

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF THE ASSESSMENT OF ) NOTICE OF PENALTY )  
PENALTY AGAINST INTALCO ALUMINUM LLC ) INCURRED AND DUE )  
 ) DOCKET No. 16109 )

To: Ron Jorgensen, President  
Intalco Aluminum LLC  
4050 Mountain View Road  
Ferndale, WA 98248

The Department of Ecology (Ecology) has assessed a penalty against you in the amount of \$27,500 for violating provisions of:

- Air Operating Permit No. 0002950
- Chapter 173-400 Washington Administrative Code (WAC) – General Regulations for Air Pollution Sources
- Chapter 173-401 Washington Administrative Code (WAC) - Operating Permit Regulation
- Chapter 173-415 Washington Administrative Code (WAC) – Primary Aluminum Plants
- Chapter 70.94 Revised Code of Washington (RCW) – Washington Clean Air Act
- 40 CFR Part 63 subpart LL (63.843(a)(3)(iv)) - National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

This Notice of Penalty is in reference to Notice of Violation, Docket No. 15749 and Notice of Violation, Docket No. 15812 that Ecology issued on August 01, 2018. Ecology has authority to issue this penalty under RCW 70.94.431.

**I. FINDINGS OF FACT**

Intalco owns and operates a primary aluminum smelter located in Ferndale, Washington. The Intalco facility produces up to 307,000 tons per year of primary aluminum that is sold as aluminum foundry ingot, pig, or sow. The air emissions from the emission units at Intalco are regulated by AOP No. 0002950.

Conditions B5 and D8 of Intalco’s AOP specify that the combined total fluoride (TF) emissions from the potline’s primary and secondary controls and bake oven baghouse shall not exceed 1.6 lbs. TF/ton of aluminum (Al) produced (3-month average). Intalco reported values of 1.8 and 1.7 lbs. TF/ton Al, respectively in their January and February 2017 Monthly Air Monitoring Reports and a value of 1.7 lbs TF/ton Al in their January, February, and March 2018 Monthly Air Monitoring Reports.

Condition D16 of Intalco’s AOP specifies that the TF emissions shall not exceed 1.6 lbs. TF/ton of Aluminum produced (Al) per potline (averaged over a month).

- Potline A: Intalco reported a value of 2.1 lbs. TF/ton Al in their October 2017 Monthly Air Monitoring Report.
- Potline B: Intalco reported values of 1.9 and 2.0 lbs. TF/ton Al in their September and October 2017 Monthly Air Monitoring Reports and a value of 1.9 lbs. TF/ton Al in their February 2018 Monthly Air Monitoring Report.
- Potline C: Intalco reported a value of 2.1 lbs. TF/ton Al in their February 2018 Monthly Air Monitoring Report.

The MACT Particulate Matter (PM) limit in 40 CFR 63.843(a)(3)(iv) became effective on October 15, 2015. The compliance deadline was November 30, 2017. 40 CFR 63.843(a)(3)(iv) specifies that the PM emissions shall not exceed 4.9 lbs. PM/ton Al per potline (averaged over a month). Intalco is required to conduct semiannual monitoring. The PM MACT limit will be incorporated into Intalco's AOP during the permit renewal process.

The PM emissions from Potline A exceeded the MACT limit during the first source test conducted in October 2017 to demonstrate compliance with the new MACT PM standard for the second semiannual period of 2017 (July through December). Intalco reported a value of 7.2 lb of PM/ton Al in the October 2017 source test report received on January 22, 2018.

With the exception of the TF emission limit violations of AOP Condition D16, the violations described above meet EPA's criteria for a High Priority Violation (HPV). The TF limit in AOP Condition D16 does not meet the HPV criteria because it is not a Federal requirement - it is a state-only requirement.

The violations in this NOP include the violations summarized in the table titled "Intalco's TF and PM violations from NOV No. 15749 and NOV No. 15812 issued on August 01, 2018" in Section II.

## II. DETERMINATION OF VIOLATIONS

Ecology has determined the following violation(s) have occurred.

### Intalco's TF and PM violations from NOV No. 15749 and NOV No. 15812 issues on August 1, 2018

Date of Violation	Description of Violation	Emission Value Reported	AOP Permit Condition	Citations
January 31, 2017	Exceedance of the 1.6 lb TF/ton Al produced limit for the three potline's primary and secondary controls (based on a monthly average)	1.8 lb TF/ton of aluminum produced	B5 and D8	Chapter 173-401 Washington Administrative Code (WAC) - Operating Permit Regulation  Law Citation: Chapter 70.94 Revised Code of Washington (RCW) - Washington Clean Air Act
February 28, 2017	Exceedance of the 1.6 lb TF/ton Al produced limit for the three potline's primary and secondary controls (based on a monthly average)	1.7 lb TF/ton of aluminum produced	B5 and D8	
October 31, 2017	Exceedance of the 1.6 lb TF/ton Al produced limit in Potline A (based on a monthly average)	2.1 lb TF/ton Al of aluminum produced	D16	
September 30, 2017	Exceedance of the 1.6 lb TF/ton Al produced limit in Potline B (based on a monthly average)	1.9 lb TF/ton Al of aluminum produced	D16	
October 31, 2017	Exceedance of the 1.6 lb TF/ton Al produced limit in Potline B (based on a monthly average)	2.0 lb TF/ton Al of aluminum produced	D16	
February 28, 2018	Exceedance of the 1.6 lb TF/ton Al produced limit in Potline B (based on a monthly average)	1.9 lb TF/ton of aluminum produced	D16	
February 28, 2018	Exceedance of the 1.6 lb TF/ton Al produced limit in Potline C (based on a monthly average)	2.1 lb TF/ton of aluminum produced	D16	
February 28, 2018	Exceedance of the 1.6 lb TF/ton of aluminum produced limit (for the total TF emissions from the potline primary and secondary controls and the bake oven baghouse)	1.7 lb TF/ton of aluminum produced	B5 and D8	
March 31, 2018	Exceedance of the 1.6 lb TF/ton of aluminum produced limit (for the total TF emissions from the potline primary and secondary controls and the bake oven baghouse)	1.7 lb TF/ton of aluminum produced	B5 and D8	
April 30, 2018	Exceedance of the 1.6 lb TF/ton of aluminum produced limit (for the total TF emissions from the potline primary and secondary controls and the bake oven baghouse)	1.7 lb TF/ton of aluminum produced	B5 and D8	

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Date of Violation	Description of Violation	Emission Value Reported	AOP Permit Condition	Citations
December 31, 2017	Exceedance of the new PM MACT limit, 4.9 lb PM/ton of aluminum produced, for Potline A in the last semiannual period of 2017	7.2 lb PM/ton of aluminum produced	The limit will be incorporated into the AOP during renewal	40 CFR 63.843(a)(3)(iv)

### **III. ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT**

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations.

Ecology has determined the requirements of RCW 34.05.110 do not apply to the violation(s) described in this Notice of Penalty because you are not a small business as defined in RCW 34.05.110 (9).

### **IV. OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY**

#### **Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.**

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

#### **Mail payment to:**

Department of Ecology  
Cashiering Unit  
PO Box 47611  
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

#### **Option 2: Appeal to the PCHB and serve Ecology within 30 days after the date of receipt of the Notice of Penalty.**

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## V. ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## VI. CONTACT INFORMATION

Please direct all questions about this Notice of Penalty to:

Judy Schwieters  
Department of Ecology  
Solid Waste Management Program  
Industrial Section  
PO Box 47600  
Olympia, WA 98504-7600  
  
(360) 407-6942  
judith.schwieters@ecy.wa.gov

## VII. MORE INFORMATION

- **Pollution Control Hearings Board**  
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW, Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 70.94 RCW, Washington Clean Air Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=70.94>

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**VIII. SIGNATURE**

James DeMay

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James DeMay, P.E.  
Industrial Section Manager  
Solid Waste Management Program

January 30, 2019

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Date