



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 21 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kurt A. Kissling
Pepper Hamilton LLP
4000 Town Center
Southfield, MI 48075

Dear Mr. Kissling:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Warren Steel Holdings, LLC, Clean Air Act Docket No. CAA-05-2011-0063. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on

FEB 21 2012

Pursuant to paragraph 9 of the CAFO, Warren Steel Holdings, LLC, must pay the civil penalty within 45 days of FEB 21 2012. Your check or electronic funds transfer must display the case name Warren Steel Holdings, LLC, the docket number CAA-05-2011-0063 and the billing document number 2751203A012.

Please direct any questions regarding this case to Susan Prout, Associate Regional Counsel, (312) 353-1029.

Sincerely,

A handwritten signature in cursive script that reads "William L. MacDowell".

William L. MacDowell
Air Enforcement and Compliance Assurance Branch,
MN/OH

Enclosure

cc: Mark Trapp, Warren Steel
John Breslin, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Susan Prout/C-14J
Reza Bagherian/AE-17J
Michelle Jencius/AE-17J
Ed Fasko, NEDO
Robert Hodanbosi, OEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2012 FEB 21 PM 4:23

In the Matter of:) Docket No. CAA-05-2011-0063
)
Warren Steel Holdings, LLC) Proceeding to Assess a Civil Penalty
Warren, Ohio,) Under Section 113(d) of the Clean Air Act
) 42 U.S.C. § 7413(d)
Respondent.)
_____)

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. §7413(d).

2. On September 30, 2011, EPA filed the Complaint in this action against Respondent Warren Steel Holdings, LLC. The Complaint alleges that Respondent violated Section 111 of the Act, 42 U.S.C. § 7411, 40 C.F.R. §§ 60.272a(a)(2) and 60.272a(a)(3), and its Permit to Install Number 02-1019, at its facility in Warren, Ohio.

Stipulations

3. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.

4. 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 the final order accompanying the consent agreement, but waives no right or remedy with respect to third parties other than EPA.

5. Respondent certifies that it is complying fully with 40 C.F.R. §§ 60.272a(a)(2) and 60.272a(a)(3), and its Permit to Install Number 02-1019.

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

7. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

8. Based on the case-specific analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), including Respondent's ability to pay, Complainant agrees to mitigate the proposed penalty to \$17,500.

9. Within 45 days after the effective date of this CAFO, Respondent must pay the \$17,500 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America"

For checks sent by express mail to:

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, the docket number of this CAFO and the billing document number.

For Wire Transfer or EFT: payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name, the docket number of this CAFO and the billing document number.

For ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

In the comment area of the electronic funds transfer, state Respondent's name, the docket number of this CAFO and the billing document number.

10. Respondent must send a notice of payment that states Respondent's name, the docket number of this CAFO and the billing document number to the Compliance Tracker, Air Enforcement and Compliance Assurance Branch and to Susan Prout at the following addresses when it pays the civil penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Susan Prout (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604

11. This civil penalty is not deductible for federal tax purposes.

12. If Respondent does not pay timely the civil penalty, 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 Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

13. 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 attorneys 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).

General Provisions

14. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

15. This 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.

16. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state and local laws. Except as provided in paragraph 15, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

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

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

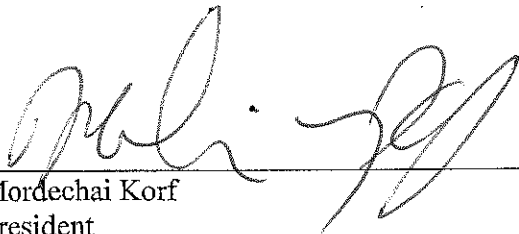
19. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

20. Each party agrees to bear its own costs and attorneys fees in this action.

21. This CAFO constitutes that entire agreement between the parties.

**Warren Steel Holdings, LLC,
Respondent**

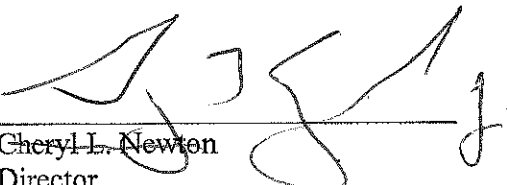
2/2/12
Date



Mordechai Korf
President
Warren Steel Holdings, LLC

United States Environmental Protection Agency, Complainant

2/14/12
Date



Cheryl L. Newton
Director
Air and Radiation Division
U.S. Environmental Protection Agency
Region 5

ACTING


Consent Agreement and Final Order
In the Matter of: Warren Steel Holdings, LLC
Docket No. CAA-05-2011-0063

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USEPA
REGION 5

Final Order

This Consent Agreement and Final Order, as agreed to by 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.

2-21-12
Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

**Consent Agreement and Final Order
In the Matter of: Warren Steel Holdings, LLC
Docket No. CAA-05-2011-0063**

Certificate of Service


I certify that I filed the original and one copy of the Consent Agreement and Final Order (CAFO), docket number CAA-05-2011-0063 with the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed the second original copy to Respondent by first-class, postage prepaid, certified mail, return receipt requested, by placing it in the custody of the United States Postal Service addressed as follows:

Kurt A. Kissling
Pepper Hamilton LLP
4000 Town Center
Southfield, MI 48075

I certify that I delivered a correct copy of the CAFO by intra-office mail, addressed as follows:

John Breslin
Regional Judicial Officer
U.S. Environmental Protection Agency
77 W. Jackson Boulevard / Mail Code C-14J
Chicago, Illinois 60604

On the 22 day of February 2012.


**Administrative Program Assistant
AECAB, Planning and
Administration Section**

CERTIFIED MAIL RECEIPT NUMBER:

700911680 0000 7673 9352

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U.S. EPA REGION 5
2012 FEB 22 AM 11:04