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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III
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Philadelphia, Pennsylvania 19103-2029

REGISTRAR HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:)
) Consent Agreement
Huntington Alloys Corporation)
3190 Riverside Drive)
Huntington, West Virginia 25701;) U.S. EPA Docket Numbers:
)
RESPONDENT) CAA-03-2013-0214
) CERCLA-03-2013-0214
) EPCRA-03-2013-0214
Thistle Processing)
3190 Riverside Drive)
Huntington, West Virginia 25701;)
)
FACILITY)

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is filed pursuant to Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d); Section 109 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9609; Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045; and 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.
2. Pursuant to Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules, this Consent Agreement and the attached Final Order ("CAFO") both commence and conclude an administrative proceeding against Huntington Alloys Corporation, the corporate successor to

Thistle Processing, LLC. The CAFO resolves alleged violations of: (1) the West Virginia State Implementation Plan ("West Virginia SIP"), approved by EPA pursuant to Section 110 of the CAA, 42 U.S.C. § 7410; (2) Section 103 of CERCLA, 42 U.S.C. § 9603; and (3) Section 304 of EPCRA, 42 U.S.C. § 11004. These alleged violations occurred at Thistle Processing, LLC's facility located at 3190 Riverside Drive, Huntington, West Virginia (the "Facility"). Thistle Processing, LLC, operated the Facility at the time of the violations alleged herein, but has since merged into Huntington Alloys Corporation, which now stands in its shoes as corporate successor. The two entities will together be referred to in this CAFO as "Thistle" or "Respondent."

3. For the purposes of this proceeding, Respondent admits the jurisdictional allegations in the Findings of Fact and Conclusions of Law in this Consent Agreement.
4. Respondent neither admits nor denies the Findings of Fact and the Conclusions of Law set forth in this Consent Agreement, except as provided in Paragraph 3, above.
5. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in the Findings of Fact and Conclusions of Law in this Consent Agreement, and any right to appeal the accompanying Final Order.
6. The settlement agreed to by the parties in this Consent Agreement reflects the desire of the parties to resolve this matter without continued litigation.
7. Respondent consents to the issuance of this Consent Agreement and to the attached Final Order and agrees to comply with their terms. Respondent agrees not to contest Complainant's

jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement thereof.

8. This Consent Agreement and Final Order resolve only EPA's claims for civil penalties for the specific violations alleged in this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public 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 Section 22.18(c) of the Consolidated Rules of Practice.
9. EPA reserves any rights and remedies available to it under the CAA, CERCLA and EPCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement and Final Order, following its filing with the Regional Hearing Clerk. Respondent reserves all available rights and defenses it may have to defend itself in any such action.
10. Nothing in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations.
11. Respondent is aware that the submission of false or misleading information to the United States government may subject it to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to Complainant regarding the matters at

issue in the Findings of Fact and Conclusions of Law are false or, in any material respect, inaccurate.

12. Each party shall bear its own costs and attorney's fees in connection with this proceeding.
13. EPA has given the State of West Virginia prior notice of the issuance of this action in accordance with 42 U.S.C. § 7413(b).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. Respondent is a "person" within the meaning of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1); Section 101(21) of CERCLA, 42 U.S.C. § 9601(21); and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7). Respondent is, and was at the time of the violations alleged in this Complaint, the owner and operator of a facility located at 3190 Riverside Drive, Huntington, West Virginia (the Facility).
15. Respondent's Facility is engaged in the "pre-processing" of nickel scraps to facilitate the recycling and reuse of such scraps.
16. The Facility is a "stationary source" within the meaning of Section 111((a)(3) of the CAA, 42 U.S.C. § 7411(a)(3); and a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9); and Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).
17. Respondent is the "owner" and/or "operator" of the Facility within the meaning of Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9); and Section 304 of EPCRA, 42 U.S.C. § 11004; and is a "person in charge of . . . an onshore facility" within the meaning of Section 103 of CERCLA, 42 U.S.C. § 9602.

A. CLEAN AIR ACT

18. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to take action to ensure that air pollution sources comply with all federally-enforceable air pollution control requirements. These include requirements promulgated by EPA, requirements contained in federally-enforceable SIPs and requirements contained in federally-enforceable permits.
19. Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate regulations establishing primary and secondary national ambient air quality standards (“NAAQS”) for certain air pollutants. The primary NAAQS must be sufficient to protect the public health, allowing an adequate margin of safety, and the secondary NAAQS must be sufficient to protect the public welfare from any known or anticipated effects associated with the presence of the air pollutant in the ambient air. Under Section 110(a) of the CAA, 42 U.S.C. § 7410(a), each state is required to adopt and submit to EPA for approval a SIP which provides for the attainment and maintenance of NAAQS.
20. The SIP approved by EPA for West Virginia includes, among other things, the permit requirements of Title 45, Series 13 of the West Virginia Code of State Rules (45 CSR 13). Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), once a SIP has received EPA’s approval, its requirements are federally enforceable.
21. 40 C.F.R. § 52.23 provides, *inter alia*, that any failure by a person to comply with any provision of 40 C.F.R. Part 52, with permits issued under the SIP, or with any approved regulatory provision of a SIP, shall render such person in violation of the applicable SIP, and subject to a federal enforcement action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

22. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), provides that if, on the basis of available information, EPA finds that any person is in violation of a requirement of an applicable implementation plan, EPA shall notify the person in violation of the plan and the State in which the plan applies of such finding. At any time after the expiration of 30 days following the date of issuance of this Notice, the Administrator of EPA, or an EPA official authorized to act as a representative of the Administrator, may bring a civil action in accordance with Section 113(b) of the CAA, as amended, 42 U.S.C. § 7413(b).
23. On July 8, 2013 EPA provided notification to Thistle and the State of West Virginia, pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), of EPA's finding that Thistle was in violation of the West Virginia SIP.

COUNT 1

24. The allegations of Paragraphs 1 through 23 of this Consent Agreement are incorporated herein by reference.
25. Effective September 3, 2008 the West Virginia Department of Environmental Protection issued Permit R13-2532B, a "Permit to Modify a Metal Reclamation Facility" for the Facility pursuant to 45 CSR 13-5.7. The Permit superseded an earlier permit for the Facility, Permit R13-2532A. Permits R13-2532A and R13-2532B were each issued under the authority of 45 CSR 13 and were issued pursuant to provisions contained in the West Virginia SIP. Violations of the requirements of Permit R13-2532B were thus violations of the West Virginia SIP, and are subject to a federal enforcement action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

26. Permit R13-2532B included emission limitations for trichloroethylene ("TCE"), a volatile organic compound, from a vapor degreaser at the Facility. Specifically, the permit required that emissions of TCE from the vapor degreaser – and from the entire Facility – not exceed 2.17 pounds per hour or 9.5 tons per year.
27. Between September 11, 2008 and September 15, 2008, Thistle experienced problems with the systems designed to reduce air emissions of TCE from the vapor degreaser. These systems included:
- a. a refrigeration unit designed to keep the top of the degreaser at a temperature that would condense TCE;
 - b. a carbon abatement unit, containing two carbon beds, designed to capture and recover TCE emissions from the degreaser that were not condensed by the refrigeration unit;
 - c. a flame ionization detector to detect emissions from the carbon abatement unit and automatically switch from one carbon bed to the other when the emission level indicated that the first carbon bed has become saturated; and
 - d. a distillation unit to recover TCE from the saturated carbon bed and return it to the degreaser.
28. On or about September 11, 2008, the refrigeration unit associated with the vapor degreaser ceased circulating refrigerant to the top of the degreaser, thus preventing the unit from condensing vaporized TCE.

29. On September 11, 2008, Thistle's Operations Manager, Doug Huffstutler, and other Thistle employees detected a strong odor of TCE in the vicinity of the carbon abatement unit exhaust stack.
30. Beginning at approximately 1:00 pm on September 11, 2008, the data logging unit for the flame ionization detector also stopped operating, and thus the data logger did not record data regarding TCE emissions from the carbon abatement unit after approximately 1:00 pm on that date.
31. The data logger stopped operating as a result of the failure of the flame ionization detector. At approximately 1:00 pm on September 11, 2008, the supply of compressed gas to the flame ionization detector ran out, causing the flame ionization detector to cease operating.
32. Beginning on or about 1:00 pm on September 11, 2008, the carbon bed in operation at the time became saturated, and was thus unable to continue to remove TCE from the emissions stream. The flame ionization detector did not re-route emissions from the degreaser to the alternate carbon bed and initiate the reclaiming of the TCE in the original carbon bed. Instead, emissions continued to be routed to the saturated carbon bed.
33. The vapor degreaser continued to emit TCE uncontrolled through the saturated carbon bed until at least 8:45 am on September 15, 2008, when the failure of the flame ionization detector was discovered by Thistle personnel.
34. The vapor degreaser normally operated with a supply of approximately 400 gallons of TCE. Under typical operations Thistle employees would add approximately 110 gallons of TCE to the system each week.

35. Thistle employees added TCE to the vapor degreaser on at least three occasions between September 11, 2008 and September 15, 2008, including, but not limited to, the following:
- a. 80 gallons of TCE was added during the daytime shift on September 11, 2008;
 - b. 220 gallons of TCE was added during the nighttime shift on September 12, 2008; and
 - c. 220 gallons of TCE was added during the nighttime shift on September 15, 2008.
36. According to Thistle's incident report for the September 11-15, 2008 incident, Thistle estimated that 440 gallons (or 5280 pounds) of TCE was released from the vapor degreaser into the atmosphere between September 11 and 15, 2008.
37. During the approximately 91.75 hours between 1:00 pm on September 11, 2008 and 8:45 am on September 15, 2008, hourly emissions of TCE from the vapor degreaser averaged approximately 57 pounds per hour.
38. Beginning at approximately 1:00 pm on September 11, 2008 and continuing until at least 8:45 am on September 15, 2008, hourly emissions of TCE from the vapor degreaser exceeded 2.17 pounds per hour.
39. Thistle's emission of trichloroethylene in excess of 2.17 pounds per hour from September 11 through 15, 2008 constitutes a violation of federally-enforceable permit R13-2532B and the West Virginia SIP and thus constitutes a violation of Section 113 of the CAA, 42 U.S.C. § 7413.

B. CERCLA

40. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of the EPA to publish a list of substances designated as hazardous substances, which when released into the environment may present substantial danger to public health or welfare or to the environment,

and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), (“Reportable Quantity” or “RQ”). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

41. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, a person in charge of a facility, to immediately notify the National Response Center (“NRC”) established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to or greater than the RQ for that substance.
42. TCE is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.4, with an RQ of 100 pounds, as listed in 40 C.F.R. § 302.4.

COUNT 2

43. The allegations of Paragraphs 1 through 42 of this Consent Agreement are incorporated herein by reference.
44. Beginning on or about September 11, 2008, at or about 1:00 pm, TCE began to be released from the vapor degreaser at the Facility. Between 1:00 pm on September 11, 2008 until 8:45 am on September 15, 2008, approximately 5280 pounds of TCE was released from the vapor degreaser to the atmosphere (“the Release”). During this time an average of approximately 57 pounds per hour of TCE was released.

45. The Release constitutes a “release,” as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and 40 C.F.R. § 302.3, of a hazardous substance in a quantity equal to, or greater than, the RQ for that hazardous substance.
46. The Release was not a “federally permitted release” as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).
47. At least some of the TCE emitted to the atmosphere during the Release migrated beyond the boundaries of the Facility.
48. Respondent had or should have had knowledge that the Release exceeded the RQ for TCE no later than the first (night) shift on September 12, 2008, when a degreaser operator noticed that the level of TCE in the unit was low, and added 220 gallons of TCE to the unit.
49. Respondent did not notify the NRC of the Release until 3:23 pm on September 19, 2008, more than seven days after the Respondent first knew or should have known that a release of a hazardous substance had occurred from the Facility in a quantity equal to or greater than its RQ.
50. Respondent failed to notify the NRC of the Release as soon as the Respondent had knowledge of the Release, as required by Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6.
51. Respondent’s failure to immediately notify the NRC of the Release as soon as Respondent had knowledge of the Release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is, therefore, subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

C. EPCRA

52. Section 304(a)(3) of EPCRA, 42 U.S.C. § 11004(a)(3), requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored, to notify the State Emergency Response Commission (“SERC”) and the Local Emergency Planning Committee (“LEPC”) immediately following a release of a substance which requires notification under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
53. Pursuant to Section 304(a)(3)(A) of EPCRA, 42 U.S.C. § 11004(a)(3)(A), and 40 C.F.R. § 355.40(a), where the substance released is one for which a reportable quantity has been established under Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), the owner or operator shall provide an immediate notice as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b) and 40 C.F.R. § 355.40(a).
54. Pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. § 355.40(b), as soon as practicable after a release which requires reporting under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator shall provide a written follow-up notification to the SERC and LEPC, including the information described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), and the additional information set forth in Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. § 355.40(b).

COUNT 3

55. The allegations of Paragraphs 1 through 54 of this Consent Agreement are incorporated herein by reference.

56. The SERC for the Facility is, and has been at all times relevant to this Complaint, the West Virginia Division of Homeland Security and Emergency Management.
57. The Release constitutes a release of a substance which requires notification under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), for a substance for which a reportable quantity has been established under Section 102(a) of CERCLA, 42 U.S.C. § 9602(a) (“CERCLA-Reportable Release”). Thistle was therefore required to notify the SERC and the LEPC immediately following the Release.
58. Respondent did not notify the SERC of the Release until October 31, 2008, more than 49 days after Respondent gained knowledge or should have gained knowledge of a CERCLA-Reportable Release.
59. Respondent did not immediately notify the SERC of the occurrence of the Release as soon as the Respondent had knowledge or should have had knowledge of the Release, as required by Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), and 40 C.F.R. § 355.40(a).
60. Respondent’s failure to notify the SERC immediately following the Release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) and (b), and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

COUNT 4

61. The allegations of Paragraphs 1 through 60 of this Consent Agreement are incorporated herein by reference.
62. The LEPC for the Facility is, and has been at all times relevant to this Complaint, the Cabell/Wayne Joint Local Emergency Planning Committee.

63. Respondent did not at any time notify the LEPC of the Release.
64. Respondent did not immediately notify the LEPC of the occurrence of the Release as soon as the Respondent had knowledge or should have had knowledge of the Release, as required by Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), and 40 C.F.R. § 355.40(a).
65. Respondent's failure to notify the LEPC immediately following the Release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

COUNT 5

66. The allegations of Paragraphs 1 through 65 of this Consent Agreement are incorporated herein by reference.
67. Respondent did not provide a written follow-up report regarding the Release to the SERC until October 31, 2008.
68. Respondent did not provide a written follow-up report regarding the Release to the SERC as soon as practicable after Respondent had knowledge of the release, as required by Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. § 355.40(b).
69. Respondent's failure to provide a written follow-up report regarding the Release to the SERC, as soon as practicable, is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

COUNT 6

70. The allegations of Paragraphs 1 through 69 of this Consent Agreement are incorporated herein by reference.
71. Respondent did not at any time provide a written follow-up report regarding the Release to the LEPC.
72. Respondent did not provide a written follow-up report regarding the Release to the LEPC as soon as practicable after Respondent had knowledge of the release, as required by Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. § 355.40(b).
73. Respondent's failure to provide a written follow-up report regarding the Release to the LEPC, as soon as practicable, is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

III. CIVIL PENALTY

74. Respondent agrees to pay a civil penalty in the amount of one hundred sixty thousand dollars (\$160,000.00), which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this Consent Agreement and the attached Final Order (together referred to as the "CAFO") fully executed by all parties. 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, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.

75. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e), Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3), and Section 325(b)(1)(c) of EPCRA, 42 U.S.C. § 11045(b)(1)(c), EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties which Complainant may have under Section 113(d) of the CAA, 42 U.S.C. § 7413(d); Section 109 of CERCLA, 42 U.S.C. § 9609; and Section 325 of EPCRA, 42 U.S.C. § 11045, for the violations alleged in this Consent Agreement and Final Order.
76. 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.
- a. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this Consent Agreement and Final Order is mailed or hand-delivered to Respondent. 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 on the portion of the civil penalty not paid within 30 calendar days 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).
 - b. The costs of the Agency'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.

- c. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent 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).

77. Respondent shall remit the full penalty, and/or any interest, administrative fees and late payment penalties, in accordance with this Section III, via one of the following methods:

- a. All payments made by check and sent by regular mail (except as noted in Paragraph 77.c., below) shall be addressed to:

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

The customer service number for this address 513-487-2105.

- b. All payments made by check and sent by overnight delivery service (except as noted in Paragraph 77.c, below) shall be addressed to:

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

The customer service number for this address is 314-418-1028.

- c. All payments made by check in any currency drawn on banks with no branches in the United States shall be addressed for delivery to the following address:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- d. All payments made by electronic funds transfer ("EFT") shall be directed to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

The customer service number for this address is 212-720-5000.

- e. All electronic payments made through the Automated Clearinghouse ("ACH"), also known as Remittance Express ("REX"), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

The customer service number for this address is 866-234-5681.

f. On-line payment option:

WWW.PAY.GOV

Enter "sfo 1.1" in the search field. Open and complete the form.

Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

78. All payments by Respondent shall include Respondent's full name and address and the EPA Docket Number of this Consent Agreement (CAA/CERCLA/EPCRA-03-2013-0214).

79. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Benjamin D. Fields
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC60)
1650 Arch Street
Philadelphia, PA 19103-2029

Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.

IV. PARTIES BOUND

80. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, Respondent, Respondent's officers and directors (in their official capacities) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

V. ENTIRE AGREEMENT

81. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no

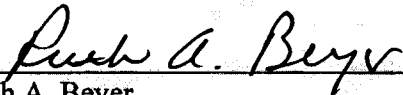
representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the attached Final Order.

VI. EFFECTIVE DATE

82. The effective date of this Consent Agreement and Final Order is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

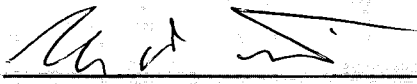
For Respondent Thistle Processing LLC:

Date: 9-25-13

By: 
Ruth A. Beyer
Senior Vice President, General Counsel and Secretary
Huntington Alloys Corporation

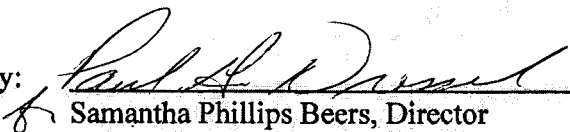
For Complainant United States Environmental Protection Agency, Region III:

Date: 9/27/13

By: 
Benjamin D. Fields
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Office of Enforcement, Compliance, and Environmental Justice, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

9/27/13
Date

By: 
Samantha Phillips Beers, Director
Office of Enforcement, Compliance, and
Environmental Justice

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	
)	Final Order
Huntington Alloys Corporation)	
3190 Riverside Drive)	
Huntington, West Virginia 25701;)	U.S. EPA Docket Numbers:
)	
RESPONDENT)	CAA-03-2013-0214
)	CERCLA-03-2013-0214
)	EPCRA-03-2013-0214
Thistle Processing)	
3190 Riverside Drive)	
Huntington, West Virginia 25701;)	
)	
FACILITY)	

FINAL ORDER

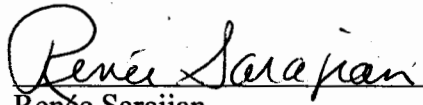
The Director, Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency - Region III ("Complainant") and Huntington Alloys Corporation ("Respondent"), have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance 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. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW THEREFORE, pursuant to Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d); Section 109 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9609; Section 325 of the Emergency Planning and

Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045, and based on representations in the Consent Agreement that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e); Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3); and Section 325(b)(1)(c) of EPCRA, 42 U.S.C. § 11045(b)(1)(c), Thistle Processing, LLC is hereby ordered to pay a civil penalty of one hundred sixty thousand dollars (\$160,000.00), as set forth in Section III of the Consent Agreement, and to comply with the terms and conditions of the Consent Agreement.

The effective date of this document is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Administrator or Regional Judicial Officer.

Date: 9/27/13


Renee Sarajian
Regional Judicial Officer
U.S. EPA, Region III


CERTIFICATE OF SERVICE

I hereby certify that, on the date below, I hand-delivered the original and one copy of the attached Consent Agreement and Final Order to the Regional Hearing Clerk, and caused true and correct copies to be sent via UPS Overnight to:

Ruth A. Beyer
Senior Vice President and General Counsel
Precision Castparts Corp.
4650 SW Macadam Avenue, Suite 400
Portland, OR 97239-4262

Thomas Wood
Stoel, Rives, LLP
SW Fifth Ave, Suite 2600
Portland, OR 97204-1268

9/27/13
Date



Benjamin D. Fields
Senior Assistant Regional Counsel