

ENFORCEMENT ALERT -- EPA Region V for Air Regulations, Including NSPS Subpart UUU

EPA Region V, which includes Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, has undertaken an enforcement initiative that is focused on air compliance at foundries. As part of this effort, EPA has cited several facilities for violations of New Source Performance Standards (NSPS), Subpart UUU (40 CFR Part 60). In addition, EPA has reportedly informed the states that they should be enforcing Subpart UUU requirements for units at foundries, including requirements in air permits for production equipment that process foundry sands and meet the regulatory definition of a dryer or calciner.

The applicability of NSPS Subpart UUU requirements to foundry equipment has been the subject of discussion between EPA and AFS over the past ten years. AFS contends that Subpart UUU was never intended to apply to foundries. EPA proposed regulatory language to exempt foundries from Subpart UUU, but never finalized the regulations. At that time, EPA agreed not to issue citations for Subpart UUU violations at foundries, but would address the requirements only when facility air permits were up for renewal.

Region V has now taken the position that Subpart UUU applies specifically to thermal sand reclamation units at foundries, and possibly to other equipment at foundries that process sand. In addition, Region V is asserting that these units must comply with the applicable opacity monitoring requirements, which includes the installation of continuous opacity monitoring systems (COMS). Facilities would have the opportunity to apply to EPA on a case by case basis to get an alternative monitoring method approved for these units.

So far, the enforcement actions that have included Subpart UUU violations for foundries have been limited to thermal sand reclamation units, and Region V has not yet assessed any penalties in these cases. AFS remains concerned that this issue may spread to other EPA regions and states nationwide, and given the broad definition of dryers and calciners, could be applied more extensively to units that process sand at foundries beyond thermal sand reclamation.

AFS will continue to work with officials in Washington to clarify the applicability of Subpart UUU requirements at foundries. In addition, AFS will be featuring a more detailed presentation on the NSPS, Subpart UUU issue on April 7, 2013 at the Metalcasting Congress in St. Louis. In the meantime, foundries should be alerted to EPA efforts regarding Subpart UUU requirements, particularly in Region V. If EPA or states raise this issue at your facility or you would like additional information on this topic, please contact Jeff Hannapel at jhannapel@thepolicygroup.com.