



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB - 3 2020

REPLY TO THE ATTENTION OF

VIA E-MAIL
RETURN RECEIPT REQUESTED

Lee Bergmann
Regional Manager
Environmental, Health, and Safety
Regal Beloit America, Inc.
100 E Randolph St.
Wausau, WI 54401

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Regal Beloit America, Inc., docket no. CAA-05-2020-0005. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on February 3, 2020.

Regal Beloit America, Inc. must pay the civil penalty in paragraph 31 of the CAFO. Your check or electronic funds transfer must display the case name and case docket number.

Please direct any questions regarding this case to James Morris, Associate Region Counsel, at (312) 886-6632.

Sincerely,

A handwritten signature in black ink that reads "Sarah Marshall".

Sarah Marshall, Chief
Air Enforcement and Compliance Assurance Branch (MI/WI)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/ C-14J
Regional Hearing Clerk/ E-19J
James Morris/ C-14J
Maria Hill/ WDNR

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

**Regal Beloit America, Inc.
Wausau, Wisconsin**

Respondent.

) **Docket No. CAA-05-2020-0005**
)
) **Proceeding to Assess a Civil Penalty**
) **Under Section 113(d) of the Clean Air Act,**
)
) **42 U.S.C. § 7413(d)**



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Regal Beloit America, Inc. (RBA or “facility”), a corporation doing business in Wisconsin.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO) 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

9. The Administrator of EPA (“Administrator”) may assess a civil penalty of up to \$48,192 per day of violation up to a total of \$385,535 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

Findings of Fact

10. RBA does not have the potential to emit more than 10 tons per year (TPY) of any single hazardous air pollutant (HAP) nor 25 TPY of any number of HAPs in combination and is an Area Source of HAP emissions per Section 112 of the CAA, 42 U.S.C. § 7412 (“Area Source”).

11. RBA owns and operates a motor and generator manufacturing facility in Wausau, Wisconsin (“facility”).

12. RBA owns four stationary compression ignition (CI), non-black start, non-emergency RICEs with brake horsepower (Hp) of 750, 760, 1490 and 1490, or RICEs No. 1 to 4, respectively. All of these RICEs were constructed before December 19, 2002.

13. RBA conducts machining, dry grinding and dry polishing with machines, and welding operations per 40 C.F.R § 63.11522.

14. On June 9, 2016, RBA conducted a performance test for carbon monoxide (CO) for RICE No. 4 (aka the No. 4 Gen Set).
15. Until February 2017, RBA cast iron casings from a foundry located at the facility.
16. EPA conducted an on-site inspection of the facility on August 31, 2017.
17. EPA issued a request for information to RBA on November 8, 2017, under Section 114 of the CAA, 42 U.S.C. § 7414. RBA responded to the information request on January 8, 2018.

Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines

18. Under Section 112 of the CAA, On June 15, 2004, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP), sometimes referred to as Maximum Achievable Control Technology (MACT) for Stationary Reciprocating Internal Combustion Engines (RICE MACT) at 40 C.F.R. § 63 Subpart ZZZZ. *See* 69 Fed. Reg. 33506.
19. The RICE MACT applies to persons who own or operate stationary RICEs (affected sources) at an Area Source of HAP emissions. 40 C.F.R. § 63.6585.
20. The four RICEs owned and operated by RBA are affected sources under the RICE MACT per 40 C.F.R. § 63. RBA is subject to the RICE MACT including the following requirements:
 - a. 40 C.F.R. § 63.6603 (a) requires non-emergency, non-black, CI stationary RICE > 500 Hp to demonstrate initial compliance with the CO emission limitations in Table 2.d of the RICE MACT by October 30, 2013 (the deadline set forth in 40 C.F.R. § 63.6612).
 - b. 40 C.F.R. § 63.6612(a) requires an initial performance test for existing stationary RICE located at an Area Source in accordance with 40 C.F.R. § 63.6620(a) and Table 4.1 of the RICE MACT by October 30, 2013.

- c. 40 C.F.R. § 63.6615 requires a subsequent performance test for existing stationary RICE located at an Area Source in accordance with Table 3.4 of the RICE MACT no later than 3 years after the initial performance test.
- d. 40 C.F.R. § 63.6625 requires compliance with emissions and operating limits listed in Table 5 of the RICE MACT.
- e. 40 C.F.R. § 63.6630 requires an initial demonstration of compliance with emissions and operating limits listed in Table 5 of the RICE MACT.
- f. 40 C.F.R. §§ 63.6635 and 6640 require continuous compliance with an emissions or operating limit be demonstrated according to the methods provided in Table 6 of the RICE MACT.
- g. 40 C.F.R. § 63.6645(a) and § 63.9(h) require the owner or operator of existing stationary CI RICE located at an Area Source to submit a notification of compliance status for performance tests, subsequent performance tests, and compliance methods selected beginning December 30, 2013.
- h. 40 C.F.R. § 63.6650(a) requires owners and operators of stationary RICE to submit semiannual compliance reports according to Table 7 of the RICE MACT and 40 C.F.R. § 63.6650(b) beginning July 31, 2013.
- i. 40 C.F.R. § 63.6655 requires owners and operators of stationary RICE to keep records demonstrating compliance beginning July 31, 2013.

NESHAP for Iron and Steel Foundries Area Sources

- 21. Under Section 112 of the CAA, EPA promulgated the MACT for Iron and Steel Foundries Area Sources (“Subpart ZZZZZ”) at 40 C.F.R. Part 63.
- 22. Subpart ZZZZZ applies to any person who owns or operates an iron or steel foundry that is in an Area Source of HAP emissions. RBA was subject to Subpart ZZZZZ until February 2017. 40 C.F.R. § 63.10880(a).
- 23. Subpart ZZZZZ requires RBA to perform the following:
 - a. 40 C.F.R. § 63.10885(a)(1) requires a facility to operate at all times according to written material specifications for the acceptance of restricted metallic scrap after January 2, 2009.

- b. 40 C.F.R. § 63.10890(e)(2) requires a facility to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a) since January 2, 2009.
 - c. 40 C.F.R. § 63.10885(b) requires a facility to comply with one of four options for mercury switches management practices after January 4, 2010. A facility must submit a site-specific plan or a certification of the selected option in the notice of compliance status.
 - d. 40 C.F.R. § 63.10890(e)(3) and/or (4) requires a facility to maintain records demonstrating compliance with 40 C.F.R. § 63.10885(b) since January 4, 2010.
 - e. 40 C.F.R. § 63.10890(c)(2) requires a facility to submit a notification of compliance status for mercury switches management practices by February 3, 2010.
 - f. 40 C.F.R. § 63.10890(c)(3) requires a facility to submit a notification of compliance status for binder formulations management practices by February 1, 2009.
 - g. 40 C.F.R. § 63.10890(f) requires a facility to submit semiannual compliance reports that clearly identify any deviation from the pollution prevention management practices in 40 C.F.R. § 63.10885 or 40 C.F.R. § 63.10886 beginning July 30, 2009.
24. The EPA may assess a civil penalty of up to \$46,192 per day of violation up to a total of \$369,532 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

NESHAP for Nine Metal Fabrication and Finishing Source Categories

25. Under Section 112 of the CAA, EPA promulgated the NESHAP for Nine Metal Fabrication and Finishing Source Categories (“Subpart 6X”) at 40 C.F.R. Part 63.
26. Subpart 6X applies to persons who own or operate a source primarily engaged in electrical and electronic equipment finishing operations including manufacturing of motors and generators. Subpart 6X applies to RBA.

27. The NESHAP, at 40 C.F.R. § 63 requires RBA to perform the following:
- a. 40 C.F.R. § 63.11514(b) and 63.11516 require compliance with standards and management practices for manufacturing operations conducted at affected sources, including machining, dry grinding and welding beginning July 25, 2011;
 - b. 40 C.F.R. § 63.11519(c)(2) requires visual determinations of welding fugitive emissions as specified in 40 C.F.R. § 63.11517(b) “Monitoring requirements,” at the primary vent, stack, exit, or opening from the building containing the welding operations as required in 40 C.F.R. § 63.11516(f)(3) Tier 1 compliance requirements for welding beginning July 25, 2011. 40 C.F.R. § 63.11519(c)(2) also requires a record of visual determinations of fugitive emissions along with any corrective action taken in accordance with the requirements;
 - c. 40 C.F.R. § 63.11519(a)(1) requires an affected source to submit an Initial Notification by July 25, 2011;
 - d. 40 C.F.R. § 63.11519(a)(2) requires an affected source to submit a Notification of compliance status by November 22, 2011;
 - e. 40 C.F.R. § 63.11519(b) requires an affected source to submit Annual certifications and compliance reports beginning December 31, 2011;
 - f. 40 C.F.R. § 63.11519(c) requires an affected source to keep records in accordance with 40 C.F.R. § 63.11519(c) to at least 5 years.

EPA’s Alleged Violations

28. RBA violated the following RICE MACT requirements:
- a. Since October 30, 2013, RBA has failed to demonstrate initial compliance with the CO emission limitation in Table 2.d of the RICE MACT per 40 C.F.R. § 63.6603(a) on all four RICEs.
 - b. Since October 30, 2013, RBA has failed to conduct an initial performance test for CO for three RICEs per 40 C.F.R. §§ 63.6612(a), 63.6620(a) and Table 4.1 of the RICE MACT.
 - c. From October 30, 2013 to June 9, 2016, RBA failed to conduct an initial performance test for CO for the RICE No. 4 Gen Set per 40 C.F.R. §§ 63.6612(a), 63.6620(a) and Table 4.1 of the RICE MACT.
 - d. Since October 30, 2016, RBA has failed to conduct subsequent performance tests for CO for RICEs No. 1 to 3 per 40 C.F.R. § 63.6615 and Table 3.4 of the RICE MACT.

- e. Since October 30, 2013, RBA has failed to select and implement a compliance method for the RICE No. 4 per 40 C.F.R. § 63.6625 and Table 5 of the RICE MACT.
 - f. Since October 30, 2013, RBA has failed to demonstrate compliance with the method selected in Table 5 of the RICE MACT for RICE No. 4 per 40 C.F.R. § 63.6630.
 - g. Since October 30, 2013, RBA has failed to demonstrate continuous compliance for the RICE No. 4 per 40 C.F.R. §§63.6635, 63.6640, and Table 6 of the RICE MACT.
 - h. From August 31, 2013 until July 16, 2018, RBA failed to submit an initial notification per 40 C.F.R. §§ 63.6645(a) and 63.9(b).
 - i. From December 30, 2013, until July 12, 2018, RBA failed to submit notifications of compliance status per 40 C.F.R. §§ 63.6645(h) and 63.9(h) for performance tests, subsequent performance tests, and compliance methods selected;
 - j. Since July 31, 2013, RBA failed to submit semiannual compliance reports per 40 C.F.R. § 63.6650(a) and Table 7 of the RICE MACT;
 - k. Since July 31, 2013, RBA failed to keep records demonstrating compliance per 40 C.F.R. § 63.6655.
29. RBA has violated the following Foundry MACT requirements:
- a. From January 2, 2009 until February 1, 2017, the facility failed to operate at all times according to written material specifications for the acceptance of restricted metallic scrap as required by 40 C.F.R. § 63.10885(a)(1).
 - b. From January 2, 2009 until February 1, 2017, the facility failed to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a), as required by 40 C.F.R. § 63.10890(e)(2).
 - c. From January 4, 2010 until February 1, 2017, the facility failed to comply with one of four mercury management practices as required by 40 C.F.R. § 63.10885(b).
 - d. From January 4, 2010 until February 1, 2017, the facility failed to maintain records demonstrating compliance with 40 C.F.R. § 63.10885(b) as required by 40 C.F.R. § 63.10890(e)(3) and/or (4).
 - e. From February 3, 2010 until February 1, 2017, the facility failed to submit a notification of compliance status for mercury switches management practices as required by 40 C.F.R. § 63.10890(e)(2).

- f. From February 1, 2009 until February 1, 2017, the facility failed to submit a notification of compliance status for binder formulations management practices as required by 40 C.F.R. § 63.10890(c)(3).
 - g. From July 30, 2009 until February 1, 2017, the facility failed to submit semiannual compliance reports that clearly identify any deviation from the pollution prevention management practices in 40 C.F.R. § 63.10885 or 40 C.F.R. § 63.10886 as required by 40 C.F.R. § 63.10890(f).
30. RBA has violated the following Subpart 6X requirements:
- a. Since July 11, 2011, RBA has failed to comply with standards and management practices for dry grinding and dry polishing with machines 40 C.F.R. § 63.11516(c);
 - b. Since July 25, 2011, RBA has failed to perform visual determinations of welding fugitive emissions as specified in 40 C.F.R. § 63.11517(b), “Monitoring requirements,” at the primary vent, stack, exit, or opening from the building containing the welding operations as required in 40 C.F.R. § 63.11516(f)(3) Tier 1 compliance requirements for welding. RBA has also failed to keep a record of visual determinations of fugitive emissions along with any corrective action taken in accordance with the requirements in 40 C.F.R. § 63.11519(c)(2);
 - c. Since July 25, 2011, RBA has failed to submit an Initial Notification in accordance with 40 C.F.R. § 63.11519(a)(1);
 - d. Since November 22, 2011, RBA has failed to submit a notification of compliance status in accordance with 40 C.F.R. § 63.11519(a)(2);
 - e. Since December 31, 2011, RBA has failed to submit annual certifications and compliance reports in accordance with 40 C.F.R. § 63.11519(b);
 - f. For at least five years prior to the issuance of this FOV, RBA has failed to keep records in accordance with 40 C.F.R. § 63.11519(c).

Civil Penalty

31. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case and RBA’s cooperation, efforts to promptly return to compliance, and agreement to perform a supplemental environmental project (SEP), and pursuant to the Clean Air Act Stationary Civil Penalty Policy, Complainant has determined that an appropriate civil cash penalty to settle this action is \$103,000. RBA will also complete a SEP costing RBA at least \$14,000.

32. Within 30 days after the effective date of this CAFO, Respondent must pay the \$103,000 civil cash penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

For checks sent by express mail (non-U.S. Postal Service which won't deliver mail to P.O. Boxes) please use the following address instead:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note Respondent's name and the docket number of this CAFO.

33. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (ECA-18J)
Air Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

James Morris (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

34. If Respondent does not timely pay the civil penalty or any stipulated penalties due under Paragraph 35, below, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

35. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorney's fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

Supplemental Environment Project

36. RBA agrees to complete a SEP designed to further protect the environment and public health by reducing emissions of related air pollutants to the environment. In particular, the SEP will reduce metal HAP and particulate matter (PM) emissions and other air pollutants from welding operations.

37. RBA must complete the SEP as follows. RBA must purchase at least two Binzell xFume torches for use in its welding operations.

38. Respondent must spend at least \$14,000 on the SEP.

39. Respondent certifies as follows:

I certify that RBA is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that RBA has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that RBA is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

40. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

41. Respondent must maintain copies of the underlying research and data for all reports submitted to EPA pursuant to this CAFO. Respondent must provide the documentation of any underlying research and data to EPA within seven days of EPA's request for the information.

42. Respondent must complete the SEP by no later than June 2, 2020.

43. Respondent must submit a SEP completion report to EPA no later than July 7, 2020. This report must contain, at a minimum, the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any problems executing the SEP and the actions taken to correct the problems;
- c. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- d. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

44. Respondent must submit all notices and reports required by this CAFO by first-class mail to the Compliance Tracker of the Air Enforcement and Compliance Assurance Branch and James Morris at the addresses provided in Paragraph 33.

45. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

46. Following receipt of the SEP completion report described above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under Paragraph 48.

47. If EPA exercises option b above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under Paragraph 48, below.

48. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, Respondent must pay a penalty of \$14,000.
- b. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in Paragraph 38, Respondent must pay a penalty equal to the original SEP amount referenced in paragraph 38, minus the actual cost of the SEP, plus 25% of this balance.
- c. If Respondent did not timely submit the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$500	1 st through 14 th day
\$1,000	15 th through 30 th day
\$1,500	31 st day and beyond

49. EPA’s determinations that Respondent completed the SEP satisfactorily will bind Respondent.

50. Respondent must pay any stipulated penalties within 15 days of receiving EPA’s written demand for the penalties. Respondent will use the method of payment specified in Paragraph 33, above, and will pay interest and nonpayment penalties on any overdue amounts.

51. Any public statement that Respondent makes referring to the SEP must include the following language: “RBA undertook this project under the settlement of the United States Environmental Protection Agency’s enforcement action against RBA for violations of the Clean Air Act.”

52. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

53. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: morris.james@epa.gov (Counsel for Complainant), and nwwitte@gklaw.com (Counsel for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

54. This CAFO resolves only Respondent's civil liability for the violations alleged in this CAFO.

55. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

56. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state, and local laws. Except as provided in Paragraph 54 of this CAFO, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

57. Respondent certifies that, with the exception of any issues noted in its periodic reports or annual Title V permit compliance certifications, it is complying fully with the CAA and Wisconsin SIP.

58. This CAFO does not create rights in or grant any cause of action to any third party not party to this CAFO.

59. This CAFO does not limit or affect the rights of Respondent against any third parties not party to this CAFO.

60. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

61. The terms of this CAFO bind Respondent, its successors, and its assigns.

62. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

63. Each party agrees to bear its own costs and attorney’s fees in this action.

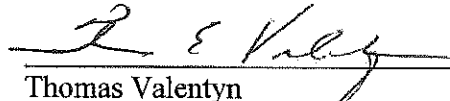
64. This CAFO constitutes the entire agreement between the parties.

Consent Agreement and Final Order

In the Matter of: Regal Beloit America, Inc. Wausau, Wisconsin

Regal Beloit America, Inc., Respondent

JANUARY 21, 2020
Date


Thomas Valentyn
General Counsel
Regal Beloit America, Inc.

Consent Agreement and Final Order

In the Matter of: Regal Beloit America, Inc. Wausau, Wisconsin

United States Environmental Protection Agency, Complainant

1-30-2020
Date

Sara Brunema
for Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order

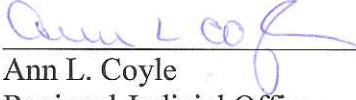
In the Matter of: Regal Beloit America, Inc. Wausau, Wisconsin

Docket No. CAA-05-2020-0005

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

1/31/2020
Date


Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: Regal Beloit America, Inc., Wausau, Wisconsin
Docket Number: CAA-05-2020-0005

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CAA 05 2020 0005, which was filed on [February 3, 2020], in the following manner to the following addressees:

Copy by E-mail to Respondent: Lee Bergmann
Regional Manager: Lee.Bergmann@RegalBeloit.com

Copy by E-mail to Attorney for Complainant: James Morris
morris.james@epa.gov

Copy by E-mail to Attorney for Respondent: Edward Witte
nwitte@gklaw.com>

Copy by E-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: February 3, 2020 
LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): N/A