

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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In Re: :
: Docket No. CAA-03-2017-0092
Centre Foundry & Machine Company, :
74 Warwood Avenue, : FINAL ORDER
Wheeling, West Virginia 26003, :
: Proceeding under the Clean Air Act,
Respondent. : Section 113(a)(3)(A) and (d)(1)(B)

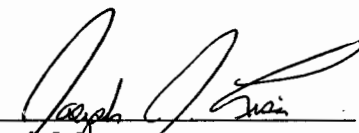
FINAL ORDER

Complainant, Director, Air Protection Division, United States Environmental Protection Agency (EPA), Region III, and Respondent, Centre Foundry & Machine Company, have executed a document entitled "CONSENT AGREEMENT", which I hereby ratify as a consent agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules of Practice), 40 C.F.R. Part 22 [with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)]. The terms of the executed CONSENT AGREEMENT, attached hereto, are accepted by the undersigned and incorporated herein as if fully set forth.

Based on the representations of the parties in the attached CONSENT AGREEMENT, the civil penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Civil Penalty Policy, dated October 25, 1991, as modified, and the statutory factors set forth in Section 113(e)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(e)(1). **NOW, THEREFORE, PURSUANT TO** Section 113(a)(3)(A) and (d)(1)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(A) and (d)(1)(B), and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$195,000)**, plus any applicable interest, as specified in the CONSENT AGREEMENT, and comply with the terms and conditions of the CONSENT AGREEMENT.

The effective date of this FINAL ORDER and attached CONSENT AGREEMENT is the date on which the FINAL ORDER, signed by the Regional Administrator of EPA - Region III or the Regional Judicial Officer of EPA - Region III, is filed with the Regional Hearing Clerk of EPA - Region III.

Feb. 28, 2017
Date



Joseph J. Lisa
Regional Judicial Officer
EPA - Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In Re:	:	
	:	Docket No. CAA-03-2017-0092
Centre Foundry & Machine Company,	:	
74 Warwood Avenue,	:	CONSENT AGREEMENT
Wheeling, West Virginia 26003,	:	
	:	Proceeding under the Clean Air Act,
Respondent.	:	Section 113(a)(3)(A) and (d)(1)(B)

CONSENT AGREEMENT

I. Preliminary Statement

1. This administrative consent agreement is entered into by and between the Director, Air Protection Division, United States Environmental Protection Agency (EPA), Region III (Complainant), and Centre Foundry & Machine Company (Respondent), pursuant to Section 113(a)(3)(A) and (d)(1)(B) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3)(A) and (d)(1)(B), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (Consolidated Rules of Practice). The Consolidated Rules of Practice at 40 C.F.R. § 22.13(b) provide, in pertinent part, that “where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and final order pursuant to § 22.18(b)(2) and (3).”

2. This administrative consent agreement and the accompanying final order (CAFO) address violations set forth herein, which occurred at Respondent’s facility located at 74 Warwood Avenue, Wheeling, West Virginia 26003 (Wheeling facility). The State of West Virginia is within the jurisdiction of EPA - Region III.

II. General Provisions

1. Section 113(a)(3)(A) and (d)(1)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(A) and (d)(1)(B), authorizes the Administrator of EPA to, among other things, issue an administrative penalty order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that a person has violated a requirement of any rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code. Chapter 85 of Title 42 of the United States Code is the CAA, 42 U.S.C. §§ 7401-7671q. Subchapter I of Chapter 85 [also referred to as Title I of the CAA] includes Section 101 to Section 193 of the CAA, 42 U.S.C. §§ 7401-7515. The authority to issue the accompanying final order has been duly delegated to the Regional Judicial Officer of EPA - Region III.

2. Respondent is a "person" as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and as that term is used in Section 113(a)(3) and (d)(1) of the CAA, 42 U.S.C. § 7413(a)(3) and (d)(1).
3. On December 19, 2002, EPA proposed a rule under Section 112 of the CAA establishing national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. On June 15, 2004, EPA promulgated a rule under Section 112 of the CAA establishing national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. This rule was effective on August 16, 2004. This rule was and is codified at 40 C.F.R. Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (§§ 63.6580-6675). Subpart ZZZZ, as promulgated in 2004, applied only to certain stationary reciprocating internal combustion engines at major sources. On March 5, 2009, EPA proposed amendments to Subpart ZZZZ under Section 112 of the CAA establishing national emission standards for hazardous air pollutants for existing stationary reciprocating internal combustion engines at area sources. On March 3, 2010, EPA promulgated amendments to Subpart ZZZZ under Section 112 of the CAA establishing national emission standards for hazardous air pollutants for existing stationary reciprocating internal combustion engines at area sources. These amendments were effective on May 3, 2010. On September 17, 2007, EPA proposed a rule under Section 112 of the CAA establishing national emission standards for hazardous air pollutants for iron and steel foundries area sources. On January 2, 2008, EPA promulgated a rule under Section 112 of the CAA establishing national emission standards for hazardous air pollutants for iron and steel foundries area sources. This rule was effective on January 2, 2008. This rule was and is codified at 40 C.F.R. Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (§§ 63.10880-10906). As noted in Section II, Paragraph 1 above, Subchapter I of Chapter 85 includes Section 112 of the CAA, 42 U.S.C. § 7412.
4. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), limits the Administrator's authority to matters where the total penalty sought does not exceed \$200,000 and the first alleged date of violation occurred no more than 12 months prior to the initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a larger penalty amount or a longer period of violation is appropriate for administrative penalty action. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), further provides that any such determination by the Administrator and the Attorney General shall not be subject to judicial review. Under 40 C.F.R. Part 19, § 19.4, the figure of \$200,000 has been increased to \$362,141.
5. The Administrator of EPA and the Attorney General of the United States, each through their respective delegates, have jointly determined that administrative penalty action is appropriate for the longer period of violation involved in this matter.
6. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of this CAFO. Respondent agrees not to contest jurisdiction with respect to the issuance, execution and enforcement of this CAFO.
7. For the purpose of this proceeding, except as provided in Section II, Paragraph 6 immediately above, Respondent neither admits nor denies the specific factual allegations in this consent agreement.
8. For the purpose of this proceeding, Respondent consents to the terms and conditions of this CAFO.

9. This CAFO records all terms and conditions of the settlement.

III. Findings of Fact and Conclusions of Law

1. Respondent, Centre Foundry & Machine Company, was registered as a corporation in the State of West Virginia on January 9, 1902.

2. Respondent is the owner and operator of the Wheeling facility at 74 Warwood Avenue, Wheeling, West Virginia 26003. At the Wheeling facility, Respondent operates a gray iron foundry, specializing in the manufacture of gray iron castings. At the Wheeling facility, Respondent has a stationary compression ignition reciprocating internal combustion engine (105 kilowatt standby generator: Caterpillar Model SR-4) which was purchased in April 1981 and is only used for emergency power.

3. On November 3, 2015, personnel from EPA - Region III conducted a CAA compliance inspection at Respondent's Wheeling facility. During this inspection, Respondent claimed to be unaware of the requirements of 40 C.F.R. Part 63, Subparts ZZZZ (§§ 63.6580-6675) and ZZZZZ (§§ 63.10880-10906) and their applicability to the Wheeling facility.

4. The Wheeling facility is presently and at all times in the past has been:

- an area source of hazardous air pollutant (HAP) emissions under 40 C.F.R. §§ 63.2 and 63.6585(c), given that the facility is not and has not at any time in the past been a major source under 40 C.F.R. §§ 63.2 and 63.6585(b) [the Wheeling facility emits lead and possibly other HAPs but does not have, and has not had, the potential to emit 10 tons or more per year of any single HAP or 25 tons or more per year of any combination of HAPs]; and

- an existing affected source under 40 C.F.R. § 63.10880(b)(1) of Subpart ZZZZZ, given that the iron foundry was constructed before September 17, 2007, the date of proposal of Subpart ZZZZZ; and

- a small foundry under 40 C.F.R. § 63.10880(f) of Subpart ZZZZZ, given that the iron foundry's calendar year metal melt production for calendar years 2008 through 2015 has been less than 20,000 tons.

5. The Wheeling facility's stationary compression ignition (CI) reciprocating internal combustion engine (RICE) is presently and at all times in the past has been:

- located at an area source of HAP emissions under 40 C.F.R. § 63.2, given that the facility is not and has not at any time in the past been a major source under 40 C.F.R. § 63.2 [the Wheeling facility emits lead and possibly other HAPs but does not have, and has not had, the potential to emit 10 tons or more per year of any single HAP or 25 tons or more per year of any combination of HAPs]; and

- an existing affected source under 40 C.F.R. § 63.6590(a)(1)(iii) of Subpart ZZZZ, given that the engine was installed before June 12, 2006, the date of proposal of the relevant amendments to Subpart ZZZZ; and

- an emergency engine under the definition in 40 C.F.R. § 63.6675 of Subpart ZZZZ; and
- subject to a compliance deadline of May 3, 2013 under 40 C.F.R. § 63.6595(a)(1) of Subpart ZZZZ.

Failure to Comply with Pollution Prevention Management Practices for Metallic Scrap

6. 40 C.F.R. § 63.10881(a)(1) and 40 C.F.R. § 63.10890(a) of Subpart ZZZZZ require the owner or operator of an existing affected source to comply with the pollution prevention management practices for metallic scrap in 40 C.F.R. § 63.10885(a) of Subpart ZZZZZ by January 2, 2009. To date, Respondent has failed to comply with these required management practices.

7. Respondent's failure to comply with these required management practices in Subpart ZZZZZ from January 2, 2009 to the present constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Comply with Pollution Prevention Management Practices for Mercury

8. 40 C.F.R. § 63.10881(a)(2) and 40 C.F.R. § 63.10890(a) of Subpart ZZZZZ require the owner or operator of an existing affected source to comply with the pollution prevention management practices for mercury in 40 C.F.R. § 63.10885(b) of Subpart ZZZZZ by January 4, 2010. To date, Respondent has failed to comply with these required management practices.

9. Respondent's failure to comply with these required management practices in Subpart ZZZZZ from January 4, 2010 to the present constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Maintain Files

10. 40 C.F.R. § 63.10890(d) of Subpart ZZZZZ and 40 C.F.R. § 63.10(b)(1) of Subpart A require the owner or operator of an existing affected source classified as a small foundry to maintain files of all information required by Subpart ZZZZZ (including all reports and notifications) in a form suitable and readily available for expeditious inspection and review for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report or record. To date, Respondent has failed to maintain files of all required information in the required manner.

11. Respondent's failure to maintain files as required from May 1, 2008 to the present constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Maintain Records

12. 40 C.F.R. § 63.10890(e) of Subpart ZZZZZ and 40 C.F.R. § 63.10(b)(1) of Subpart A require the owner or operator of an existing affected source classified as a small foundry to maintain the records specified in 40 C.F.R. § 63.10890(e)(1) through (7) of Subpart ZZZZZ. To date, Respondent has failed to maintain all of the records specified in 40 C.F.R. § 63.10890(e)(1) through (7) of Subpart ZZZZZ.

13. Respondent's failure to maintain the specified records as required from May 1, 2008 to the present constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Submit Semiannual Compliance Reports

14. 40 C.F.R. § 63.10890(f) of Subpart ZZZZ and 40 C.F.R. § 63.10(d)(1) of Subpart A require the owner or operator of an existing affected source classified as a small foundry to submit semiannual compliance reports to EPA. To date, Respondent has failed to submit any semiannual compliance reports to EPA.

15. Respondent's failures to submit semiannual compliance reports as required for the semiannual periods beginning January 2008, July 2008, January 2009, July 2009, January 2010, July 2010, January 2011, July 2011, January 2012, July 2012, January 2013, July 2013, January 2014, July 2014, January 2015, July 2015, January 2016, and July 2016 constitute violations of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Comply with Required Management Practices for Engine

16. 40 C.F.R. § 63.6595(a)(1) and 40 C.F.R. § 63.6603(a) of Subpart ZZZZ require the owner or operator of an existing emergency stationary CI RICE located at an area source of HAP emissions to comply with certain management practices specified in Item 4. of Table 2d to Subpart ZZZZ on and after May 3, 2013. To date, Respondent has failed to comply with these required management practices on at least an annual basis as required.

17. Respondent's failure to comply with these required management practices from May 3, 2013 to the present constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Comply with Operation and Maintenance Requirement for Engine

18. 40 C.F.R. § 63.6595(a)(1) and 40 C.F.R. § 63.6625(e)(3) of Subpart ZZZZ require the owner or operator of an existing emergency stationary RICE located at an area source of HAP emissions to, on and after May 3, 2013, operate and maintain the RICE according to 1) the manufacturer's emission-related written instructions, or 2) the owner or operator's own plan providing for the operation and maintenance of the RICE in a manner consistent with good air pollution control practice for minimizing emissions. To date, Respondent has failed to comply with either of these requirements.

19. Respondent's failure to comply with these required management practices from May 3, 2013 to the present constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Demonstrate Continuous Compliance with Required Management Practices for Engine

20. 40 C.F.R. § 63.6595(a)(1) and 40 C.F.R. § 63.6640(a) of Subpart ZZZZ require the owner or operator of an existing emergency stationary CI RICE located at an area source of HAP emissions to, on and after May 3, 2013, demonstrate continuous compliance with the management practices specified in Item 4. of Table 2d to Subpart ZZZZ according to the methods specified in Item 9. of Table 6 to Subpart ZZZZ. To date, Respondent has failed to demonstrate continuous compliance on and after May 3, 2013 with the specified management practices as required.

21. Respondent's failure to demonstrate continuous compliance with the specified management practices as required constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Keep Operation and Maintenance Records for Engine

22. 40 C.F.R. § 63.6595(a)(1) and 40 C.F.R. § 63.6655(e) of Subpart ZZZZ require the owner or operator of an existing emergency stationary CI RICE located at an area source of HAP emissions to, on and after May 3, 2013, keep records demonstrating that the operation and maintenance of the RICE is according to 1) the manufacturer's emission-related written instructions, or 2) the owner or operator's own plan providing for the operation and maintenance of the RICE in a manner consistent with good air pollution control practice for minimizing emissions. To date, Respondent has failed to keep the required records demonstrating compliance.

23. Respondent's failure to keep the required records on and after May 3, 2013 constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

Failure to Keep Records of Engine Hours of Operation Through Non-Resettable Hour Meter

24. 40 C.F.R. § 63.6595(a)(1) and 40 C.F.R. § 63.6655(f) of Subpart ZZZZ require the owner or operator of an existing emergency stationary RICE located at an area source of HAP emissions to, on and after May 3, 2013, keep records of the hours of operation of the engine through a non-resettable hour meter. To date, Respondent has failed to install the required non-resettable hour meter and keep the required records.

25. Respondent's failure to install the required non-resettable hour meter and keep records of the hours of operation of the engine as required on and after May 3, 2013 constitutes a violation of a requirement of a rule promulgated under Subchapter I of Chapter 85 of Title 42 of the United States Code.

IV. Civil Penalty

1. In settlement of the violations set forth in Section III above, and for the purpose of this proceeding, Respondent consents to the assessment of, and agrees to pay, a civil penalty in the amount of one hundred ninety-five thousand dollars (\$195,000) in the manner specified herein.

2. The settlement amount of one hundred ninety-five thousand dollars (\$195,000) is based upon Complainant's consideration of, and application of, the statutory penalty factors set forth in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1) [which include the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violations as established by any credible evidence, payment by the violator of penalties previously assessed for the same violations, the economic benefit of noncompliance, the seriousness of the violations, and such other matters as justice may require], and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as modified [including modifications to adjust for inflation in keeping with 40 C.F.R. Part 19 (Adjustment of Civil Monetary Penalties for Inflation)].

3. Respondent shall pay the civil penalty of one hundred ninety-five thousand dollars (\$195,000) no later than thirty (30) calendar days after the effective date of this CAFO. Respondent must pay the entire civil penalty by this date in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO.

4. Payment of the civil penalty set forth in Section IV, Paragraph 1 above shall be made by cashier's check, certified check, electronic wire transfer, the Automated Clearing House, or online internet payment, as specified below. Payment, regardless of how it is made, is to be made payable to Treasurer, United States of America, and shall reference the above case caption and docket number (CAA-03-2017-0092).

5. Instructions for making payment of the civil penalty set forth in Section IV, Paragraph 1 above using the methods described in Section IV, Paragraph 4 immediately above are provided at the following EPA website addresses:

<http://www2.epa.gov/financial/makepayment>

<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>

6. At the same time that payment is made, regardless of how it is made, copies of any check or written documentation confirming any electronic wire transfer, ACH/REX payment, or online internet payment shall be mailed to Lydia A. Guy, Regional Hearing Clerk (3RC00), EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to James M. Baker, Senior Assistant Regional Counsel (3RC10), EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and to Erin Willard, Environmental Specialist (3AP20), EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

7. If Respondent fails to timely pay any portion of the civil penalty assessed under this consent agreement, EPA may:

a. request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);

b. refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;

c. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

d. (i) suspend or revoke Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

8. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

9. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the filed CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

10. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

11. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

12. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the civil penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, no later than thirty (30) calendar days after the effective date of this CAFO, as provided in Section IV, Paragraph 3 above.

13. Complainant and Respondent enter into this consent agreement in order to settle the violations specifically set forth in Section III of this consent agreement.

14. This settlement pursuant to 40 C.F.R. § 22.18(b) of the Consolidated Rules of Practice:

a. shall only resolve Respondent's liability for Federal civil penalties for the violations and facts alleged herein; and

b. shall not in any case affect the right of EPA or the United States to pursue Federal civil penalties for other violations of law; and

c. shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

V. Settlement

1. For the purpose of this proceeding, Respondent waives any right to contest the allegations in this consent agreement, waives its right to appeal the final order accompanying this consent agreement, waives its opportunity for a hearing on the record in accordance with 5 U.S.C. §§ 554 and 556 under Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and waives its right to judicial review under Section 113(d)(4) of the CAA, 42 U.S.C. § 7413(d)(4).

2. The effective date of this CAFO is the date on which the CAFO is filed with the Regional Hearing Clerk of EPA - Region III.

3. Respondent agrees to pay its own costs and attorney fees.

4. Respondent agrees that this CAFO shall apply to, and be binding upon, Respondent, its directors, officers, employees, servants, agents, successors and assigns.

5. By signing this consent agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to execute and enter into the terms and conditions of this consent agreement and has the legal capacity to bind Respondent to the terms and conditions of this consent agreement.

6. By signing this consent agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

7. Penalties paid pursuant to this consent agreement shall not be deductible for purposes of federal taxes.

8. This consent agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the settlement of the above-captioned matter and the subject matter hereof. There are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this consent agreement and the accompanying final order. Nothing in this consent agreement or the accompanying final order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this consent agreement and the accompanying final order.

9. Nothing in this consent agreement shall relieve Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit. Compliance with this consent agreement and accompanying final order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.

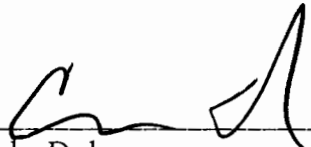
10. By signing this consent agreement, Respondent certifies that Respondent is, as of the date of Respondent's signature, currently in compliance with all applicable requirements of 40 C.F.R. Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (§§ 63.6580-6675), and 40 C.F.R. Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (§§ 63.10880-10906). On and after the date of Respondent's signature, Respondent agrees to maintain full compliance with all applicable requirements of 40 C.F.R. Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (§§ 63.6580-6675), and 40 C.F.R. Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (§§ 63.10880-10906).

11. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c).

12. Further, Complainant reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

For the Respondent:

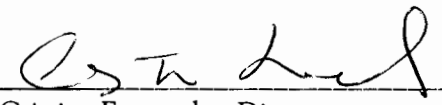
1/23/17
Date



Charles Dedo
President
Centre Foundry & Machine Company

For the Complainant:

2/13/17
Date

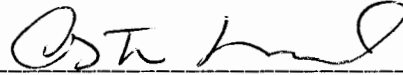


Cristina Fernandez, Director
Air Protection Division
United States Environmental Protection Agency
Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA - Region III or the Regional Judicial Officer of EPA - Region III, ratify this CONSENT AGREEMENT and issue the accompanying FINAL ORDER (Docket No. CAA-03-2017-0092). The amount of the recommended civil penalty assessment is one hundred ninety-five thousand dollars (\$195,000).

2/13/17

Date



Cristina Fernandez, Director
Air Protection Division
United States Environmental Protection Agency
Region III

CERTIFICATE OF SERVICE

I hereby certify that today, Wednesday, March 1, 2017:

1. the original and two copies of the Consent Agreement and Final Order in Docket No. CAA-03-2017-0092 were hand-delivered to the Regional Hearing Clerk, U.S. EPA-Region III, and filed/clocked in; and

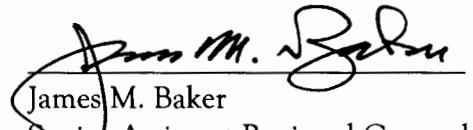
2. a copy of the filed/clocked-in Consent Agreement and Final Order in Docket No. CAA-03-2017-0092 was sent by overnight mail to the addressee listed below; and

3. a copy of the filed/clocked-in Consent Agreement and Final Order in Docket No. CAA-03-2017-0092 was emailed to the individual listed below.

Under the Consolidated Rules of Practice at 40 C.F.R. Part 22, the official date of filing, and the effective date, of the Consent Agreement and Final Order in Docket No. CAA-03-2017-0092 is today, Wednesday, March 1, 2017.

Richard H. Friedman, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, Pennsylvania 17108

Date: 3/1/17


James M. Baker
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