



Mike DeWine, Governor
Jon Husted, Lt. Governor
Anne M. Vogel, Director

March 28, 2023

Chris Gilifi, CEO
Matalco (U.S.) Inc.
1100 Brooks Industrial Rd.
Shelbyville, Kentucky 40065

Re: Final Findings and Orders for air pollution
violations

Dear Chris Gilifi:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua S. Koch", written over a horizontal line.

For

Joshua S. Koch, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

ec: James Kavalec/Tan Tran, DAPC
Doug Dobransky/Misty Whitmyer/Tim Fischer, NEDO-DAPC
Kimberly Rhoads, Legal Office

By: Wally A. Mark Date: 03/28/2023

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Matalco (U.S.) Inc. : Director's Final Findings
5120 Tod Ave. SW : and Orders
Lordstown, Ohio 44481 :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Matalco (U.S.) Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent is an independent company engaged in the remelt and manufacturing of aluminum billets for the aluminum extrusion industry. Respondent owns and operates a Title V facility (Facility ID# 0278112008) located at 5120 Tod Ave. SW, in Lordstown, Ohio (Trumbull County). At this facility, among other emissions units ("EUs"), Respondent operates a Melt Furnace #1 (EU P901) and a Rotary Furnace #1 (EU P904). EUs P901 and P904 were installed on June 2, 2014. The current permit-to-install ("PTI") P0129615 for EU P904 was issued on February 16, 2021. The PTI P0131709 for EU P901 was issued on April 13, 2022.

2. EU P901 and EU P904 are each an "air contaminant source" as defined by Ohio Administrative Code ("OAC") Rule 3745-15-01.

3. The terms and conditions of PTI P0129615 for EU P904 and 40 CFR Part 63, Subpart RRR §§63.1506(c) and 63.1510(d)(1) require Respondent to design and install a system for the capture and collection of emissions to meet the engineering standards for minimum exhaust rates or facial inlet velocities as contained in the ACGIH Guidelines, vent captured through a closed system except that dilution air may be added to emission streams for the purpose of controlling temperature at the inlet to a fabric filter and operate and maintain the capture/collection system according to procedures and requirements in the O&M plan.

4. The terms and conditions of PTI P0131709 for EU P901 and 40 CFR Part 63, Subpart RRR §§63.1506(m)(4) require Respondent to maintain free flowing time in the hopper to the feed service at all times and maintain lime feeder setting established during the performance test. In addition, §§63.1506(i)(1) and 63.1517(b)(4)(d)(i) also require Respondent to perform records of inspections at least once every 8-hour period verifying that lime is present in the feeder hopper or silo and flowing, including any inspection where blockage is found, with a brief explanation of the cause of the blockage and the corrective action taken, and records of inspections at least once every 4-hour period for the subsequent 3 days. If flow monitors, pressure drop sensors or load cells are used to verify that lime is present in the hopper and flowing, records of all monitor or sensor output including any event where blockage was found, with a brief explanation of the cause of the blockage and the corrective action taken.

5. The terms and conditions of PTI P0131709 for EU P901 and 40 CFR Part 63, Subpart RRR require Respondent not to discharge emissions in excess of:

- (i) 0.20 kg of HCL per Mg (0.40 lb of HCL per ton) of feed/charge or, if the furnace is equipped with an add-on air pollution control device, 10 percent of the uncontrolled HCL emissions, by weight, for a group 1 furnace at a secondary aluminum production facility that is a major source; and
- (ii) 15 µg of D/F per Mg (2.1×10^{-4} gr of D/F TEQ per ton) of feed/charge from a group 1 melting/holding furnace progressing at a secondary aluminum production facility that is a major source.

6. OAC Rule 3745-15-06(B)(1) specifies that malfunctions of air pollution control equipment shall be reported as follows: in the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in violation of any applicable law, the person responsible for such equipment shall immediately notify the Ohio EPA District Office or delegate agency of such failure or breakdown.

7. ORC § 3704.05(G) states that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704.

8. ORC § 3704.05(C) states that no person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the ORC shall violate any of its terms and conditions.

9. During a preparation for an emission test at Respondent's facility on June 14, 2022, Ohio EPA, Northeast District Office ("NEDO") documented the following: (1) excess fugitive emissions indicating that the capture and collection system associated with EU P904 was not meeting the engineering standards for minimum exhaust rates or facial inlet velocities in the ACGHI Guidelines and (2) the capture efficiency was far less than 100% due to EU P904 not meeting the range of 150 to 200 feet per minute (fpm) through the capture opening and 2,000 fpm velocity in the duct. Based on these findings, Respondent violated the terms and conditions of PTI P0129615 for EU P904 and 40 CFR Part 63, Subpart RRR §§63.1506(c) and 63.1510(d)(1).

10. Based on information provided by Respondent on August 4, 2022, NEDO documented that Respondent failed to report a malfunction of EU P901 until six days after it was determined that a malfunction was occurring. Based on this finding, Respondent violated the terms and conditions of PTI P0131709, OAC Rule 3745-15-06(B)(1), and ORC § 3704.05(C) and (G).

11. Based on information provided by Respondent on August 17 and 18, 2022, NEDO documented that Respondent failed to maintain free-flowing lime in the hopper to the feed device at all times and failed to conduct and record inspections verifying that lime is present in the feeder hopper or silo and flowing associated with EU P901 during the time period from July 19 through 29, 2022, in violation of the terms and conditions of PTI P0131709, 40 CFR Part 63, Subpart RRR §§63.1506(m)(4), OAC Rule 3745-15-06(B)(1), and ORC § 3704.05(C) and (G).

12. Based on the information provided by Respondent on August 18, 2022, NEDO documented that Respondent failed to comply with the emission limitations for each charge as being outlined in PTI P0131709, 40 CFR Part 63, Subpart RRR associated with EU P901 during the time period from July 19 through 29, 2022, in violation of the terms and conditions of PTI P0131709, 40 CFR Part 63, Subpart RRR, and ORC § 3704.05(C).

13. On August 25, 2022, NEDO issued Respondent a notice of violation letter for the violations outlined in Findings #9 through #12.

14. Based on the information provided by Respondent on September 29, 2022, NEDO documented that Respondent failed to comply with the emission limitations by not feeding lime into the baghouse on September 27, 2022, as outlined in PTI P0131709, 40 CFR Part 63, Subpart RRR associated with EU P901, in violation of the terms and conditions of PTI P0131709, 40 CFR Part 63, Subpart RRR, and ORC § 3704.05(C).

15. The Director has given consideration to, and based her determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Order:

Respondent shall pay the amount of fifty thousand dollars (\$50,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, a fifty thousand dollars (\$50,000) payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio". The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087-1924
Attention: Tim Fischer, Manager

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Josh Koch, Manager
Compliance and Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



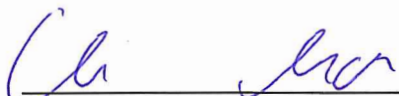
Anne M. Vogel
Director

3/28/2023

Date

AGREED:

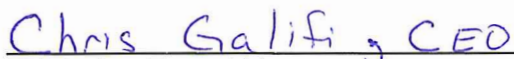
Matalco (U.S.) Inc.



Signature

March 22/23

Date



Printed or Typed Name and Title