. Paul Brass has failed to demonstrate compliance with NESHAP ZZZZZZ reporting requirements in violation of 40 C.F.R. § 63.11553.

46. St. Paul Brass has failed to demonstrate compliance with NESHAP ZZZZZZ standards and management practices for small foundries in violation of 40 C.F.R. §§ 63.11550(a)(1), 63.11550(a)(2), and 63.11550(a)(3).

MICHAEL HARRIS

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Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division