



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

OCT 26 2018

Bruno L. Pigott
Commissioner

VIA CERTIFIED MAIL 7002 0510 0002 5821 8874

Andy Jennings, Director-Health,
Safety and Environmental
Real Alloy Specification, LLC
3700 Park East Drive
Suite 300
Beachwood, OH 44122

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management

v.

Real Alloy Specification, LLC
Plant ID No. 169-00010
Wabash, Wabash County
Case No. 2018-25145-A

Dear Mr. Jennings:

This is to advise you that the Indiana Department of Environmental Management took the following action.

The Findings of Fact and Order in the above referenced case, which were signed on behalf of the Respondent, were considered. The Findings of Fact and Order have been approved by the Department and the Agreed Order has been executed.

A copy of the approved Order is enclosed. Please note that the civil penalty has been received and will be deposited in the Environmental Management Special Fund. Thank you for your cooperation.

Sincerely,

Phil Perry, Chief
Compliance and Enforcement Branch
Office of Air Quality

Enclosures:

cc: Gary Huddleston, Real Alloy Specification, LLC
Rochelle Marceillars, US EPA Region 5 (HPV cases only)
Wabash County Health Department
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ
Wyman Clark, Compliance and Enforcement Branch, OAQ
<http://www.IN.gov/idem>



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STATE OF INDIANA)
)
COUNTY OF MARION)

COMMISSIONER OF THE)
DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT)
)
Complainant,)
)
v.) Case No. 2018-25145-A
)
REAL ALLOY SPECIFICATION, LLC,)
)
Respondent.

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by Indiana Code ("IC") 13-13-1-1.
2. Respondent is Real Alloy Specification, LLC ("Respondent"), which owns and operates the stationary secondary aluminum production facility with Plant ID No. 169-00010, located at 4625 West Old 24 in Wabash, Wabash County, Indiana ("Site").
3. IDEM has jurisdiction over the parties and the subject matter of this action.



4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via Certified Mail to:
Terrance J. Hogan, President Corporation Service Company, Registered
Real Alloy Specification, LLC Agent
3700 Park East Drive 135 North Pennsylvania Street
Suite 300 Suite 1610
Beachwood, OH 44122 Indianapolis, IN 46204
5. Based on a Self-Disclosure submitted and an inspection conducted on February 27, 2018 by a representative of IDEM, the following violations were found:
 - a. Pursuant to 40 CFR 63.1506(m)(5), the owner or operator of a group 1 furnace with emissions controlled by a lime-injected fabric filter must maintain the total reactive chlorine flux injection rate ("TRCFIR") for each operating cycle or time period used in the performance test at or below the average rate established during the performance test.

Respondent exceeded the TRCFIR during 229 heats between 2015 and 2017, in violation of 40 CFR 63.1506(m)(5).
6. Upon discovery of the TRCFIR exceedances, Respondent implemented several actions to prevent reoccurrence. Actions included, training, generation of automated Reactive Flux worksheet and additional reviews of all production heats.
7. On May 12, 2018, Respondent submitted revised semi-annual reports for 2015, 2016, and 2017 to identify the exceedances by heat number and date of occurrence.
8. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate, and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with 40 CFR 63 Subpart RRR and Part 70 Permit 169-36776-00010 unless superseded by a permit modification or renewal.
3. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Matthew Chaifetz, Senior Enforcement Manager
Compliance and Enforcement Branch – Mail Code 61-53
Indiana Department of Environmental Management
100 North Senate Avenue

Indianapolis, IN 46204-2251

4. Respondent is assessed and agrees to pay a civil penalty of Fifteen Thousand Dollars (\$15,000.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the 30th day being the "Due Date".
5. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

IDEM Office of Legal Counsel
IGCN, Rm N1307
100 N Senate Ave
Indianapolis, IN 46204

6. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
7. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 5, above.
8. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
9. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
10. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of its obligation to comply with the requirements of its applicable permit or any applicable Federal or State law or regulation.
11. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order

will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.

12. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the NOV.
13. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the EPA or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
14. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondent.

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TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: David P. McIver
David P. McIver, Chief
Compliance and Enforcement
Enforcement Section
Office of Air Quality

Date: 10-11-18

RESPONDENT:
Real Alloy Specification, LLC

By: AM: JTO

Printed: Andy Jennings

Title: Director, Health, Safety & Environment

Date: 10-16-18

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS

25th DAY OF October, 20 18.

For the Commissioner:

By: Matthew Stuckey
Matthew Stuckey, Deputy Assistant
Commissioner
Office of Air Quality
Indiana Department of Environmental
Management