



REGION 5
CHICAGO, IL 60604

April 29, 2026

Mr. John Rochford
General Manager
Imperial Zinc Corporation
1031 East 103rd Street
Chicago, Illinois 60628

Via email: john@imperialzinc.com

RE: Request for Reconsideration of Applicability Determination of 40 C.F.R. Part 63, subpart TTTTTT, to Imperial Zinc Corporation, Chicago, Illinois

Dear Mr. Rochford:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your letter dated August 27, 2025, requesting reconsideration of the EPA's June 30, 2025, applicability determination as to whether Imperial Zinc Corporation's ("Imperial Zinc") facility, located in Chicago, Illinois, is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Nonferrous Metals Processing Area Sources, 40 CFR Part 63, subpart TTTTTT ("NESHAP subpart TTTTTT"). The June 30, 2025, letter determined that NESHAP subpart TTTTTT does not apply to Imperial Zinc's Chicago facility but noted that this determination may require a re-evaluation if the Imperial Zinc facility processed incoming material that has coatings or treatments with chemicals or lubricants containing volatile organic compounds (VOCs) or hazardous air pollutants (HAP).

Based on the information provided in your letter, follow-up discussions between Imperial Zinc and the EPA, and additional documentation you submitted on October 17, 2025, the EPA reaffirms that NESHAP subpart TTTTTT does not apply to Imperial Zinc's Chicago facility. Further, Imperial Zinc has demonstrated that the returned or run-off material the Chicago facility accepts and processes has not been chemically modified in such a manner that it can no longer be used for its intended purpose. Therefore, the material does not constitute "post-consumer nonferrous metal scrap" for the purposes of NESHAP subpart TTTTTT. This determination is based on information contained in your letter and other information available to the EPA as of the date of this letter. This determination should not be construed as resolution of any pending enforcement action currently before the EPA.

Background

Imperial Zinc operates an existing zinc and zinc alloys processing facility in Chicago, Illinois under a minor source Clean Air Act operating permit, which the Illinois EPA last issued on January 14, 2025. The facility processes exclusively special high-grade zinc (pure zinc), chopped primary aluminum wire made from Electrical Conductor (EC) grade aluminum (EC chops) and copper (primary copper wire) into an ingot or sow form. In addition, the facility receives and processes (*i.e.*, remelts) returned run-off material from customers, including the gates or shavings produced when a customer diecasts a part and any residual metal is left over. The run-off material, which also includes rejected diecasts, is the same material that Imperial Zinc produces for customers and receives from customers for remelting.

On June 30, 2025, the EPA determined that NESHAP subpart TTTTTC does not apply to the zinc scrap processing emissions units at Imperial Zinc's Chicago facility because those emissions units do not process post-consumer nonferrous metal scrap. The EPA stated that its determination "relie[d] upon the accuracy of the information submitted in the [company's] December 16, 2024, letter and subsequent discussions between the EPA and Imperial Zinc." We further explained that "[i]f Imperial Zinc determines that its current scrap has been coated or had VOC- or HAP- containing working lubricants or other chemicals applied, or receives such scrap in the future, that material may qualify as post-consumer scrap and this determination, and the applicability of NESHAP Subpart TTTTTC, may need to be re-evaluated."

On August 27, 2025, Imperial Zinc requested that the EPA reconsider the June 30, 2025, applicability determination. Imperial Zinc's August 2025 request contained the following statement: "While we agree that [NESHAP subpart TTTTTC] does not apply to Imperial Zinc's facility, we disagree that a customer's treatment of return or run-off material with coatings, lubricants or other chemicals has any relevance to the applicability of [NESHAP subpart TTTTTC] and, therefore, request EPA reconsider this determination." Imperial Zinc requested a revision of the June 30, 2025, determination "to remove any reference to or consideration of whether the returns or run-offs from customers has been coated or treated or had VOC or HAP- containing working lubricants or other chemicals applied, as such consideration is irrelevant to applicability of [NESHAP subpart TTTTTC]." In subsequent discussions with the EPA, including an October 17, 2025, submission of additional documentation, Imperial Zinc explained that their processed material is not "scrap" because they do not source material from "scrap dealers," and all material "is sourced from traders or producers."¹ Additionally, Imperial Zinc described their processed material as "clean," "unaltered," and "not visibly compromised or chemically compromised" from the original material that the customer received. Further, Imperial Zinc

¹ The October 17, 2025, documentation included: 1) Customer receiving paperwork for the run-off material received by Imperial Zinc, including a receiving ticket showing weights, Bill of Lading and final inspection log sheet; 2) Customer shipping paperwork for the run-off material that has been re-melted into an ingot or sow form and shipped back to the same customer, including plant order and packing list showing weights, Bill of Lading and Test Report certifying the alloy; 3) Photos of ingots and sows produced by Imperial Zinc and run-off material from a customer that has been sent back to be re-melted; 4) Photo of a 2" sample button; and 5) Zinc Alloy Ingot Chemical Composition sheet.

stated that it uses a chemical analysis to confirm that material received at the facility is the same material as that originally shipped to the supplier of the material. With respect to run-off material, the company “confirms the material meets the same zinc alloy standard specifications as the material originally shipped to the customer.” Additionally, the company stated that although there may be “splashes” of “accidental” oils, lubricants and other fluids in received and processed materials, Imperial Zinc would reject the material if it does not meet the purity requirements of the original Imperial Zinc ingot or sow product.

Analysis

Under 40 C.F.R. § 63.11462, NESHAP subpart TTTTTT applies to a “secondary nonferrous metals processing facility” at an area source of HAP. A “secondary nonferrous metals processing facility” is defined at 40 C.F.R. § 63.11472 as a “secondary zinc processing plant that uses furnace melting operations to melt *post-consumer nonferrous metal scrap* to make products including bars, ingots, blocks, or metal powders” (emphasis added).

NESHAP subpart TTTTTT does not define the term “post-consumer non-ferrous metal scrap.” However, as explained in the June 30, 2025, letter, the EPA inferred a definition from the term’s usage in industry practice as well as definitions found in other related NESHAP provisions, such as 40 C.F.R. § 63.7852. Consistent with 40 C.F.R. § 63.7852, the EPA interprets “post-consumer non-ferrous metal scrap” to refer to non-ferrous metal scrap that is composed of materials made of non-ferrous metal “that were purchased by households or by commercial, industrial, and institutional facilities in their role as end-users of the product and which can no longer be used for its intended purpose.”

Imperial Zinc provided additional information that does not alter the EPA’s prior determination: the facility is not subject to NESHAP subpart TTTTTT because the equipment at the facility does not process post-consumer nonferrous metal scrap.

In the EPA’s June 30, 2025, determination, we noted a scenario that could necessitate a reevaluation of the applicability determination—when the company receives and processes scrap that has been coated or had VOC- or HAP-containing working lubricants or other chemicals applied. The EPA included that statement to illustrate generally the types of modifications that consumers of scrap (such as commercial consumers) may make to purchased material before disposing or sending it back to the original producer for further processing. If Imperial Zinc’s customers, who are the consumers of the company’s products, chemically modify the material that was originally supplied by Imperial Zinc in such a manner that it could no longer be used for its intended purpose before sending it back to Imperial Zinc for additional processing, those customers would constitute “end-users” under NESHAP subpart TTTTTT. For purposes of this applicability determination, the returned material could no longer be used for its intended purpose if its chemical composition is different from the original material’s chemical composition. Such chemical modifications include, but are not limited to, coating the material, adding another metal to the material surface, or melting other metals into the material to create a new alloy. The EPA believes accidental splashes of VOC- or HAP-containing

oils and lubricants onto material during handling does not constitute chemical modification of the material.

Therefore, based on the information provided in your letters, subsequent discussions, and other information available to the EPA as of the date of this letter, the EPA reaffirms that NESHAP subpart TTTTTT does not apply to the zinc scrap processing emissions units at the subject Imperial Zinc facility because those emissions units do not process post-consumer nonferrous metal scrap.

We coordinated this determination with the EPA Region 5 Enforcement and Compliance Assurance Division and the Office of Clean Air Programs. If you have any further questions, please contact David Ogulei of my staff at 312-353-0987 or Ogulei.David@epa.gov.

Sincerely,

**DOUGLAS
ABURANO**

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Douglas Aburano
Manager
Air Programs Branch

cc: Julie Armitage, Chief, Bureau of Air, Illinois EPA