



## REGION 5

CHICAGO, IL 60604

**VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

David Martin, General Manager  
ALCO Products, LLC  
[dmartin@alco-products.com](mailto:dmartin@alco-products.com)

Re: Finding of Violation  
ALCO Products, LLC  
Detroit, Michigan

Dear David Martin:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to ALCO Products, LLC (ALCO or you) under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). We find that Alco is violating the Standards of Performance (NSPS) for Asphalt Processing and Asphalt Roofing Manufacture, 40 C.F.R. Part 60, Subpart UU and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing, 40 C.F.R. Part 63, Subpart AAAAAAA at your Detroit, Michigan facility.

Section 113 of the CAA 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 FOV. 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 FOV 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 contacts in this matter are Daniel Schaufelberger and Natalia Vazquez. You may call them at (312) 886-6814 and (312) 353-8314, respectively or email them at [schaufelberger.daniel@epa.gov](mailto:schaufelberger.daniel@epa.gov) and [vasquez.natalia@epa.gov](mailto:vasquez.natalia@epa.gov) 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,

Sarah Marshall  
Supervisor, Air Enforcement and Compliance Assurance  
Section (MI/WI)

cc: Jenine Camilleri, Enforcement Unit Supervisor  
Air Quality Division  
Michigan Department of Environment Great Lakes and Energy

April Wendling, District Supervisor  
Air Quality Division, Detroit District  
Michigan Department of Environment Great Lakes and Energy

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	
	)	
<b>ALCO Products, LLC</b>	)	<b>FINDING OF VIOLATION</b>
<b>Detroit, Michigan</b>	)	
	)	<b>EPA-5-24-MI-04</b>
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency finds that ALCO Products, LLC (ALCO) is violating Sections 111 and 112 of the Clean Air Act (CAA), 42 U.S.C. § 7411(b) and, 42 U.S.C. § 7412. Specifically, ALCO is violating the Standards of Performance (NSPS) for Asphalt Processing and Asphalt Roofing Manufacture, 40 C.F.R. Part 60, Subpart UU and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing, 40 C.F.R. Part 63, Subpart AAAAAA as follows:

**Statutory and Regulatory Background**

1. The CAA is designed to protect and enhance the quality of the nation’s air resources so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

**New Source Performance Standards**

2. Section 111(b) of the CAA, 42 U.S.C. § 7411(b), requires EPA to publish a list of categories of stationary sources and, within a year after the inclusion of a category of stationary sources in the list, to publish proposed regulations establishing Federal standards of performance for new sources within the source category.

3. Section 111(f) of the CAA, 42 U.S.C. § 7411(f), requires the promulgation of standards of performance for new stationary sources.

4. Section 111(e) of the CAA, 42 U.S.C. § 7411(e), states that after the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

**NSPS General Provisions, 40 C.F.R. Part 60, Subpart A**

5. EPA proposed General Provisions to the New Source Performance Standards (NSPS Subpart A) on August 17, 1971. See 36 Fed. Reg. 15704. EPA promulgated NSPS Subpart A on

December 23, 1971. See 36 *Fed. Reg.* 24877. The subpart has been subsequently amended. NSPS Subpart A is codified at 40 C.F.R. §§ 60.1 – 60.19.

6. 40 C.F.R. § 60.1(a) states that except as provided in Subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

7. 40 C.F.R. § 60.1(c) provides that in addition to complying with the provisions of this part, the owner or operator of an affected facility may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the EPA pursuant to Title V of the CAA as amended November 15, 1990 (42 *U.S.C.* 7661).

8. 40 C.F.R. § 60.2 defines “affected facility” as, with reference to a stationary source, any apparatus to which a standard is applicable.

9. 40 C.F.R. § 60.2 defines “construction” as the fabrication, erection, or installation of an affected facility.

10. 40 C.F.R. § 60.7(a)(1) requires that any owner or operator subject to the provisions of this part shall furnish the Administrator written or electronic notification “of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date.”

11. 40 C.F.R. § 60.7(a)(3) requires that any owner or operator subject to the provisions of this part shall furnish the Administrator written or electronic “notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.”

12. 40 C.F.R. § 60.7(a)(4) requires that any owner or operator subject to the provisions of this part shall furnish the Administrator written or electronic “notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.”

13. 40 C.F.R. § 60.7(b) requires any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

14. 40 C.F.R. § 60.8 requires that except as specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the CAA, the owner or operator of such facility shall conduct

performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

15. 40 C.F.R. § 60.11(b) states that compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

16. 40 C.F.R. § 60.11(c) provides that the opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

**Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture,**  
**40 C.F.R. Part 60, Subpart UU**

17. On August 6, 1982, EPA promulgated the NSPS for Asphalt Processing and Asphalt Roofing Manufacture, codified at 40 C.F.R. Part 60, Subpart UU (NSPS UU). 47 *Fed. Reg.* 34143.

18. 40 C.F.R. § 60.470(a) provides that the affected facilities to which NSPS UU applies are each saturator and each mineral handling and storage facility at asphalt roofing plants.

19. 40 C.F.R. § 60.470(b) provides that any saturator or mineral handling and storage facility under 40 C.F.R. § 60.470(a) that commences construction or modification after November 18, 1980, is subject to the requirements of NSPS UU. Any asphalt storage tank or blowing still that processes and/or stores asphalt used for roofing only or for roofing and other purposes, and that commences construction or modification after November 18, 1980, is subject to the requirements of this subpart.

20. 40 C.F.R. § 60.471 defines “asphalt roofing plant” as a plant which produces asphalt roofing products (shingles, roll roofing, siding, or saturated felt).

21. 40 C.F.R. § 60.471 defines an “asphalt storage tank” as any tank used to store asphalt at asphalt roofing plants, petroleum refineries, and asphalt processing plants. Storage tanks containing cutback asphalts (asphalts diluted with solvents to reduce viscosity for low temperature applications) and emulsified asphalts (asphalts dispersed in water with an emulsifying agent) are not subject to this regulation.

22. 40 C.F.R. § 60.471 defines a “mineral handling and storage facility” as the areas in asphalt roofing plants in which minerals are unloaded from a carrier, the conveyor transfer points between the carrier and the storage silos, and the storage silos.

23. 40 C.F.R. § 60.471 defines “saturator” as the equipment in which asphalt is applied to felt to make asphalt roofing products. The term saturator includes the saturator, wet looper, and coater.

24. 40 C.F.R. § 60.472(a)(1) requires on and after the date on which § 60.8(b) requires a performance test to be completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any saturator: (1) particulate matter in excess of: (i) 0.04 kg/Mg (0.08 lb/ton) of asphalt shingle or mineral-surfaced roll roofing produced, or (ii) 0.4 kg/Mg (0.8 lb/ton) of saturated felt or smooth-surfaced roll roofing produced.

25. 40 C.F.R. § 60.472(d) requires that within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any mineral handling and storage facility emissions with opacity greater than 1 percent.

### **National Emission Standards for Hazardous Air Pollutants**

26. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAP) and establish emissions standards for the categories and subcategories. These emission standards are known as the NESHAP. The purpose of the NESHAP is to ensure that all subject sources achieve the maximum degree of reduction in emission of HAP that EPA determines is achievable for each sources category.

27. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), EPA designates HAPs, which present or may present a threat of adverse effects to human health. Section 112(b) of the CAA, 42 U.S.C. § 7412(b), lists polycyclic organic matter, which includes polycyclic aromatic hydrocarbons (PAH) as a HAP.

28. Pursuant to Section 112(c) of the CAA, EPA promulgated a list of categories and subcategories of area sources of the air pollutants listed pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b).

29. Pursuant to Section 112(d) of the CAA, EPA promulgated regulations implementing the NESHAP at 40 C.F.R. Part 63.

30. Section 112(a) of the CAA, 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2 define “major source” or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) or more of any HAP or 25 tpy or more of any combination of HAPs.

31. Section 112(a) of the CAA, 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2 define “area source” as any stationary source of HAP that is not a major source.

32. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

**NESHAP for Source Categories, General Provisions, 40 C.F.R. Part 63, Subpart A**

33. On March 16, 1994, U.S. EPA promulgated the General Provisions to Part 63 at 40 C.F.R. Part 63, Subpart A, §§ 63.1 - 63.16. *See 59 Fed. Reg. 12408.*

34. 40 C.F.R. § 63.2, defines an “affected source” as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a CAA Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the CAA.

35. 40 C.F.R. § 63.2, defines “new source” as any affected source the construction or reconstruction of which is commenced after the Administrator first proposes a relevant emission standard under this part establishing an emission standard applicable to such source.

36. 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.

**NESHAP for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing, 40 C.F.R. Part 63, Subpart AAAAAA**

37. On December 2, 2009, EPA promulgated the NESHAP for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing, codified at 40 C.F.R. Part 63, Subpart AAAAAA (NESHAP 7A). *See 74 Fed. Reg. 63260.*

38. 40 C.F.R. § 63.11559(a) provides that a facility is subject to NESHAP 7A if you own or operate an asphalt processing operation and/or asphalt roofing manufacturing operation that is an area source of HAP emissions, as defined in § 63.2.

39. 40 C.F.R. § 63.11559(b) provides that this subpart applies to each new or existing affected source as defined in (b)(2) of this section.

40. 40 C.F.R. § 63.11559(b)(2) defines the affected source for asphalt roofing manufacturing as the collection of all asphalt coating equipment, as defined in § 63.11566, at an asphalt roofing manufacturing operation.

41. 40 C.F.R. § 63.11559(d) categorizes an affected source as a new affected source if you commenced construction or reconstruction after July 9, 2009.

42. 40 C.F.R. § 63.11559(f) categorizes an affected source as an existing source if it is not new or reconstructed.

43. 40 C.F.R. § 63.11560(a) requires that if you own or operate an existing affected source, you must be in compliance with the applicable provisions in this subpart no later than December 2, 2010. As specified in § 63.11562(f), you must demonstrate initial compliance within 180 calendar days after December 2, 2010.

44. 40 C.F.R. § 63.11560(b) requires that if you own or operate a new affected source, you must be in compliance with the provisions in this subpart on or before December 2, 2009 or upon

startup, whichever date is later. As specified in § 63.11562(g), you must demonstrate initial compliance with the applicable emission limits no later than 180 calendar days after December 2, 2009 or within 180 calendar days after startup of the source, whichever is later.

45. 40 C.F.R. § 63.11561(b) requires that asphalt roofing manufacturing lines must meet the applicable emission limits specified in Table 2 of this subpart.

46. 40 C.F.R. § 63.11562(c) requires that asphalt roofing manufacturing lines that do not require a control device to comply with the emission limits in Table 2 of this subpart, must: (1) demonstrate initial compliance by: (i) conducting emission tests using the methods in Table 3 of this subpart, (ii) using the results of previously-conducted emission test as specified in paragraph (d) of this section; or (iii) using process knowledge and engineering calculations as specified in paragraph (e) of this section; (2) establish the value or range of values of the operating parameters specified in Table 4 of this subpart: (i) using the operating parameter data recorded during the compliance emission tests; (ii) using the operating parameter data recorded during a previously-conducted emission test; or (iii) using process knowledge and engineering calculations as specified in paragraph (f) of this section.

47. 40 C.F.R. § 63.11562(d) provides that if you are using a previously-conducted emission test to demonstrate compliance with the emission limitations in this subpart for existing sources, as specified in paragraph (c)(1)(ii) of this section, the following conditions must be met: (1) the emission test was conducted within the last 5 years; (2) no changes have been made to the process since the time of the emission test; (3) the operating conditions and test methods used for the previous test conform to the requirements of this subpart; and (4) The data used to establish the value or range of values of the operating parameters, as specified in paragraph (c)(2)(ii) of this section, were recorded during the emission test.

48. 40 C.F.R. § 63.11562(g) provides that for existing sources, you must demonstrate initial compliance no later than 180 calendar days after December 2, 2010.

49. 40 C.F.R. § 63.11562(h) provides that for new sources, you must demonstrate initial compliance no later than 180 calendar days after December 2, 2009 or within 180 calendar days after startup of the source, whichever is later.

50. 40 C.F.R. § 63.11562(i) for emission tests conducted to demonstrate initial compliance with the emission limits specified in Tables 1 and 2 of this subpart, you must follow the requirements specified in paragraphs (i)(1) through (i)(4) of this section.

51. 40 C.F.R. § 63.11563(a) requires that you must maintain the operating parameters established under § 63.11562(c)(2) as specified in Table 4 of this subpart.

52. 40 C.F.R. § 63.11563(g) provides that if you are not using a control device to comply with the emission limits specified in Tables 1 and 2 of this subpart, you must develop and make available for inspection by the delegated authority, upon request, a site-specific monitoring plan. The plan must specify the process parameters established during the initial compliance assessment and how they are being monitored and maintained to demonstrate continuous compliance.



53. 40 C.F.R. § 63.11563(j) requires that you conduct a performance evaluation of each continuous parameter monitoring system (CPMS) in accordance with your site-specific monitoring plan.

54. 40 C.F.R. § 63.11563(k) requires that you operate and maintain the CPMS in continuous operation according to the site-specific monitoring plan.

55. 40 C.F.R. § 63.11564(a) requires that you must submit the notifications specified in paragraphs (a)(1) through (a)(6) of this section: (1) you must submit all of the notifications in 63.5(b), 63.7(b); 63.8(e) and (f); 63.9(b) through (e); and 63.9(g) and (h) that apply to you by the dates specified in those sections; (2) as specified in 63.9(b)(2), an existing affected source must submit an initial notification no later than 120 calendar days after December 2, 2009, or no later than 120 days after the source becomes subject to this subpart, whichever is later; (3) as specified in 63.9(b)(4) and (5), if you have a new affected source, you must submit an initial notification not later than 120 calendar days after you become subject to this subpart; (4) You must submit a notification of intent to conduct a compliance test at least 60 calendar days before the test, as required by 63.7(b)(1); (5) you must submit a notification of compliance status according to 63.9(h)(2)(ii). Must be submitted before the close of business on the 60<sup>th</sup> calendar day following the completion of the test according to 63.10(d)(2); (6) if you are using data from a previously-conducted emission test to serve as documentation of compliance with the emission standards and operating limits of this subpart, you must submit the test data in lieu of the initial compliance test results with the Notification of Compliance Status required under paragraph (a)(5) of this section.

56. 40 C.F.R. § 63.11564(b)(1) requires that, when you are using a control device to comply with the emission limits, the compliance report must identify the controlled units (*e.g.*, blowing stills, saturators, coating mixers, coaters). If you are not using a control device to comply with the emission limits, the compliance report must identify the site-specific process operating parameters monitored to determine compliance with the emission limits.

57. 40 C.F.R. § 63.11564(b)(2) requires you to submit a compliance report during periods for which there are no deviations from any emission limitations (emission limit or operating limit) that apply to you, the compliance report must contain the following information: (i) company name and address; (ii) statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report; (iii) date of report and beginning and ending dates of the reporting period; (iv) a statement that there were no deviations from the emission limitations during the reporting period.

58. 40 C.F.R. § 63.11564(b)(4) provides that unless the Administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report specified in paragraph (b) of this section according to the following dates: (i) the first compliance report must cover the period beginning on the compliance date that is specified for your affected source in § 63.11560 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in § 63.11560; (ii) the first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in § 63.11560; (iii) each subsequent compliance report must cover the semiannual

reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31; (iv) each subsequent compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

59. 40 C.F.R. § 63.11564(c) requires that you maintain the following records: (1) a copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirements in § 63.10(b)(2)(xiv); (2) copies of emission tests used to demonstrate compliance and performance evaluations as required in § 63.10(b)(2)(viii); (3) documentation that shows that the following conditions are true if you use a previously-conducted emission test to demonstrate initial compliance as specified in § 63.11562(a)(1)(ii), (b)(1)(3), and (c)(1)(2): (i) the test was conducted within the last 5 years; (ii) no changes have been made to the process since the time of the emission test; (iii) the operating conditions and test methods used for the previous test conform to the requirements of this subpart; and (iv) the data used to establish the value or range of values of the operating parameters, as specified in § 63.11562(c)(2)(ii), were recorded during the emission test; (4) documentation that identifies the operating parameters and values specified in Table 4 of this subpart and that contains the data used to establish the parameter values as specified in § 63.11562(c)(2); (5) copies of the written manufacturers performance specifications used to establish operating parameter values as specified in § 63.11562(b)(3)(iii); (6) documentation of the process knowledge and engineering calculations used to demonstrate initial compliance as specified in § 63.11562(e); (7) documentation of the process knowledge and engineering calculations used to establish the value or range of values of operating parameters as specified in § 63.11562(f); (8) a copy of the site-specific monitoring plan required under § 63.11563(g); (9) a copy of the approved alternative monitoring plan required under § 63.11563(h), if applicable; (10) records of the operating parameter values required in Table 4 of this subpart to show continuous compliance with each operating limit that applies to you.

60. 40 C.F.R. § 63.11565 requires that you comply with the requirements of the General Provisions (40 C.F.R. Part 63, Subpart A) according to Table 5 of NESHAP 7A.

### **Findings of Fact**

61. ALCO owns and operates an asphalt roofing materials manufacturing facility at 580 Old St. Jean Street, Detroit, Michigan (the Facility).

62. At the Facility, ALCO operates, among other emission units, two asphalt coating lines; Line 1, constructed in 2016/2017 and Line 2 constructed in 1999/2000; a sand storage silo, and a black mag storage silo. Both sand and black mag are used at Line 1.

63. Neither the Line 1 nor Line 2 asphalt coating lines use an air pollution control device.

64. On August 16, 2022, EPA conducted a CAA compliance inspection at the Facility.

65. On October 26, 2022, EPA issued a Section 114 information request to ALCO. Among other information, EPA requested that the Facility conduct PM and PAH performance testing at the

Facility's asphalt coating lines (Line 1 and Line 2) and opacity readings at the Facility's sand silo and black mag silo.

- 66. On April 10 and 11, 2023, ALCO conducted EPA Method 5A for PM and EPA Other Test Method 46 (OTM-46) for PAH, at Line 1 exhaust.
- 67. On April 17 and 18, 2023, ALCO conducted EPA Method 5A for PM and OTM-46 for PAH, at Line 2 exhaust.
- 68. On May 4, 2023, ALCO conducted EPA Method 9 testing at the sand silo.
- 69. On June 23, 2023, ALCO conducted EPA Method 9 testing at the black mag silo.
- 70. On August 2, 2023, ALCO submitted a test report, dated July 27, 2023, that contained the results of the Line 1 and Line 2 PM and PAH emissions testing and black mag and sand silo opacity testing.

### Legal Findings

- 71. 40 C.F.R. § 60.8 requires that ALCO conduct performance tests at its NSPS UU affected facilities within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and furnish the Administrator a written report of the results of such performance tests.
- 72. ALCO's Line 1 and Line 2 asphalt coatiers are NSPS UU affected facilities as defined at 40 C.F.R. § 60.470(a) and 40 C.F.R. § 60.471.
- 73. ALCO's sand silo and black mag silo are NSPS UU affected facilities as defined at 40 C.F.R. § 60.470(a) and 40 C.F.R. § 60.471.
- 74. Since the year 1999, ALCO has been required to comply with the requirements of NSPS UU at Line 2.
- 75. Since the year 2016, ALCO has been required to comply with the requirements of NSPS UU at Line 1, the sand silo, and the black mag silo.
- 76. ALCO is an asphalt roofing manufacturing operation that is considered an area source, as defined at 40 C.F.R. § 63.2, as HAP emissions from the Facility are less than 10 tpy of any single HAP and 25 tpy of any combination of HAP.
- 77. ALCO's Line 1 and Line 2 asphalt coatiers are NESHAP 7A affected facilities as defined by 40 C.F.R. § 63.11559(b)(2).
- 78. ALCO's Line 1 is considered a new affected source, as defined at 40 C.F.R. § 63.11559(d), as construction of the unit commenced after the cut-off date of July 9, 2009.
- 79. ALCO's Line 2 is considered an existing affected source, as defined at 40 C.F.R. § 63.11559(f), as the unit is not a new as defined at 40 C.F.R. § 63.11559(d).

80. Since July 9, 2009, Line 2 has been required to comply with the applicable existing affected source requirements of NESHAP 7A.

81. Since 2016, Line 1 has been required to comply with the applicable new affected source requirements of NESHAP 7A.

### Violations

82. In violation of 40 C.F.R. § 60.8, ALCO has failed to conduct performance tests and to furnish the Administrator with a written report of the results of the performance tests at its NSPS UU affected facilities Line 1, Line 2, the sand silo, and the black mag silo, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility.

83. In violation of 40 C.F.R. § 60.472(d), ALCO generated opacity emissions greater than 1% from their black mag silo. A maximum EPA Method 9 opacity observation of 5.4%, taken during a June 23, 2023 loading event, was reported in ALCO's July 27, 2023 test report.

84. In violation of 40 C.F.R. § 60.472(d), ALCO generated opacity emissions greater than 1% from their sand silo. A maximum EPA Method 9 opacity observation of 12.3%, taken during a May 3, 2023 loading event, was reported in ALCO's July 27, 2023 test report.

85. In violation of 40 C.F.R. § 63.11560(a), ALCO's Line 2 was not in compliance with the applicable provisions of NESHAP 7A by December 2, 2010.

86. In violation of 40 C.F.R. § 63.11560(b), ALCO's Line 1 violated was not in compliance with the applicable provisions of NESHAP 7A upon startup in 2017.

87. ALCO failed to comply with 40 C.F.R. § 63.11562(c)(2) for Line 2, by not establishing the value or range of values of operating parameters specified in Table 4 of NESHAP 7A.

88. In violation of 40 C.F.R. § 63.11562(g), ALCO's Line 2 initial compliance was not demonstrated within 180 calendar days after December 2, 2010.

89. In violation of 40 C.F.R. § 63.11562(h), ALCO's Line 1 initial compliance was not demonstrated within 180 calendar days after startup.

90. ALCO failed to comply with 40 C.F.R. § 63.11563(a) for Line 1, by not maintaining the operating parameters established under § 63.11562(c)(2) as specified in Table 4 of NESHAP 7A.

91. ALCO failed to comply with 40 C.F.R. § 63.11563(a) for Line 2, by not maintaining the operating parameters established under § 63.11562(c)(2) as specified in Table 4 of NESHAP 7A.

92. ALCO failed to comply with 40 C.F.R. § 63.11563(g) by not developing and making available for inspection by the delegated authority, a site-specific monitoring plan for Line 1, that specifies the process parameters established during the initial compliance assessment and how they are being monitored and maintained to demonstrate continuous compliance.

93. ALCO failed to comply with 40 C.F.R. § 63.11563(g) by not developing and making available for inspection by the delegated authority, a site-specific monitoring plan for Line 2, that specifies the process parameters established during the initial compliance assessment and how they are being monitored and maintained to demonstrate continuous compliance.

94. ALCO failed to comply with 40 C.F.R. § 63.11563(j) by not conducting a performance evaluation of each CPMS in accordance with your site-specific monitoring plan.

95. ALCO failed to comply with 40 C.F.R. § 63.11563(k) by not operating and maintaining the CPMS in continuous operation according to the site-specific monitoring plan.

96. ALCO failed to submit the notifications required by 40 C.F.R. § 63.11564(a)(1) through (a)(6).

97. ALCO failed to submit compliance reports as required by 40 C.F.R. § 63.11564(b).

98. ALCO failed to maintain records as required by 40 C.F.R. § 63.11564(c).

99. ALCO failed to comply with 40 C.F.R. § 63.11565 which requires compliance with the applicable requirements of the General Provisions (40 C.F.R. Part 63, Subpart A) according to Table 5 of NESHAP 7A.

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Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division