



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 12 2011

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lee Petzold
General Manager
NitroSteel Divisin
Gerdau MacSteel
9955 80th Avenue
Pleasant Prairie, Wisconsin 53158

Re: NitroSteel, Division of Gerdau MacSteel, Expedited Settlement Agreement
ESA Docket No: RMP-11-ESA-022
Docket No. **CAA-05-2011-0039**

BA# **2751103A035**

Dear Mr. Petzold:

Enclosed please find a copy of the fully executed Risk Management Plan Expedited Settlement Agreement (ESA) in resolution of the above case. The ESA is binding on U.S Environmental Protection Agency and United AG Center. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact me at (312) 886-5929 if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,

Bob Mayhugh, Acting Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

RECEIVED

MAY 13 2011

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

REPLY TO THE ATTENTION OF:

**EXPEDITED SETTLEMENT
AGREEMENT (ESA)**

CAA-05-2011-0039

DOCKET NO: RMP-11-ESA-022

This ESA is issued to: NitroSteel Division, Gerdeau MacSteel.

At: 9955 80th Avenue, Pleasant Prairie, Wisconsin 53158

for violating Section 112(r)(7) of the Clean Air Act.

BD # 2751103A035

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region 5, by its duly delegated official, the Director, Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. 7413(a)(3) and (d), and by 40 C.F.R. 22.13(b). On May 24, 2010, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

On July 1, 2010, an authorized representative of the EPA conducted a compliance inspection of the subject facility (Respondent) to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached RISK MANAGEMENT PLAN INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET (FORM), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations, described in the attached FORM for the total penalty amount of **\$1,640.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the FORM, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached FORM and has sent a cashier's check or certified check (payable to the Treasurer, United States of America) in the amount of **\$1,640.00** in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The DOCKET NUMBER OF THIS ESA **must be included on the check.** (The DOCKET NUMBER is located at the top left corner of this ESA.)

This original ESA and a **copy of the check must be sent by certified mail to:**

Bob Mayhugh
Chemical Emergency
Preparedness and Prevention Section (SC-5J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590


Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the FORM. EPA does not waive any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed original ESA **with an attached copy of the check** is not returned to the **EPA Region 5 office** at the above address in correct form by the Respondent within 45 days of the date of Respondent's receipt of it (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein and in the FORM.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 

Date: 3/25/11

Name (print): Lee Petryold

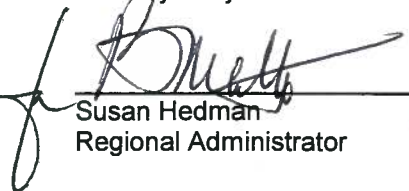
Title (print): General Manager

FOR COMPLAINANT:


Douglas E. Ballotti, Acting
Director, Superfund Division

Date: 4/29/11

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.


Susan Hedman
Regional Administrator

Date: 4/28/11

RECEIVED
MAY 13 2011

CAA-05-2011-0039

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**



Keep this receipt as a record of your purchase.

RECEIVED
MAY 13 2011

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK

Customer Copy

9180603982

03/23/2011

Wisconsin

Remitter GERDAU MACSTEEL, INC

\$ *****1,640.00 ***

Pay To The
Order Of

TREASUER UNITED STATES OF AMERICA
DOCKET#RMP-11-ESA-022

Drawer: JPMORGAN CHASE BANK, N.A.

NON NEGOTIABLE

TERMS

KEEP THIS COPY FOR YOUR RECORD OF THE TRANSACTION.
PLEASE CONTACT CHASE TO REPORT A LOSS OR FOR ANY OTHER INFORMATION ABOUT THIS ITEM.

282111107 NEW 01/08 8810004306

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



CASHIER'S CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

9180603982 ²⁵⁻³/₄₄₀

Date 03/23/2011

Remitter GERDAU MACSTEEL, INC

Pay: ONE THOUSAND SIX HUNDRED FORTY DOLLARS AND 00 CENTS

\$ *****1,640.00 ***

Pay To The
Order Of

TREASUER UNITED STATES OF AMERICA
DOCKET#RMP-11-ESA-022

Drawer: JPMORGAN CHASE BANK, N.A.

Michael Andrews

Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH



⑈ 9180603982 ⑈ ⑆044000037⑆ 758661367⑈