



United States Environmental Protection Agency
Region 7
Enforcement and Compliance Assurance Division

Air Branch

**Air Branch Inspection Report
Unannounced Partial Compliance Evaluation**

Gateway Aluminum

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Inspection Date(s):

August 20, 2024

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C – Operation, Maintenance and Monitoring (OM&M) Plan (60 pages)	
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and provides a clear indication of the end of this report.**

INSPECTION OVERVIEW

INSPECTION OBJECTIVE

The objective of the partial compliance evaluation (PCE) inspection was to determine compliance of the facility with the Clean Air Act (CAA), specifically those requirements listed in **Table 1**. The inspection was part of the U.S. Environmental Protection Agency's (EPA) Reducing Air Toxics in Overburdened Communities National Enforcement Compliance Initiative.

Table 1. APPLICABLE PERMIT CONDITIONS, REGULATIONS AND STANDARDS	
Code of Federal Regulation	Standard Name
40 CFR Part 63	Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production

Table 2 lists the inspection team members.

Table 2. PROJECT TEAM MEMBERS		
Team Member	Organization	Project Role
Luke Rodriguez	EPA Region 7, ECAD, Air Branch	Lead inspector
Jon Boyd	EPA Region 7, ECAD	Field team member
Robert Andrews	Missouri Department of Natural Resources (MoDNR)	Field team member

FACILITY CONTACT INFORMATION

Table 3 lists the primary facility contacts.

Table 3. FACILITY CONTACT INFORMATION		
Name, Title	Phone No.	Email Address
Tony Gallo, Plant Manager	772-485-5480	tony.gallo@gatewayaluminum.com
Martin Wingert, Environmental Manager	314-832-9852	Martin.Wingert@gatewayaluminum.com

FACILITY OVERVIEW

The facility was originally owned and operated by the JW Aluminum company who closed the facility in 2020. The facility was purchased by Gateway Aluminum in April of 2022, but, due to the extensive work necessary to return the facility to production, didn't start operating the casting equipment until June of 2023. Mr. Gallo told me that the facility needed to complete extensive maintenance which had been deferred in the final years of JW Aluminum's operations. According to Mr. Gallo, this maintenance did not involve any physical changes to the equipment or operations of the equipment other than routine maintenance and replacement. Gateway Aluminum produces a slightly different product than JW Aluminum; a

thicker 3003 aluminum alloy as opposed to the thinner 1100 alloy. Gateway Aluminum assumed the November 6, 2019, Operating Permit issued to JW Aluminum upon taking over the facility. The Title V Permit Renewal Application was required by May 6, 2024; Mr. Gallo told me that the facility submitted a Title V Renewal Application to MoDNR on May 6, 2024.

According to EPA's [Enforcement and Compliance History Online](#) (ECHO) website, the facility has had no prior site visit since the takeover by Gateway Aluminum and no enforcement actions in the past five years. Gateway Aluminum submitted an annual compliance certification for 2023 and reported no deviations.

According to the Title V operating permit issued to JW Aluminum by MoDNR on November 6, 2019, the facility is subject to the regulations and standards subject to review during this inspection as noted in **Table 1**.

FACILITY OPERATIONS SUMMARY

This installation is an integrated rolling facility producing finished aluminum products. Equipment in the Secondary Aluminum Processing Unit includes two (2) melting furnaces (403 and 404), three (3) holding furnaces (401, 403 and 404), and three (3) in-line degassing stations or in-line fluxers (401, 402 and 403). The facility is currently only operating one of the melters (404) and half of the casting lines. Aluminum processing starts at the melting furnace, then moves to the holding furnace, then to the degassers, then to casting, then to rolling and finishing. The facility operates a single main baghouse to which all captured emissions are routed. This baghouse utilizes lime injection to reduce hydrogen chloride (HCl) emissions. Hydrogen chloride and hydrogen fluoride emissions result from fluxing the melting furnaces with salt compounds and injecting the holding furnaces and degassers with chlorine gas. Emissions from both furnaces and the degasser (in-line fluxer) are controlled by the main baghouse, which operates with a lime precoat system and is equipped with a bag leak detection and inlet temperature monitoring systems. The 403 Degasser is continuously vented to the baghouse for control. The Melter 404 exhaust is diverted to the baghouse only during the addition of flux and removal of dross. The furnace emissions are directed from the 404 Melter stack to the baghouse using an air-curtain system that is manually activated by the furnace operator. The furnace exhaust remains routed to the baghouse until the salt flux has completely reacted and the resulting dross is skimmed off the top of the molten aluminum. The 403 Holder emissions are only controlled by the baghouse when flux is added, and dross is removed. Emissions are captured by a canopy hood positioned above the furnace door. The damper to draw flow from this hood to the baghouse is actuated by the furnace operator and is not closed until the chlorine gas sparging and subsequent dross removal activities are complete.

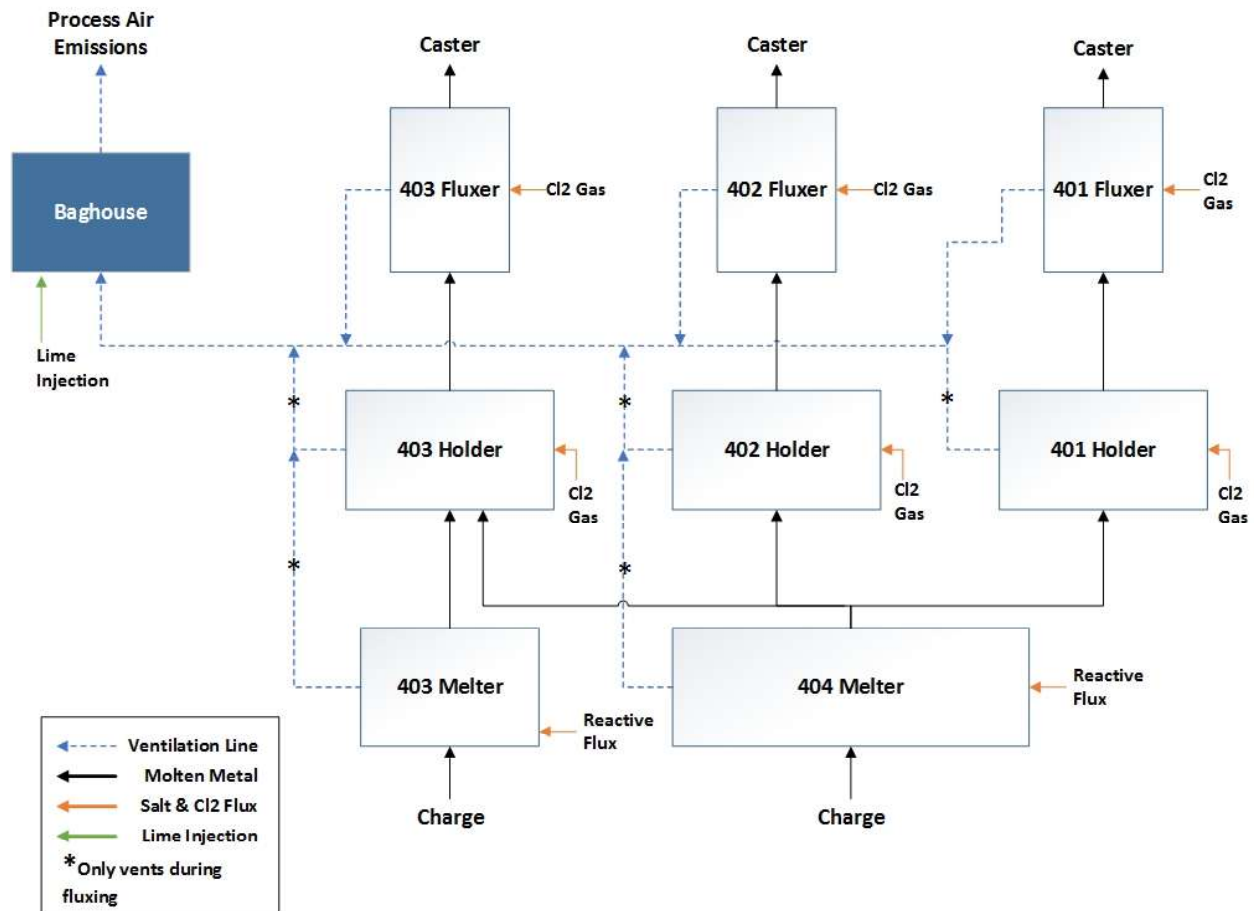


Figure 1. Facility Process Diagram

FIELD ACTIVITIES SUMMARY

The inspection team arrived at the facility on August 20, 2024, at 8:00 a.m. and completed a drive by surveillance inspection. I did not observe visible emissions. We made entry at the front office at 8:30 a.m. and introduced myself and members of the inspection team, presented my credentials, and provided my business card to Mr. Gallo. We were given a facility safety briefing by Mr. Gallo. I conducted an opening conference during which I explained that the purpose of the visit was to conduct an inspection to determine compliance with the CAA, specifically, to determine compliance with the regulations and standards listed in **Table 1**. I explained that after asking for some general business information, I would observe process units, emission units, and control equipment and review associated records demonstrating compliance with 40 CFR 63 Subpart RRR. I explained to Mr. Gallo that the facility would have an opportunity to make a claim of business confidentiality at the end of the inspection and provided him with a Confidential Business Information (CBI) form. Mr. Gallo deferred the decision of a claim of confidentiality to after the records request was reviewed.

The inspection team was given a facility tour by Mr. Gallo. We wore steel toed boots and safety glasses during the facility tour per the facility safety briefing.

Mr. Gallo could not produce the records I wanted to review as Mr. Wingert, the Environmental Manager, was unavailable during the inspection. I conducted a closing conference with Mr. Gallo. I provided him with the CBI form. We departed the facility at 11:30 a.m. I sent an email detailing the requested records to Mr. Gallo on August 21, 2024, as we had discussed during the inspection and asked that they be uploaded to the shared folder by the close of business on August 30, 2024. Mr. Gallo responded that he would work with Mr. Wingert to upload the requested records. I spoke with Mr. Wingert on the phone on September 3, 2024, and he said they were still working on it. The records were uploaded by the end of business on September 4, 2024. The email request and responses are included as **Appendix A**. Mr. Wingert declined to make a claim of confidential business information when submitting the records.

Observations and potential findings from the facility tour, records review, and sampling/measurement activities are noted in the **Investigation Observation and Potential Findings** section below.

INVESTIGATION OBSERVATIONS AND POTENTIAL FINDINGS

Ambient weather, site conditions, and field activities were documented in the field records. All photographs are attached as **Appendix B**. I made the following observations during the inspection. I discussed all observations with facility representatives during the closeout meeting unless otherwise noted in the observation description.

These observations are not final compliance determinations. The EPA Region 7 Air Branch case review team will make the final compliance determinations based on its review of this report and other technical, regulatory, and facility information.

The Gateway Aluminum facility is a secondary aluminum production facility as defined in 40 CFR 63.1503. The facility uses clean charge and operates melting and holding furnaces as well as in-line fluxers. The August 2024 test included materials other than clean charge which the facility intends to use pending the accepting of the results of the test. The facility operates an existing secondary aluminum processing unit which includes the melting furnaces, holding furnaces, and in-line fluxers.

40 CFR 63.1505 – Emission Standards.

The facility must comply with the emission limits in 40 CFR 63.1505 for each type of equipment in use. Table 4 is a summary of the emission limits applicable to this facility.

Table 4. EMISSION LIMITS SUMMARY			
Citation	Emission Unit	Emission Limit	Compliance Demonstration

40 CFR 63.1505(i)(2)	Group 1 melting/holding furnace	0.40 kg of Particulate Matter (PM) per megagram (Mg) (0.80 lb of PM per ton).	Testing required every 5 years. Most recently completed testing in August 13-15, 2024.
40 CFR 63.1505(i)(3)		15 µg of Dioxins and Furans (D/F) TEQ per Mg (2.1×10^{-4} gr of D/F TEQ per ton).	
40 CFR 63.1505(i)(4)		10 percent of the uncontrolled Hydrogen Chloride (HCl) emissions, by weight.	
40 CFR 63.1505(j)(1)	In-line fluxer.	0.02 kg of HCl per Mg (0.04 lb of HCl per ton) of feed/charge.	
40 CFR 63.1505(j)(2)		0.005 kg of PM per Mg (0.01 lb of PM per ton) of feed/charge.	
40 CFR 63.1505(k)(1)	Secondary aluminum processing unit.	3-day, 24-hour rolling average emissions of PM in excess of the result of the equation detailed in 40 CFR 63.1505(k)(1).	The owner or operator of a SAPU at a secondary aluminum production facility that is a major source may demonstrate compliance with the emission limits of paragraphs (k)(1) through (3) of this section by demonstrating that each emission unit within the SAPU is in compliance with the applicable emission limits of 40 CFR 63.1505 (i) and (j) of this section.
40 CFR 63.1505(k)(2)		3-day, 24-hour rolling average emissions of HCl or Hydrogen Fluoride (HF) in excess of the result of the equation detailed in 40 CFR 63.1505(k)(2).	
40 CFR 63.1505(k)(3)		3-day, 24-hour rolling average emissions of D/F in excess of the result of the equation detailed in 40 CFR 63.1505(k)(3).	

The facility must demonstrate compliance with emission limits every 5 years as required by 40 CFR 63.1511(e). The most recent tests, and the first tests since Gateway Aluminum restarted the facility, were completed August 13 – 15, 2024. The results of the test were not available at the time of my inspection. The previous test was completed from March 6 - 8, 2018. Five years from March 8, 2018, was March 8, 2023. The casting equipment did not operate from the end of 2020 to June of 2023. However, Mr. Wingert stated in an email on September 17, 2024, that the facility turned on the equipment for testing and troubleshooting purposes but did not start truly operating until October 2023.

The test plan for the August 2024 tests was submitted to MoDNR on June 12, 2024. The test plan shows that the facility intended to test for all applicable emission limits in 40 CFR 63 Subpart RRR except for HF. In an email on September 10, 2024, Mr. Wingert said that they did not test for HF because:

“We no longer have anything in our process that would generate HF in the melting, holding, or casting process. Years ago, we did have a salt flux that had Fluorides present, and that was something that would create HF. But we only use salt fluxes that have a Chlorides, as well as Chlorine in the holder and degasser. None of the alloys we melt or process, or any other parts of our process introduces Fluorides. “

The existing OM&M plan states that “(t)he Secondary Aluminum MACT was revised on September 18, 2015, and one of the rule changes applies to Gateway Aluminum’s operations. The revised MACT has HF limits, and because the salt flux used by Gateway Aluminum in its melting furnaces could be variable and contain some amount of fluorine, these limits will apply. This revision to the OM&M plan incorporates this change, where applicable.”

Page 11, Section 2.2 of the OM&M plan shows that the in-line fluxers using reactive flux 401, 402 and 403 require HF performance testing every 5 years. Page 10, Section 2.2 indicates that the melting furnaces 403 and 404 as well as holding furnaces 401, 402 and 403 are all required to meet an HF limit. Group 1 furnaces with add-on control are not subject to the HF limit as stated in Table 1 to 40 CFR 63 Subpart RRR footnote h. However, the 404 furnace is not entirely controlled and there are times where the emissions are routed directly to atmosphere. The facility discussed the HF testing with Ethan Smith at MoDNR who reviewed all the Safety Data Sheets (SDS) for materials in use at the facility and agreed to waive the HF testing requirement prior to the August 2024 test. The OM&M plan is included as **Appendix C**. Requirements of a National Emission Standard for Hazardous Air Pollutants (NESHAP) need to remain federally enforceable. For the facility to have a NESHAP required testing obligation waived, a federally enforceable restriction on the usage of materials containing HF must be in place (i.e. a permit condition).

This plan was last revised on November 5, 2018, prior to the facility takeover by Gateway Aluminum, however Gateway Aluminum has placed its name at the top of the plan and is using it to demonstrate compliance with the requirement in 40 CFR 63 Subpart RRR. 40 CFR 63.1510(b) states that “The owner or operator must comply with all of the provisions of the OM&M plan as submitted to the permitting authority for major sources.” The facility has not updated its OM&M plan and for this reason is currently not complying with all the provisions of the plan. The OM&M plan does not appear to correspond to the facility as it is currently configured and operated. Further requirements pertaining to the OM&M plan are discussed below.

Mr. Gallo told me that since start up, the facility has been operating in accordance with the parameter values established during the 2018 test. The facility provided a spreadsheet which documents the 3-day, 24-hour rolling averages for PM, HCL and HF. The spreadsheet begins on October 20, 2023. The spreadsheet shows that no exceedances of the limits occurred from October 20, 2023, to September 3, 2024 based on the 2018 operating parameters. The spreadsheet is included as **Appendix D**.

The OM&M Plan identifies the 404 melter as a clean charge furnace. Clean charge furnaces are not subject to a D/F emission limit. In the 2024 site specific test plan submitted to MoDNR, the facility indicated that the furnace was going to use materials “classified as ‘other-than-clean’ scrap.” The spreadsheet does not include any demonstration of the 3-day, 24-hour rolling average for D/Fs. I asked Mr. Wingert about this via email on September 17, 2024. He explained in a response on the same day:

(The facility) “did test for D/F during the three 12-hour stack testing days in August (August 13th, 14th, and 15th from 7:00 am – 7:00 pm each day). Those three days were the only days that we have introduced the other than clean scrap into our melter. We will have to wait until the results are back from the stack testing and approval from the state to move forward with the process of using the other than clean scrap into our melter at the percentage we used during the stack testing. At that point, we will include the D/F calculations into our monitoring process for melting/casting.”

40 CFR 63.1506 – Operating Requirements.

40 CFR 63.1506(b) requires easily visible labels posted at each group 1 furnace and in line fluxer that includes the type of affected source or emission unit, the operational standard(s) and control method(s) (work practice or control device). This includes, but is not limited to, the type of charge to be used for a furnace (*e.g.*, clean scrap only, all scrap, etc.), flux materials and addition practices, and the applicable operating parameter ranges and requirements as incorporated in the OM&M Plan.

I did not observe any visible labels at either the 404 Melter group 1 furnace or any of the 401, 402 and 403 in-line fluxers. Mr. Wingert uploaded photos of labels affixed to each of the melting furnace and in-line fluxers which he said were in place at the time of my inspection. These photos are included as **Appendix E**.

40 CFR 63.1506(c) requires that the facility operate each capture and collection system according to the procedures in the OM&M plan. Section 2.7.2 of the OM&M plan is titled Add-on Control Devices and states:

“General mechanical and electrical inspections will be performed on the bag house; preventative maintenance activities are performed periodically depending on the specific maintenance requirement. Items checked periodically include:

- Main and reverse air dampers
- Rotary air locks
- Air fan bearings and belts”

The lack of explicated and specific maintenance activities or a maintenance schedule in the plan may render the requirement in 40 CFR 63.1510(b) to “comply with all of the provisions of the OM&M plan as submitted to the permitting authority for major sources,” unenforceable and therefore the plan may not be in conformance with the spirit of the requirement.

40 CFR 63.1506(k) requires that each in-line fluxer using a bag leak detection system initiate corrective action within 1-hour of a bag leak detection system alarm and complete the corrective action procedures in accordance with the OM&M plan. 40 CFR 63.1506(k) requires the operator to operate each fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month block reporting period. Mr. Wingert uploaded a handwritten form titled “Bag Leak Detection System” which is intended to show each bag leak detection system alarm which has occurred since the facility began operation. This document shows that there have been 8 alarms. Two of these alarms had corrective actions which occurred more than 1-hour after the alarm; on December 28, 2023, and on April 24, 2024.

40 CFR 63.1506(k)(3) requires the operator of a continuous injection system to maintain free-flowing lime in the hopper to the feed device at all times and maintain the lime feeder setting at or above the level established during the performance test. I spoke to Mr. Verret who is employed as a consultant for the facility. Mr. Verret explained in an email on September 11, 2024, that the facility does not believe they are subject to any requirement in 40 CFR 63 Subpart RRR which applies to lime-injected fabric filters because:

“Gateway operates a multi-compartment baghouse that is cleaned by a mechanical shaker mechanism. The dust cake is removed from the filter bags within an individual compartment while it is isolated off-line with dampers and the remaining compartments are filtering the process gas stream. The mechanical shaker knocks the dust cake from the bags, and then a lime pre-coat system applies a thin layer of lime to the cleaned filter bags. The compartment is then returned to service while the next compartment in the sequence is taken off-line for cleaning and filter pre-coating. This lime pre-coat system applies lime in short intermittent batches directly within the baghouse compartment. This does not meet the “lime injected fabric filter definition, which states: *“Lime injection means the continuous addition of lime upstream of a fabric filter”*. Gateway’s system does not [emphasis added by Mr. Verret] continuously inject lime (lime pre-coat is applied in separate intermittent small batches), nor

[emphasis added by Mr. Verret] does it inject the lime upstream of the fabric filter (pre-coating occurs inside of the baghouse compartment).” This interpretation is discussed in detail on page 12 below.

40 CFR 63.1506(k)(4) requires the owner or operator to maintain the total reactive chlorine flux injection rate for each operating cycle or time period used in the performance test at or below the average rate established during the performance test. The facility provided an excel spreadsheet titled “2022 – Current Casting Performance” which tracks the total flux injected from startup in May of 2023 to September of 2024. The only instances where the facility exceeded the total reactive chlorine flux injection rate was during the August 2024 testing in which the facility was purposely exceeding their prior limit in order to establish a higher injection rate limit. This spreadsheet is included as **Appendix F**. This spreadsheet shows operation of equipment subject to emission limits from March 8, 2023, to August 12, 2024.

40 CFR 63.1506(m) requires that each group 1 furnace with emissions controlled by a lime-injected fabric take certain actions. As explained above, the facility considers the definition of lime-injection to exclude its fabric filter from this category. The facility also believes, based on its interpretation of the definition, that it is exempt from the requirements of 40 CFR 63.1506(m)(3)- maintaining the 3-hour average inlet temperature to the baghouse below the tested average- as well as 40 CFR 63.1506(m)(4)- maintaining a continuous lime injection rate to the feed device at the level established during the test.

40 CFR 63.1506(n) applies to the facility some of the time. Compliance with 40 CFR 63.1506(n)(1) is demonstrated with the spreadsheet included as **Appendix F**, under the tab for the 404 melter.

40 CFR 63.1506(p) specifies requirements for corrective actions when a process or parameter deviation occurs. The facility records do not show any deviations from a process parameter since the facility was restarted by Gateway Aluminum.

40 CFR 63.1510 Monitoring Requirements

40 CFR 63.1510(b) specifies the requirements for the OM&M plan. Mr. Verret told me that the facility requested his help updating the OM&M plan, but that the changes to the facility, including the addition of the parameters to be established by the August 2024 test, will require extensive updating. This is why the facility has not yet made those changes to the OM&M plan – it is waiting to overhaul the plan once rather than piecemeal. The current OM&M plan contains the information required by 40 CFR 63.1510(b)(1), (2), (4), (5), (6) and (8). The plan does not contain the information required by 40 CFR 63.1510(b)(3) and (7).

40 CFR 63.1510(d) specifies the requirements for the capture/collection system. The facility must conduct an inspection annually and that inspection must include a volumetric flow rate measurement. There are several compliance options that can serve as an alternative to conducting an annual volumetric flow rate measurement. For example, one of the options allows the facility to perform the flow rate measurement every 5 years provided that the facility records daily measurements of the capture and collection system's fan revolutions per minute (RPM) or fan motor amperage (amps) by taking three measurements with at least 5 minutes between each measurement and averaging the three measurements. The average measurement must be maintained at or above the 90 percent of the average RPMs or amps measured during most recent Method 2 performance tests. The facility provided records of weekly inspections of the baghouse. These inspections include a differential pressure across the baghouse but do not appear to demonstrate compliance with any of the compliance options in 40 CFR 63.1510(d). The records provided by the facility are included as **Appendix G**.

40 CFR 63.1510(e) specifies the requirements for the fee/charge weight operation and maintenance. The owner or operator must verify the calibration of the weight measurement device in accordance with the schedule specified by the manufacturer, or if no calibration schedule is specified, at least once every 6 months. The facility provided records of calibrations of the weight measurement device which occur in April and October of each year. The records appear to demonstrate compliance with this requirement.

40 CFR 63.1510(f) specifies the requirements for lime injected fabric filters. As explained above, the facility believes it is not subject to these requirements.

40 CFR 63.1510(h) specifies the requirements for monitoring fabric filter inlet temperature. As explained above, the facility believes it is not subject to these requirements.

40 CFR 63.1510(i) specifies requirements for lime injection. As explained above, the facility believes it is not subject to these requirements. 40 CFR 63.1510(i)(3) specifies a requirement for an owner or operator who intermittently adds lime to a lime-injected fabric filter to obtain approval from its permitting authority for an alternative lime monitoring procedure. This provision suggests that the rule was not intended to be interpreted in the manner the facility suggests. The rule clearly anticipates the existence of intermittent or non-continuous lime-injected baghouses while the facility interpretation precludes their existence. The facility provided a 2008 request for an update to the OM&M plan submitted to the St. Louis Air Pollution Control Program which included the requested exemption from the lime-injected fabric filter requirement to monitor inlet temperature on the basis of the facility interpretation of the definition (explained above). The revision also allowed the facility to discontinue operating parameter limits associated with the lime pre-coating of the baghouse fabric filter media based on the facility's claimed that it could have met the emission limits without adding any lime to the system. The revision to the plan was approved in February 2008. The revision

request is included as **Appendix H**. 40 CFR 63.1519 identifies the specific implementation and enforcement for the subpart and explicitly identifies 40 CFR 63.1506 alternative approvals as non-delegable to State or Local Agencies. The request was a determination of applicability based on a 40 CFR 63.1503 definition but the requirements for using lime injection as an operating parameter are located in 40 CFR 63.1506 – which cannot be delegated. In 2019, EPA Region 5 responded to a request for Alternative Lime Addition Monitoring Procedure from Huntington Aluminum Incorporated (HAI). The response is included as **Appendix I**. Region 5 denied the request but stated “(s)hould HAI wish to continue to employ intermittent or noncontinuous lime addition, HAI must submit a request for approval that contains sufficient data and information to establish that the lime addition monitoring procedure is adequate to ensure that all relevant emissions standards will be met on a continuous basis.” This response supports a recommendation that the facility submit an applicability determination request for its interpretation.

40 CFR 63.1510(j) specifies requirements for maintaining total reactive flux injection rate. The facility provided various calibration records which appear to demonstrate compliance with these requirements.

40 CFR 63.1510(s) specifies site specific monitoring requirements for secondary aluminum processing units. The OM&M plan contains the elements required by 40 CFR 63.1510(s).

40 CFR 63.1510(t) specifies requirements for emissions monitoring of secondary aluminum processing units. The spreadsheet included as **Appendix F** contains the information required by 40 CFR 63.1510(t).

40 CFR 63.1510(v) is a provision for alternative monitoring methods for lime addition which is applicable to group 1 furnaces processing other than clean charge. 40 CFR 63.1510(v) states:

“The owner or operator of a lime-coated fabric filter that employs *intermittent or noncontinuous* lime addition may apply to the Administrator for approval of an alternative method for monitoring the lime addition schedule and rate based on monitoring the weight of lime added per ton of feed/charge for each operating cycle or time period used in the performance test. An alternative monitoring method will not be approved unless the owner or operator provides assurance through data and information that the affected source will meet the relevant emission standards on a continuous basis.”

The argument that the facility makes for exemption from several of the requirements applicable to lime-injected fabric filters is based, in part, on the definition of lime-injection meaning “the *continuous* addition of lime upstream of a fabric filter.” 40 CFR 63.1510(v) refers to a “lime-coated fabric filter” which appears to be something different than a lime-injected fabric filter. According to the description of the process, the facility is operating a lime-coated

fabric filter. The facility has tested using materials other than clean charge and intends to operate that way in the future. This requirement will become applicable upon processing other than clean charge in the furnace.

Potential Finding 1: Facility operated equipment without a valid performance test.
Observation Summary: Records show operation of equipment outside of 5 years following most recent test.
Citation: 40 CFR 63.1511(e).
Evidence: Appendix E – Casting Performance Spreadsheet.
Description of Observation: The most recent test was completed August 13 – 15, 2024. Prior to that, a test was completed from March 6 through 8, 2018. Five years from March 8, 2018, was March 8, 2023. The facility records show that equipment subject to emission limits was operated from March 8, 2023, to August 12, 2024. The facility did not operate from the end of 2020 to June of 2023. Mr. Wingert stated that the facility was not truly operating until October 2023.

Potential Finding 2: Exemption from a NESHAP requirement requires a federally enforceable restriction.
Observation Summary: MoDNR waived the requirement that the facility test for HF.
Citation: 40 CFR 63.1505.
Evidence: Email from Mr. Wingert – copied in report text.
Description of Observation: A facility cannot be exempted from any obligation in a NESHAP without a federally enforceable condition. The fact that the facility is not currently using any HF containing materials is not sufficient grounds for a blanket exemption from the obligation to demonstrate that the facility meets the emission limitation in 40 CFR 63.1505. The facility could begin using HF containing materials at any time.

Potential Finding 3: The OM&M plan does not reflect current facility operations and does not contain all required information.
Observation Summary: The OM&M plan submitted by the facility to demonstrate compliance with the requirement to maintain and operate according to a written plan does not reflect current operations and is missing components in 40 CFR 63.1510(b)(3) and (7).
Citation: 40 CFR 63.1510(b).
Evidence: Appendix D – OM&M Plan.
Description of Observation: The plan refers to requirements for HF testing, which, having not been completed means the facility did not follow its OM&M Plan. The OM&M plan refers to the facility’s system as a “lime injection” system. According to facility contacts the facility do not have any process or equipment that would meet that definition. The OM&M plan also does not have a schedule of maintenance activities, only a vague statement about periodic maintenance to be conducted on certain equipment.

Potential Finding 4: The facility failed to provide records demonstrating compliance with 40 CFR 63.1510(d).
Observation Summary: The inspection records do not demonstrate compliance with 40 CFR 63.1510(d).
Citation: 40 CFR 63.1510(d).
Evidence: Appendix G – Baghouse Inspections
Description of Observation: There are several compliance options including to conduct an annual volumetric flow rate measurement, for example, to install a flow rate indicator and record daily differential pressure readings, and daily measurements of the capture and collection system’s fan revolutions per minute (RPM) and maintain the RPMs above 90 percent of the average of the most recent Method 2 performance tests. The facility provided records of weekly inspections of the baghouse. These inspections do include a differential pressure across the baghouse but do not appear to demonstrate compliance with any of the compliance options in 40 CFR 63.1510(d).

Potential Finding 5: The facility should apply for an applicability determination for its interpretation of the definition of lime-injected fabric filters.
Observation Summary: The facility explanation that certain provisions are not required due to a reading of the definition of lime injection.
Citation: <i>various</i>
Evidence: Email from Mr. Varret – copied in report text.
Description of Observation: The facility is operating under the assumption that its regulatory interpretation of the definition of lime injected fabric filter obviates its obligation for compliance with certain provisions in the subpart.

End of report.