



REGION 5

CHICAGO, IL 60604

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Bob Berthiaume, Director – Operations Compliance
Vista Outdoor Inc.
2299 Snake River Ave
Lewiston, Idaho 83501
robert.berthiaume@vistaoutdoor.com

Re: Notice of Violation
Federal Cartridge Company
Anoka, Minnesota

Dear Bob Berthiaume:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Federal Cartridge Company (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Minnesota State Implementation Plan at your Anoka, Minnesota facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference. The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 to request a conference. You should make the request within 10 calendar days following receipt of this letter.

We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Brian Dickens
Supervisor, Air Enforcement and Compliance Assurance
Section (MN/OH)

cc: Rachel Studanski, Manager
Land and Air Compliance Section
Industrial Division
Minnesota Pollution Control Agency (MPCA)

Jennifer Smokelin
Reed Smith
JSmokelin@ReedSmith.com

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Federal Cartridge Company
Anoka, Minnesota
Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

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NOTICE OF VIOLATION

EPA-5-24-MN-02

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Federal Cartridge Company (Federal Cartridge) is violating the Minnesota State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. The Clean Air Act, 42 U.S.C §§ 7401, et seq., and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.

Minnesota SIP

2. On July 27, 2020, EPA approved Minnesota Administrative Rules (Minn. R.) 7011.0060 as part of the federally enforceable Minnesota SIP. 85 Fed. Reg. 45094.
3. Minn. R. 7011.0060, Subpart 3, defines "Collection Efficiency" as "the percentage of emissions entering the air pollution control equipment that are collected by the air pollution control equipment and thus removed from the exhaust stream. 'Collection' pertains to pollutants that are collected but molecular composition may or may not be changed."
4. Minn. R. 7011.0060, Subpart 3a., defines "Control efficiency" as having the meaning given to control equipment efficiency in subpart 3b.
5. Minn. R. 7011.0060, Subpart 3b., defines "Control equipment efficiency" as "the percentage of emissions produced by a process that are not emitted to the atmosphere. Control equipment efficiency is equal to the product of the capture efficiency and collection efficiency or the product of capture efficiency and destruction efficiency."

Minnesota Pollution Control Agency Federally Enforceable State Operating Permit Program

6. On May 2, 1995, EPA approved Minn. R. 7007.0050 through 7007.1850 as part of the federally enforceable Minnesota SIP. 60 Fed. Reg. 21447.

7. Minn. R. 7007.0050 through 7007.1850 authorizes the Minnesota Pollution Control Agency (MPCA) to issue federally enforceable state operating permits with such terms and conditions as are necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality.

Federal Cartridge FESOP Requirements

8. On January 13, 2021, MPCA issued Permit No. 00300156-101 (2021 FESOP) to Federal Cartridge. The 2021 FESOP is a Major Amendment to an Air Individual Permit originally issued on December 28, 2007.
9. The 2021 FESOP at Section 4, Summary of subject items, describes EQUI 20 as Bleimeister 1 Melt Pot Exhaust.
10. The 2021 FESOP at Section 4, Summary of subject items, states that EQUI 20 is controlled by TREA 7: Fabric Filter – Medium Temperature.
11. The 2021 FESOP at Section 4, Summary of subject items, describes COMG 1 as Fabric Filter – Medium Temp.
12. The 2021 FESOP at Section 4, Summary of subject items, states that TREA 7 is included as a member of COMG 1.
13. The 2021 FESOP at Section 5, Limits and other requirements, under Requirement COMG 1 – 5.2.1 states, “The requirements of COMG 001 apply separately to each fabric filter in COMG 001.”
14. The 2021 FESOP at Section 5, Limits and other requirements, under Requirement COMG 1 – 5.2.2 states, “The Permittee shall operate and maintain the control equipment such that it achieves an overall control efficiency for Lead $\geq$ 74 percent control efficiency.”
15. The 2021 FESOP at Section 5, Limits and other requirements, under Requirement COMG 1 – 5.2.3 states, “The Permittee shall operate and maintain the control equipment such that it achieves a control efficiency for Particulate Matter $\geq$ 79 percent control efficiency.”

Relevant Factual Background

16. Federal Cartridge owns and operates an ammunition manufacturing facility at 900 Bob Ehlen Drive in Anoka, Minnesota (the Facility).
17. Federal Cartridge submitted an “Initial Hood Certification – EQUI 20 & EQUI 21” dated, May 12, 2023, to MPCA (Hood Certification).

18. The Hood Certification states the hood capture efficiency at EQUI 20, controlled by TREA 7, for “PM/PM10/PM2.5/Lead” is 80%.
19. On November 21 and 22, 2023, performance testing was conducted at the inlet and outlet of TREA 7 (Performance Test).
20. The Performance Test included testing for lead and filterable PM using EPA Reference Test Methods 1, 2, 4, 5, and 12.
21. The Performance Test identified a lead collection efficiency of 88%.
22. Based on a capture efficiency of 80% and a collection efficiency of 88%, the control efficiency of lead at TREA 7 is 70%.
23. The Performance Test identified a PM collection efficiency of 63%.
24. Based on a capture efficiency of 80% and a collection efficiency of 63%, the control efficiency of PM at TREA 7 is 50%.

Violations

25. Federal Cartridge failed to operate and maintain TREA 7 such that it achieves an overall control efficiency for lead of $\geq 74\%$ in violation of Requirement COMG 1 – 5.2.2 of the 2021 FESOP.
26. Federal Cartridge failed to operate and maintain TREA 7 such that it achieves a control efficiency for PM of $\geq 79\%$ in violation of Requirement COMG 1 – 5.2.3 of the 2021 FESOP.

Environmental Impact of Violations

27. This violation is associated with excess emissions of lead. Once lead enters the body it distributes through blood and is accumulated in the bones. Depending on the level of exposure, lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system. Lead exposure also affects the oxygen carrying capacity of the blood. The most common lead effects are neurological effects in children and cardiovascular effects (e.g., high blood pressure and heart disease) in adults. Infants and young children are especially sensitive to lead, which may contribute to behavioral problems, learning deficits and lowered IQ.
28. This violation is associated with excess emissions of Particulate Matter. Particulate matter, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:
 - irritation of the airways, coughing, and difficulty breathing;
 - decreased lung function;
 - aggravated asthma;

- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division