UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFRONIA 94105

ENFORCEMENT AND COMPLIANCE
ASSURANCE DIVISION

VIA ELECTRONIC MAIL
RETURN RECEIPT REQUESTED

April 15, 2021

Tandy Kipper
President
Tucson Iron & Metal
P.O. Box 28898
Tucson, Arizona 85726-8898
gary@tucsoniron.net

Re: Finding and Notice of Violation R9-CAA-2021-1009
Tucson Iron & Metal
Tucson, Arizona

Dear Tandy Kippur:

Enclosed is a copy of the Finding and Notice of Violation ("NOV") that the U.S. Environmental Protection Agency Region 9 ("EPA") is issuing to Tucson Iron & Metal ("TIM") for violations of the Clean Air Act ("CAA" or "the Act"). Specifically, EPA finds that TIM has violated and continues to violate section 111 of the Act, 42 U.S.C. § 7411 – Standards of performance for new stationary sources, at its facility in Tucson, Arizona.

Sections 113(a)(3), 113(b), and 113(d) of the Act authorize EPA to issue an order requiring compliance with the requirements of the Act, issue an administrative penalty order, or commence a civil action seeking an injunction and/or civil penalty. *See* 42 U.S.C. §§ 7413(a), 7413(b), and 7413(d). Further, section 113(c) of the Act provides for criminal penalties in certain cases. *See* 42 U.S.C. § 7413(c).

TIM may, upon request, confer with EPA. TIM may request a conference with EPA within ten (10) working days of receipt of this NOV. The conference will provide TIM an opportunity to present information on the specific findings of violation, the nature of the violations, any efforts TIM may have taken to comply, and the steps TIM will take to prevent future violations. In addition, to make the conference more productive, we encourage TIM to submit to EPA information responsive to the NOV prior to the conference date.

Please plan to have your facility's technical and management personnel attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

ED_005878_00000128-00001

If you have any questions pertaining to this NOV, please contact Mark Sims of the Enforcement and Compliance Assurance Division at (415) 972-3965 or sims.mark@epa.gov, or have your attorney contact Denise Leong of the Office of Regional Counsel at (415) 972-3409 or leong.denise@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Enclosure

cc: Ursula Nelson (Pima County DEQ)

ED_005878_00000128-00002