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Cc: John.Willoughby@erametgroup.com Willoughby[john.willoughby@erametgroup.com]
From: Andrea Hart
Sent: Wed 5/10/2017 3:17:28 PM
Subject: Roundtable Follow-Up on NESHAP Alternative Testing Methods
[Marietta Times notice \(April 25 2017\).pdf](#)
[2017.04.20 Consent Order \(LODGED\) \(2\).pdf](#)
[Eramet Marietta - EPA Major change request\(04.28.2017\).pdf](#)

Good morning Samantha and Mandy,

My name is Andrea Hart and I attended the roundtable yesterday morning organized by Wayne Valis, on behalf of an industrial ferroalloy producer, Eramet Marietta of Marietta, OH. Thanks to both of you for attending--it was a brief but truly valuable event.

Mandy and my colleagues, Nick Pyle and John Willoughby (cc'd here) of Eramet met last month along with representatives from Felman Production, the only other ferroalloy producer in the US. Both companies have been in the process of complying with a rigid NESHAP rule for ferroalloys production since it was finalized in 2015. The companies sought formal reconsideration of substantive provisions in the rule and compliance extensions based on the staggered sequence needed to bring all facility furnaces into compliance. These efforts included many conversations with EPA HQ and regional offices, but the companies saw no accommodation from the previous EPA.

Thanks to the hard work of new administration personnel like Mandy and Matt Davis in Administrator Pruitt's office, Eramet is now close to finalizing an extension based on delegation of enforcement authority from HQ to Region 5 and Ohio EPA. Attached are a consent decree (which includes a one year compliance extension) between Eramet and the state of Ohio, and a public notice stating the decree is open for public comment through May 26. If possible, Eramet would appreciate any type of comment from EPA HQ confirming that the authority to grant an extension was delegated to Region 5 and/or that such an extension aligns with EPA HQ policy.

In addition, Eramet and Felman have filed requests for alternative testing methods within the 2015 NESHAP rule, as authorized by the CAA. Eramet's request letter is attached. This issue was the overarching topic of Eramet, Felman and Mandy's meeting last month, and we believe Felman has also followed up with Mandy since then.

For background, the NESHAP rule mandates Digital Camera Opacity Technology (DCOT) as the only method of compliance monitoring. This goes against the commonly used practice, Method 9, which is a trained eye monitoring and reporting rather than a camera. The DCOT technology was not fully vetted by the previous EPA and has not proven to be equally as accurate or reliable as Method 9. Further, there is only one DCOT manufacturer in the US who faces no competition in the market and has been less than helpful as the companies attempt to do their own testing of the reliability and accuracy of the technology. If no accommodation is given by EPA, the companies will have to incur the cost of changing to the new method while still being at risk for noncompliance if DCOT doesn't prove to do what the previous administration suggested it would.

We would very much appreciate both of you to consider this request. John and I would be pleased to visit your office in the immediate future on the possible public comment from EPA HQ and/or the request for Method 9 as an alternative testing method to DCOT. Again, we cannot thank Mandy and the new leaders of EPA enough for your willingness to work with us on this matter. Thank you for your time and I look forward to hearing from you.

Sincerely,

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