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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

In the Matter of:)	Docket No. CAA-09-2025-0012
)	
McWane, Inc., dba AB&I, a Division of McWane, Inc.)	CONSENT AGREEMENT AND FINAL ORDER PURSUANT TO 40 C.F.R. §§ 22.13 and 22.18
)	
Respondent.)	
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I. CONSENT AGREEMENT

A. Preliminary Statement

1. This is a civil administrative penalty assessment proceeding brought under section 113(d) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7413(d), and sections 22.13 and 22.18 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 Region IX (the “EPA”), who has been duly delegated the authority

to commence and settle civil administrative penalty proceedings under section 113(d) of the CAA, 42 U.S.C. § 7413(d).

3. Respondent is McWane, Inc., dba AB&I, a Division of McWane Inc. (“AB&I”), which at all relevant times owned and operated an iron foundry located at 7825 San Leandro Street, Oakland, California (“Facility”) in Alameda County.

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this CAFO without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

B. Jurisdiction

5. This Consent Agreement is entered into under section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this Consent Agreement are pursuant to sections 113(a)(1)(B) and 113(a)(3)(A) of the Act.

6. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

7. In satisfaction of the notice requirements of section 113(a), on April 25, 2022, the EPA issued to Respondent a Finding and Notice of Violation (“NOV”) and provided a copy of the NOV to the California Air Resources Board (“CARB”) and the Bay Area Air Quality Management District (“BAAQMD”), providing notice to both that the EPA found that Respondent committed the alleged violations described in section E of this Agreement and providing Respondent an opportunity to confer with the EPA. On June 9, 2022, representatives of Respondent and the EPA discussed the April 25, 2022, NOV. Respondent AB&I responded to the NOV by correspondence dated July 6, 2022.

8. The Regional Judicial Officer is authorized to ratify this Consent Agreement which

memorializes a settlement between Complainant and Respondent. 40 C.F.R. § 22.4(b) and 22.18(b).

9. The issuance of this Consent Agreement and attached Final Order simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. Governing Law

10. This proceeding arises under sections 110, 112 and 502 of the CAA, 42 U.S.C. §§ 7410, 7412 and 7661a, and the regulations promulgated thereunder.

BAAQMD State Implementation Plan

11. Section 107(a) of the CAA, 42 U.S.C. § 7407 requires each state to submit an implementation plan for such state which will specify the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in such state.

12. BAAQMD adopted Regulation 2, Rule 1 (Permits) into the BAAQMD portion of the California State Implementation Plan (“SIP”) to meet the requirements of 40 C.F.R. Part 52. EPA granted full approval on May 21, 2018. *See* 83 *Fed. Reg.* 23372.

13. BAAQMD Regulation 2, Rule 1, Section 301 requires any person who, after July, 1972, puts in place, builds, erects, installs, modifies, modernizes, alters or replaces any article, machine, equipment or other contrivance, the use of which may cause, reduce or control the emission of air contaminants, shall first secure written authorization from the Air Pollution Control Officer (“APCO”) in the form of an Authority to Construct (“ATC”).

14. BAAQMD Regulation 2, Rule 1, Section 307 states that a person shall not operate any article, machine, equipment or other contrivance, for which an ATC or permit to operate has been issued, in violation of any permit condition imposed pursuant to Section 2-1-403.

15. BAAQMD Regulation 2, Rule 1, Section 403 states that except for ministerial projects, the APCO may impose any permit condition that he or she deems reasonably necessary to ensure compliance with federal or California law or District regulations.

National Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries
at 40 C.F.R. Part 63 Subpart EEEEE

16. The National Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries, 40 C.F.R. Part 63, Subpart EEEEE (“Foundry MACT”), was promulgated on April 22, 2004, and amended on February 7, 2008, and September 10, 2020. 69 Fed. Reg. 21923, 73 Fed. Reg. 7218, 85 Fed. Reg. 56095.
17. The Foundry MACT applies to each new and existing iron and steel foundry, including emissions from metal melting furnaces, scrap preheaters, pouring areas, pouring stations, automated conveyor and pallet cooling lines, automated shakeout lines and mold and core making lines. 40 C.F.R. § 63.7682(a) and (b).
18. The Foundry MACT defines an existing source as commencing construction or reconstruction before December 23, 2002, and a new source if constructed or reconstructed on or after December 23, 2002. 40 C.F.R. § 63.7682(c) and (d).
19. The Foundry MACT requires existing affected sources to comply with each emissions limitation, work practice standard, and operations and maintenance requirement no later than April 23, 2007. 40 C.F.R. § 63.7683(a).
20. The Foundry MACT requires that each cupola metal melting furnace at an existing iron or steel foundry must not discharge emissions through a conveyance to the atmosphere that exceed the limit for particulate matter of total metal HAP. 40 C.F.R. § 63.7690(a)(2).
21. The Foundry MACT requires that for each negative pressure baghouse or positive pressure baghouse equipped with a stack that is applied to meet any PM or total metal HAP emissions limitation, a bag leak detection system must be installed, operated, and maintained so that an output of particulate matter loading is continuously recorded using electronic or other means. 40 C.F.R. § 63.7741(b).
22. The Foundry MACT requires that an affected source must continuously monitor and collect

data at any time an emissions source is operating. 40 C.F.R. § 63.7742(a).

CAA Title V Operating Permit Program and AB&I's CAA Title V Operating Permit

23. Section 502(a) of the CAA provides that after the effective date of any permit program approved or promulgated pursuant to the Title V of the CAA, it is unlawful for any person to operate a Title V affected source, except in compliance with a permit issued by a permitting authority under Title V of the CAA.

24. Under section 502(b) of the CAA, EPA promulgated 40 C.F.R. Part 70, "State Operating Permit Programs," which provides for the establishment of comprehensive state air quality permitting programs consistent with the requirements of Title V of the CAA. EPA's Part 70 regulations define the minimum elements required by the CAA for state operating permit programs, among other things. *See* 40 C.F.R. § 70.1.

25. Section 502(d) of the CAA requires each state to develop, and submit to EPA for approval, a permit program meeting the requirements of Title V of the CAA, including the requirements of the Part 70 State Operating Permit Programs regulations.

26. BAAQMD adopted Regulation 2, Rule 6 ("Major Facility Review") to meet the requirements of Title V of the CAA, and 40 C.F.R. Part 70. EPA granted interim approval of Regulation 2, Rule 6 on June 23, 1995 and full approval on December 7, 2001. *See* 60 *Fed. Reg.* 32606 and 66 *Fed. Reg.* 63503.

27. On April 25, 2018, BAAQMD issued AB&I Foundry a Major Facility Review Permit, Facility #A0062 ("Title V Permit"), authorizing AB&I as a Part 70 source.

28. AB&I's Title V Permit Condition #23650 Part 1 requires AB&I to abate S-2 Pouring, Cooling, Shakeout with A-14 Baghouse, #2, A-21 Baghouse #5, and A-63 Baghouse #4 during all periods of operation.

29. AB&I's Title V Permit Condition #24639 Part 4 requires AB&I to ensure that emissions from

S-34, S-35, and S-36 are continuously abated by A-35 Fiber Bed Mist Collector and A-36 Mist Eliminator during all periods of operation.

30. AB&I's Title V Permit Condition #25039 Part 15 requires AB&I to equip Cupola A-19 Baghouse, A-21 Baghouse #5 and A-63 Baghouse #4 with bag leak detector that complies with 40 C.F.R. Part 63, Subpart EEEEE.

31. On August 1, 2018, BAAQMD issued AB&I Foundry an Authority to Construct Permit, No. 28208 ("ATC Permit #28208"), authorizing AB&I to construct S-52 No-Bake Sand Mixing and Molding System abated by A-21 Baghouse #5, S-65 No-Bake Sand Reclaimer, Shakeout, Cooler, Tinker/LL-12 abated by A-21 Baghouse #5 and S-69 No-Bake Sand Mixing & Molding Operation (TOM-125), Tinker Omega/TOM-125 Sand Mixer abated by A-21 Baghouse #5.

32. Condition #26786 of ATC Permit #28208 Part 5 requires that AB&I operate A-21 Baghouse #5 such that the outlet PM10 (filterable and condensable) grain loading does not exceed 0.0013 grains per dry standard cubic foot (gr/dscf).

D. Stipulated Facts

33. At all times relevant to this CAFO, AB&I owned and operated an iron foundry located at 7825 San Leandro Street, Oakland, California in Alameda County. The AB&I foundry was permanently closed in October, 2022 and has since been demolished.

34. At all times relevant to this CAFO, AB&I operated a metal melting cupola furnace, metal pouring stations, automated conveyor and pallet cooling lines, and a core making process at the Facility.

35. In 2012, AB&I submitted Application #24761 to BAAQMD, and subsequently received Authority to Construct Permit #24761 (ATC #24761), for a new no-bake molding process to produce large gray iron castings using a furan warm box mold line. ATC #24761 only included the authorization to construct and operate S-52 No-Bake Molding System.

36. On or about August 7, 2013, AB&I started operations of S-52 No-Bake Molding System and operated for 670 days between August 7, 2013 and August 17, 2017.
37. On or about April 2016, BAAQMD determined that the issued ATC #24761, did not include all of the units installed as part of the no-bake molding process and required AB&I to submit a new permit application to include these units.
38. On or about August 31, 2016, AB&I submitted Application #28208 to construct and/or operate emission units S-65, S-66, S-67, S-68, S-69, S-70, S-71 and to modify S-52.
39. On August 1, 2018, BAAQMD issued AB&I Foundry ATC Permit #28208.
40. On December 11, 2018, AB&I conducted PM compliance testing on A-21 Baghouse #5 to determine compliance with ATC #28208 and the Foundry MACT and measured 0.0022 gr/dscf.
41. On January 22, 2019, AB&I conducted a PM compliance retest on A-21 Baghouse #5 and measured 0.0028 gr/dscf.
42. On February 26, 2019, BAAQMD issued AB&I a notice of Cancelled Application for ATC #28208.
43. On October 1, 2019, a network cable at the Facility was severed causing continuous monitoring of the cupola operating parameters to be broken. Records of cupola operating parameters were not kept between 9:42 am and 10:57 am.
44. On December 11, 2019, EPA conducted an unannounced Clean Air Act inspection of the facility ("2019 Inspection") with representatives from BAAQMD and CARB.
45. During the 2019 Inspection attendees observed emissions escaping the capture hood on S-34 Andy 1 while the emission unit was operating, causing emissions to not be abated by A-35 Fiber Bed Mist Collector or A-36 Mist Eliminator.
46. On January 28, 2020, AB&I discovered that bag break detectors on abatement devices A-63 Baghouse #4, A-21 Baghouse #5 and A-68 Baghouse #6 lacked the ability to record compliance data

required by the Foundry MACT and the Title V Permit. The non-complaint monitors were installed on March 25, 2019, and replacement monitors were installed by February 21, 2020. AB&I reported the deviation to BAAQMD on February 10, 2020.

47. On February 5, 2020, AB&I operated S-2 Pouring, Cooling, Shakeout without operating the required abatement device A-63 Baghouse #4 from 5:15 am to 5:50 am, causing emissions from S-2 Pour, Cooling, Shakeout, to vent to the atmosphere uncontrolled. AB&I reported the deviation to BAAQMD on February 14, 2020.

48. On April 22, 2020, EPA issued AB&I a section 114(a) information request to AB&I (“2020 Information Request”).

49. AB&I submitted responses to the 2020 Information Request on May 22, 2020, June 22, 2020, July 22, 2020, August 20, 2020, September 22, 2020, and October 23, 2020.

E. Alleged Violations of Law

50. Complainant realleges and incorporates by reference Paragraphs 1 through 49 of this CAFO.

51. On December 11, 2018, and January 22, 2019, AB&I exceeded the PM emission limit on A-21 Baghouse #5, in violation of ATC Permit #28208.

52. On October 1, 2019, AB&I failed to continuously monitor and collect cupola operating data at any time an emissions source is operating, in violation of 40 C.F.R. § 63.7742(a).

53. On December 11, 2019, AB&I failed to ensure that emissions from S-34 Andy 1 with A-35 Fiber Bed Mist Collector and A-36 Mist Eliminator are continuously abated during all periods of operation, in violation of BAAQMD Title V Permit Condition #24639.

54. On February 5, 2020, AB&I failed to abate S-2 Pouring, Cooling, Shakeout during all periods of operation, in violation of BAAQMD Title V Permit Condition #23650 Part 1.

55. From approximately March 25, 2019, to approximately February 21, 2020, AB&I operated A-63 Baghouse #4, A-21 Baghouse #21 and A-68 Baghouse #6 without a bag leak detection system

installed, operated, and maintained so that an output of particulate matter loading is continuously recorded using electronic or other means, in violation of 40 C.F.R. § 63.7741(b) and BAAQMD Title V Permit Condition #25039 Part 15.

F. Terms of Consent Agreement

56. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- a. admits that the EPA has jurisdiction over the subject matter alleged in this Agreement;
 - b. neither admits nor denies the alleged violations of law stated above;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. consents to the issuance of any specified compliance or corrective action order;
 - e. consents to the conditions specified in this Agreement;
 - f. consents to any stated Permit Action;
 - g. waives any right to contest the alleged violations of law set forth in section E of this Consent Agreement; and
 - h. waives its rights to appeal the Order accompanying this Agreement.
57. For the purpose of this proceeding, Respondent:
- a. agrees that this Agreement states a claim upon which relief may be granted against Respondent;
 - b. acknowledges that this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
 - d. consents to personal jurisdiction in any action to enforce this Agreement or Order, or

- both, in the United States District Court for the District of Northern California; and
- e. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Agreement or Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

58. Penalty Payment. Respondent agrees to pay a civil penalty in the amount of TWO HUNDRED SEVENTY-FOUR THOUSAND DOLLARS (\$274,000) (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this consent agreement becomes final. The Final Order shall become final thirty (30) days after the date the Final Order ratifying this agreement is filed with the Regional Hearing Clerk (“Filing Date”).

59. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

60. When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this Agreement, CAA-09-2025-0012.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

- Regional Hearing Clerk, Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street, San Francisco, CA 94105
R9HearingClerk@epa.gov
- Scott Connolly, Environmental Engineer
U.S. Environmental Protection Agency
75 Hawthorne Street, San Francisco, CA 94105
Connolly.Scott@epa.gov

- and
- U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

61. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.
- Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
 - Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of handling collection.
 - Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

62. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

63. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

64. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

65. If Respondent does not pay the Assessed Penalty within 30 days of the effective date of this CAFO, then Respondent shall pay to EPA a stipulated penalty in the amount of one thousand (\$1,000) for each day the default continues plus the remaining balance of the Assessed Penalty upon written demand by EPA.

66. Respondent agrees that the time period from the date of Respondent's signature on this Consent Agreement until the payment of the Civil Penalty as stated in Paragraphs 58 through 60 (the Tolling Period) will not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims (the Tolloed Claims) set forth in the Alleged Violations of Law section of this Consent Agreement. Respondent will not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolloed Claims.

G. Effect of Consent Agreement and Attached Final Order

67. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this Consent Agreement and Final Order only resolves Respondent's liability for federal civil penalties for the violations and facts alleged above.

68. This 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 subject matter hereof.

69. The terms, conditions, and compliance requirements of this Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

70. Any violation of this Order may result in a civil judicial action for an injunction or civil penalties, or both, as provided in section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information

submitted under this Order in an administrative, civil judicial, or criminal action.

71. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the Act 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.

72. Nothing herein shall be construed to limit the power of the 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.

73. The EPA reserves the right to revoke this Agreement and settlement penalty if and to the extent that the EPA finds, after signing this Agreement, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

H. General Provisions

74. By signing this Agreement, Respondent acknowledges that this Agreement and Order will be available to the public and agrees that this Agreement does not contain any confidential business information or personally identifiable information.

75. By signing this Agreement, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this Agreement and has the legal capacity to bind the party he or she represents to this Agreement.

76. By signing this 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.

77. Except as qualified by Paragraph 61, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

I. Effective Date

78. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

J. Tax Reporting Information

79. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (*i.e.*, a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number

and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at Sherrer.Dana@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding subparagraph, shall further:
 - notify EPA’s Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Order per Paragraph 78; and
 - provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.

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The foregoing Consent Agreement In the Matter of McWane, Inc., dba AB&I, a Division of McWane Inc.

Docket No. CAA-09-2025-0012, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

AMY MILLER
BOWEN

Digitally signed by AMY
MILLER-BOWEN
Date: 2024.11.06 15:26:40
-08'00'

Amy C. Miller-Bowen, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

II. FINAL ORDER

Complainant and Respondent, having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2025-0012) be entered, and that Respondent shall comply with the terms set forth in the Consent Agreement. This Consent Agreement and Final Order shall become effective upon filing.

Date

Beatrice Wong
Regional Judicial Officer
U.S. EPA, Region IX

CERTIFICATE OF SERVICE

I hereby certify that the attached fully executed Consent Agreement and Final Order in the matter of McWane, Inc., dba AB&I, a Division of McWane Inc. (Docket No. CAA-09-2025-0012) has been filed with the Regional Hearing Clerk, Region IX, and was served on the following parties, vis electronic mail, as indicated below:

RESPONDENT:

J. Alan Truitt
Kazmarek Mowry Cloud Laseter LLP
1914 4th Avenue North, Suite 400
Birmingham, AL 35203
Atruitt@kmellaw.com

COMPLAINANT:

Brian P. Riedel
Supervising Attorney
U.S. EPA - Region IX
Air & Tonics Section II (ORC-2-2)
75 Hawthorne Street
San Francisco, CA 94105
Riedel.Brian@epa.gov

Ponly Tu
Regional Hearing Clerk
U.S. EPA, Region IX