



November 1, 2024

Josh Thompson
Real Alloy Specialty Products, LLC
320 Huron Street
Elyria, OH 44035

Re: Final Findings and Orders for air pollution
 violations

Dear Mr. Thompson:

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 that reads "Joshua S. Koch".

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

ec: Jim Kavalec/Zachary Peterson, CO-DAPC
 Drew Bergman/Stephen Feldmann, Legal Office
 Tim Fischer, NEDO-DAPC

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Ohio EPA 10/31/2024

Entered Director's Journal

By: Wally A. Mark Date: 10/31/2024 BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Real Alloy Specialty Products, LLC	:	<u>Director's Final Findings</u>
320 Huron Street	:	<u>and Orders</u>
Elyria, Ohio 44035	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Real Alloy Specialty Products, LLC ("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:

- Respondent owns and operates a scrap aluminum processing facility located at 320 Huron Street, in Elyria, Lorain County, Ohio (Facility ID# 0247040798). The production process at this facility involves recycling aluminum scrap received from external sources using shredders, screeners, and press machines, all controlled by baghouse filters. At this facility, among other emissions units ("EUs"), Respondent operates Magnatech Shredder (P902) and Rotex 852 Screener (P907). From May 2020 to November 2023, these EUs operated under permit-to-install

and operate ("PTIO") P0127730.

2. Ohio Revised Code ("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 Revised Code shall violate any of its terms or conditions.

3. Permit terms and conditions C.1.b)(2)a. and C.2.b)(2)d. of PTIO P0127730 require Respondent to vent the emissions from EUs P902 and P907 to a baghouse at all times the units are in operation.

4. Permit terms and conditions C.1.b)(2)b. and C.2.b)(2)a. of PTIO P0127730 require Respondent to employ the best available control measures ("BACM") to minimize fugitive particulate emissions ("PE") from EUs P902 and P907, including, but not limited to, using a baghouse for dust collection, containing operations within the building, and using good engineering practices.

5. Permit terms and conditions C.1.b)(1)a. of PTIO P0127730 require Respondent to limit fugitive PE from EU P902 to 0.85 tons per year ("tpy") or less.

6. Permit terms and conditions C.1.d)(2) and C.2.d)(2) of PTIO P0127730 require Respondent to perform daily checks for any visible emissions ("VE") from the stacks serving EUs P902 and P907 when each EU is in operation and when the weather conditions allow.

7. Permit terms and conditions C.1.d)(4) and C.2.d)(4) of PTIO P0127730 require Respondent to maintain an acceptable pressure drop range of between 2 to 10 inches of water for each baghouse serving EUs P902 and P907.

8. Permit terms and conditions C.1.d)(5) and C.2.d)(5) of PTIO P0127730 require Respondent to record the pressure drop across the baghouse on a daily basis.

9. Permit terms and conditions C.1.e)(1) and C.2.e)(1) of PTIO P0127730 require Respondent to identify the following information in the annual Permit Evaluation Report ("PER"): all days during which any VE were observed from the stacks serving any of these emissions units; any corrective actions taken to minimize or eliminate the VE; each period of time when the pressure drop across any baghouse was outside of the acceptable range; any period of time when any emissions unit was in operation and the process emissions were not vented to the baghouse; each incident of deviation described in C.2.e)(1)c where a prompt investigation was not conducted; each incident of deviation described in C.2.e)(1)c where prompt corrective action, that would bring the pressure drop into compliance with the acceptable range, was determined to be

necessary and was not taken; and each incident of deviation described in C.2.e)(1)c where proper records were not maintained for the investigation and/or the corrective action(s), as identified in the monitoring and record keeping requirements of this permit.

10. On September 22, 2023, Respondent submitted a voluntary self-disclosure letter to Ohio EPA's Northeast District Office ("NEDO") for findings of non-compliance of permitted sources operating under PTIO P0127730, which were identified during an internal audit conducted by the facility. On October 2, 2023, Ohio EPA communicated to Respondent that the self-disclosure of the violations did not qualify for VAD immunity provided under ORC 3745.72 because Respondent was already required to report the violations to Ohio EPA pursuant to its permit. The letter provided by Respondent identified various violations, detailed in Findings #11 through #16, and included corrective actions planned to address each violation.

11. During the September 2023 internal audit, Respondent discovered that the baghouse serving EUs P902 and P907 was taken out of service for repairs in March 2023. EUs P902 and P907 continued to operate without the use of the baghouse for particulate control from at least March 20, 2023 to August 14, 2023, in violation of ORC § 3704.05(C) and permit terms and conditions C.1.b)(2)a., C.2.b)(2)d., C.1.b)(2)b., and C.2.b)(2)a. of PTIO P0127730. According to Respondent, upon discovery of the non-operational baghouse, EUs P902 and P907 were immediately shutdown on August 14, 2023. Respondent stated that the baghouse was later partially repaired and was recorded to be operating within acceptable parameters with a reduced capacity. Respondent also stated in the self-disclosure letter that they had plans to submit a permit application to replace the repaired baghouse in order to return to operating EUs P902 and P907 at full capacity.

12. Due to the operation of P902 without baghouse control discussed in Finding #11, Respondent noted that PE associated with P902 may have exceeded the applicable fugitive PE limitation of 0.85 tpy in violation of ORC § 3704.05(C) and permit terms and conditions C.1.b)(1)a. of PTIO P0127730. According to Respondent, the EUs were promptly shutdown once this violation was discovered. Respondent later provided emissions calculations for 2023, in which the total fugitive emissions from EU P902 were calculated to be 1.75 tpy without considering building capture (in exceedance of the 0.85 tpy limit) and 0.54 tpy considering building capture (below the 0.85 tpy limit).

13. During the internal audit, Respondent discovered that daily checks for VE when P902 and P907 were in operation were not completed in 2022 and 2023, in violation of ORC § 3704.05(C) and permit terms and conditions C.1.d)(2) and C.2.d)(2) of PTIO P0127730. Respondent stated that they would begin conducting daily checks for VE going forward.

14. During the internal audit, Respondent discovered that the pressure drop across the baghouse was not consistently maintained within the acceptable permit range of 2-10 inches of water in 2022 and 2023, in violation of ORC § 3704.05(C) and permit terms and conditions C.1.d)(4) and C.2.d)(4) of PTIO P0127730. Respondent stated that they would implement employee training to address this violation going forward.

15. During the internal audit, Respondent discovered that daily pressure drops across the baghouse were not consistently recorded in 2022 and 2023, in violation of ORC § 3704.05(C) and permit terms and conditions C.1.d)(5) and C.2.d)(5) of PTIO P0127730. Respondent stated that they would begin conducting daily differential pressure checks going forward.

16. The information regarding the violations identified in Findings #11 through #15 was not included in the 2022 PER submitted by Respondent, in violation of ORC § 3704.05(C) and permit terms and conditions C.1.e)(1) and C.2.e)(1) of PTIO P0127730. Subsequently, the self-disclosure letter was added as an attachment to the 2022 PER submittal and the Ohio EPA evaluation was revised as noting deviations of non-compliance.

17. On October 13, 2023, Respondent submitted a permit modification application for PTIO P0127730 to replace the baghouse serving EUs P902 and P907. The modified permit P0134986 was issued on November 30, 2023.

18. On January 4, 2024, NEDO conducted a site visit at the facility to verify that corrective actions were being implemented. During the site visit, NEDO confirmed that EU P902 was equipped with a new baghouse and EU P907 had been re-routed to a separate existing baghouse. NEDO also conducted a records review and confirmed that Respondent was completing daily VE checks and differential pressure readings. Additionally, the differential pressure readings reviewed were maintained within an acceptable pressure drop range of between 2 to 10 inches of water.

19. On January 9, 2024, NEDO issued Respondent a Notice of Violation/Resolution of Violation ("NOV/ROV") letter for the violations and corrective actions outlined in Findings #11 through #18.

20. 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 Orders:

1. Respondent shall pay the amount of thirty-nine thousand one hundred and fifty-five dollars (\$39,155) 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, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for thirty-nine thousand one hundred and fifty-five dollars (\$39,155). 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 Respondent pursuant to these Orders shall be addressed to:

Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087
Attention: Timothy 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

10/31/2024

Anne M. Vogel
Director

Date

AGREED:

Real Alloy Specialty Products, LLC

Amjw

10-21-24

Signature

Date

Andy Jennings

Printed or Typed Name

Director, Health, Safety, Environment

Title