

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN RE:) Facility ID: 51-01-005
)
HYCAST FOUNDRY LLC) Permit No.: 99-TV-058R4

**PETITION BY SIERRA CLUB IOWA CHAPTER TO OBJECT TO THE
ISSUANCE OF A TITLE V OPERATING PERMIT**

INTRODUCTION

HyCast Foundry LLC operates a grey and ductile foundry in Fairfield, Iowa. The facility manufactures a variety of products, including castings for agricultural, construction, and mining equipment; industrial machinery, heavy trucks, railroads, as well as hydraulic components. The facility uses induction furnaces to melt scrap iron for production of ductile castings. Molten iron is poured from the furnaces into ladles for magnesium inoculation (the production of ductile iron) and transported to the mold, pour, and cool lines. The castings continue through the production line to shakeout and various cleaning operations.

The initial Title V operating permit under the Clean Air Act was issued to the facility by the Iowa Department of Natural Resources (IDNR) in 1999. The permit was reissued in 2008, 2015, and 2020. The current permitting action is to renew the Title V permit for the fourth time.

PETITIONER

Sierra Club Iowa Chapter is the oldest and largest grassroots environmental organization in Iowa. We have approximately 6,000 members throughout the State of Iowa, including in Fairfield, Iowa. Sierra Club advocates for effective pollution control laws and regulations and the enforcement of those laws and regulations, including those related to air pollution. Throughout this Title V permitting process, Sierra Club members have raised objections, submitted comments and have attended meetings, challenging the issuance of HyCast's Title V permit.

GROUND FOR GRANTING THIS PETITION

Sierra Club members submitted comments, both oral and written, during the public comment period on this permit. The objections raised in those comments are reflected in the Petition submitted by Mr. Robert Smistik. Sierra Club joins in the Petition submitted by Mr. Smistik, but submits this Petition to simply highlight some of the more important objections and to provide standing for Sierra Club to seek judicial review.

Statutory Basis for Permit Challenge

The primary challenge to the Title V permit in this case arises from the requirements of 42 U.S.C. § 7661c. More specifically, § 7661c(c) states:

Each permit issued under this subchapter **shall** set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements **shall** conform to any applicable regulation under subsection (b). Any report required to be submitted by a permit issued to a corporation under this subchapter **shall** be signed by a responsible corporate official, who shall certify its accuracy. (emphasis added).

So it is clear, with the repeated use of the word “shall,” that this statute creates non-discretionary duties on the permitting agency.

In order to carry out the non-discretionary duties imposed by § 7661c(c), the EPA has promulgated the regulation at 40 C.F.R. § 70.6. This regulation sets out the required elements that must be in a Title V permit. This regulation establishes further non-discretionary duties, in addition to those in § 7661c(c).

Robert Smistik’s petition sets out in detail how the Title V permit for HyCast does not comply with these statutory and regulatory requirements.

One of the important issues presented in reviewing the HyCast Title V permit is that the permit does not contain the required monitoring provisions in 40 C.F.R. § 70.6(3). This is important to ensure that the facility is operating within the emission limits established by law. Even after the draft permit was issued despite objections made by Sierra Club members and others, HyCast failed a stack test on April 7, 2026. So the insufficient monitoring did not detect what turned out to be a violation of the particulate limits in the permit. That was exactly the point of the comments made during the permitting process. It is obvious that the permit did not contain the required monitoring and compliance provisions that must be in the permit.

An even more troubling issue presented by HyCast’s Title V permit is that it has avoided regulation for hazardous air pollutants (HAPs). Although HyCast’s potential to emit HAPs puts it over the 25 tons per year (tpy) threshold for stricter regulation, it claims to be a synthetic minor, due to permit conditions that allegedly keep the actual emissions below 25 tpy. According to HyCast’s own application for Title V permit renewal, the actual Potential to Emit HAPs from the HyCast foundry is 40.53 tpy, well above the regulatory threshold.

In order for HyCast to be treated as a synthetic minor HAP source, there must be permit restrictions that are “enforceable as a practical matter.” 40 C.F.R. § 49.152. It is clear from the HyCast Title V permit’s lack of adequate monitoring, analysis procedures, and test methods, as required by 40 C.F.R. § 70.6, that there are no restrictions that are “enforceable as a practical matter.” HyCast is therefore not a synthetic minor HAP source, as defined in 40 C.F.R. § 49.152.

This is shown more explicitly by the stack testing on April 7, 2026. HyCast's Compliance Assurance Monitoring (CAM) plan is insufficient to demonstrate continuous compliance as a minor HAP source based on the failed April 7, 2026, stack test. Due to the stack test violations cited in IDNR's violation letter, HyCast needs a more frequent stack test requirement and more frequent fugitive emissions testing involving EPA Method 9 of Opacity observations. And after the April 7, 2026, stack test, it has been discovered that IDNR did not even attempt to collect the plant's CAM information regarding the failed stack test until the week of August 31, 2026. HyCast's August 10, 2026, letter replying to the Notice of Violation reveals that HyCast was inadequately prepared for the stack test by multiple problems they identified, and did not run its two scrap metal melters to allow it to achieve at least 90% of capacity instead of the 43% average during the three stack test runs.

Based on the foregoing, HyCast must be treated as a major source for HAPs.

CONCLUSION

For all of the reasons stated herein and for the reasons stated in Mr. Smistik's petition, EPA must object to the HyCast Title V permit.

/s/ *Wallace L. Taylor*

WALLACE L. TAYLOR AT0007714
Law Offices of Wallace L. Taylor
4403 1st Ave. S.E., Suite 402
Cedar Rapids, Iowa 52402
319-366-2428;(Fax)319-366-3886
e-mail: wtaylorlaw@aol.com

ATTORNEY FOR SIERRA CLUB
IOWA CHAPTER