

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:)	Docket No. CAA-05-2008-0037
)	HEARING CLERK
Wisconsin Plating Works of Racine, Inc.)	U.S. ENVIRONMENTAL
Racine, Wisconsin)	PROTECTION AGENCY
)	Honorable Judge Susan Biro
Respondent.)	Presiding Administrative Law Judge
_____)	

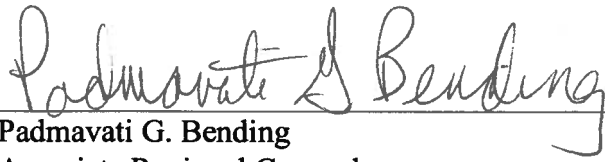
JOINT STIPULATION OF FACTS

Complainant, through its undersigned attorney, and Respondent, through its undersigned attorneys, for the convenience of the parties and the Presiding Officer, hereby jointly stipulate to the following facts as part of the record to be compiled at the administrative hearing to be held in this matter in Chicago, Illinois, starting on July 21, 2009. It is not intended that this Joint Stipulation of Facts constitute the entire record for this decision in this proceeding. The parties are not precluded from presenting other evidence or relying upon previous rulings by the Presiding Officer in this matter, which may not be included in this Joint Stipulation Concerning Documents, at the administrative hearing.

1. Complainant issued a Complaint to Respondent on September 22, 2008.
2. The Complaint alleged that Respondent failed to record the temperature of the freeboard refrigeration device for Emission Unit P35 for the weeks of February 26, 2007, March 5, 2007, April 2, 2007, May 14, 2007, June 11, 2007 and June 25, 2007.
3. Respondent filed an Answer to the Complaint on or about October 24, 2008.
4. Complainant had the authority to file this civil action against Respondent under Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d).

5. Complainant has the authority to pursue violations which occurred more than 12 months prior to the filing of this civil action.
6. Respondent is Wisconsin Plating Works of Racine, Inc.
7. Respondent owns and operates an open top batch solvent cleaning machine (also called a vapor degreaser), Emission Unit P35, at 620 Stannard Street in Racine, Wisconsin.
8. Respondent's vapor degreaser/open top batch solvent cleaning machine, Emission Unit P35, uses trichloroethylene in a concentration greater than 5 percent by weight.
9. Respondent complies with the National Emission Standards for Hazardous Air Pollutants: Halogenated Solvents, 40 C.F.R. Part 63, Subpart T, using a combination of a freeboard refrigeration device and a freeboard ratio of 1.0 for its batch vapor solvent cleaning machine, Emission Unit P35, with a solvent/air interface of less than 13 ft².
10. Respondent failed to record the temperature of the freeboard refrigeration device for Emission Unit P35 for the weeks of February 26, 2007, March 5, 2007, April 2, 2007, May 14, 2007, June 11, 2007 and June 25, 2007.
11. Trichloroethylene is a hazardous air pollutant, as defined by Section 112 of the Clean Air Act.
12. Neither the EPA nor Wisconsin Plating has evidence of environmental damage resulting from the alleged wrongful acts in this matter.

Respectfully submitted,

A handwritten signature in cursive script, reading "Padmavati G. Bending". The signature is written in dark ink and is positioned above a horizontal line.

Padmavati G. Bending

Associate Regional Counsel

U.S. Environmental Protection Agency,

Region 5

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that today I filed personally with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-19J), Chicago, Illinois, 60604-3590, the original document and a copy entitled Joint Stipulation of Facts for this civil administrative action, and that I issued to the Court (via pouch mail) and Respondent's Counsel (via first class mail) a copy of the original document:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

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PROTECTION AGENCY

Mildred Vargas
Mildred Vargas
Secretary

June 4, 2009
Date