



REGION 5
CHICAGO, IL 60604

June 30, 2025

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

via email to [john@imperialzinc.com]

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

Dear Mr. Rochford:

The United States Environmental Protection Agency received your letter, dated December 16, 2024, requesting that the EPA determine whether Imperial Zinc Corporation (Imperial Zinc), located in Chicago, Illinois, is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Nonferrous Metals Processing Area Sources, 40 C.F.R. Part 63, Subpart TTTTTT (NESHAP Subpart TTTTTT). For the reasons provided below, the EPA has determined that NESHAP Subpart TTTTTT does not apply to Imperial Zinc's facility. 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 (CAA) operating permit, which the Illinois Environmental Protection Agency (Illinois EPA) last issued on January 14, 2025. The facility consists of equipment used for zinc scrap processing, zinc alloy production, and pure zinc processing. The facility's emissions units consist of scrap and alloy pots, along with furnaces used for processing scrap, producing alloys, and processing pure zinc. Pursuant to the facility's CAA operating permit, the emissions units used for zinc scrap processing are subject to NESHAP Subpart TTTTTT, while those used for alloy production and pure zinc processing are not.

In April 2024, Imperial Zinc provided information to the EPA stating that the materials it processes includes "Special High Grade" zinc purchased from specific commercial entities and brokers, "EC Chops" (i.e., primary aluminum wire), "Copper," and "tolling." The company

defined “tolling material” as return or run-off material received directly from customers, processed back into “ingot or sow form,” and then sent back to the customer. Alternatively, Imperial Zinc may pay the customer for the value of the recovered metal. Imperial Zinc defined run-off material as the “gates” or shavings that are produced when a customer die casts a part, and any residual metal is left over. It also includes rejected die casts.

On December 16, 2024, Imperial Zinc requested the EPA to determine whether its Chicago facility is “no longer subject” to NESHAP Subpart TTTTTT because it stopped processing material that would otherwise subject the facility to this NESHAP.

Analysis of Imperial Zinc’s Request

Under 40 C.F.R. § 63.11462, NESHAP Subpart TTTTTT applies to a “secondary nonferrous metals processing facility” that is an area source of hazardous air pollutants (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.” In its request, Imperial Zinc stated that its Chicago facility does not qualify as a “secondary nonferrous metals processing facility” because the facility “has not melted post-consumer nonferrous metal scrap in its furnaces since prior to 2016,” and that the “material processed at Imperial Zinc’s facility is 100% return or runoffs directly from its customers or pure zinc.”

In the absence of a definition of “post-consumer nonferrous metal scrap” in NESHAP Subpart TTTTTT, we refer to the definition of the term in other related NESHAPs. In this regard, the terms “post-consumer” and “pre-consumer” scrap are defined in the NESHAP for Integrated Iron and Steel Manufacturing Facilities, 40 C.F.R. Part 63, Subpart FFFFF (NESHAP Subpart FFFFF), as follows:

- “*Post-consumer steel scrap* means steel scrap that is composed of materials made of steel 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.” [see 40 C.F.R. §.63.7852]
- “*Pre-consumer steel scrap* means steel scrap that is left over from industrial or manufacturing processes and which is subsequently recycled as scrap. Other terms used to describe this scrap are new, home, runaround, prompt-industrial, and return scrap.” [see 40 C.F.R. § 63.7852]

Like NESHAP Subpart TTTTTT, NESHAP Subpart FFFFF deals with hazardous air pollution from the metals industry (in this case iron and steel). As shown in 40 C.F.R. § 63.7852, NESHAP Subpart FFFFF puts “prompt-industrial” scrap in the pre-consumer category: “Other terms used to describe [pre-consumer] scrap are new, home, run-around, *prompt-industrial*, and return scrap.” (emphasis added). Because NESHAP Subpart TTTTTT and NESHAP Subpart FFFFF address

similar issues, the defined terms from NESHAP Subpart FFFFF inform the meaning of the undefined terms in NESHAP Subpart TTTTTT.

Additionally, because NESHAP Subpart TTTTTT addresses a technical audience or specific trade (here the metals industry), words in the regulation take any technical meaning within that trade. *Van Buren v. United States*, 593 U.S. 374, 388 (2021); *O'Hara v. Luckenbach S.S. Co.*, 269 U.S. 364, 370–71 (1926). In this regard, the metals industry divides scrap into two categories: *pre-consumer* and *post-consumer*. *Pre-consumer* scrap subtypes include *home scrap* and *prompt-industrial scrap*. Industry references consistently define *prompt-industrial scrap* to include the tolling material at issue here: excess metals (often trimmings) generated downstream in the manufacturing process when semi-fabricated materials are converted into parts. Indeed, *tolling* refers to a contract arrangement for *prompt-industrial scrap* where the scrap is returned upstream to the manufacturers of the semi-fabricated part. Meanwhile, *post-consumer scrap* is similarly uniformly defined: scrap that is out of the manufacturing loop or recovered from a product that has reached the end of its life.

A consumer of metal, especially metal purchased by industrial facilities, will often coat the metal, apply working lubricants, or otherwise introduce chemicals to the raw metal supplied. These coatings and lubricants can contain volatile organic compounds (VOC) or HAP, which would then lead to HAP emissions when the returned scrap is processed. Imperial Zinc has represented to the EPA that the returned material is in raw form without coatings or the introduction of other compounds or chemicals (e.g., EC Chops, copper, pure zinc).

Therefore, based on the information provided in your letter and other information available to the EPA as of the date of this letter, the EPA agrees that NESHAP Subpart TTTTTT does not apply to the zinc scrap processing emissions units at the facility because those emissions units do not process post-consumer nonferrous metal scrap. This applicability determination relies upon the accuracy of the information submitted in the December 16, 2024, letter and subsequent discussions between the EPA and Imperial Zinc. If 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 TTTTTT, may need to be re-evaluated.

We coordinated this determination with the Office of Enforcement and Compliance Assurance and the Office of Air Quality Planning and Standards. 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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Date: 2025.06.30
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Douglas Aburano
Manager
Air Programs Branch

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