



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SEP 13 2018

REPLY TO THE ATTENTION OF:

VIA E-MAIL

Jessica Ulmer-West, ESH Manager
Liberty Casting Company LLC
550 South Liberty Road
Delaware, Ohio 43015
Email: julmer@kentoniron.com

Dear Ms. Ulmer-West:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Liberty Casting Company LLC, docket no. CAA-05-2018-0023. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on

September 13, 2018.

Pursuant to paragraph 48 of the CAFO, Liberty Casting Company LLC, must pay the civil penalty within 30 days of the filing date. Your electronic funds transfer must display the case name and case docket number.

Please direct any questions regarding this case to Susan Tennenbaum, Associate Regional Counsel, (312) 886-0273.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens, Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Susan Tennenbaum/C-14J
Bob Hodanbosi, via electronic mail
James Kavalec, via electronic mail
Kelly Toth, via electronic mail

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. CAA-05-2018-0023
)
Liberty Casting Company, LLC) Proceeding to Assess a Civil Penalty
Delaware, Ohio) Under Section 113(d) of the Clean Air Act
) 42 U.S.C. § 7413(d)
Respondent.)
_____)



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Liberty Casting Company, LLC (Liberty), a corporation doing business in Ohio.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

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

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

Statutory and Regulatory Background

The Foundry NESHAP

9. Under Section 112 of the CAA, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries (Foundry NESHAP) at 40 C.F.R. §§ 63.7680 through 63.7765, Subpart EEEEE.

10. The Foundry NESHAP establishes national emissions standards for iron and steel foundries that are major sources of hazardous air pollutant (HAP) emissions. A foundry is a major source of HAP emissions if it has the potential to emit any single HAP at a rate of 10 or more tons per year (tpy) or any combination of HAP at a rate of 25 tpy or more. 40 C.F.R. § 63.7681 and *see* definition of “major source” at 40 C.F.R. § 63.2.

11. 40 C.F.R. § 63.7682(c) provides that an affected source is existing if construction or reconstruction was commenced before December 23, 2002.

12. 40 C.F.R. § 63.7682(d) provides that an affected source is new if construction or reconstruction was commenced on or after December 23, 2002.

13. The owner or operator of an existing affected source was required to comply with the requirements of 40 C.F.R. §§ 63.7680 through 63.7765 by April 23, 2007.

14. The owner or operator of a new affected source was required to comply with the requirements of 40 C.F.R. §§ 63.7680 through 63.7765 upon initial startup.

15. 40 C.F.R. § 63.7690(a)(1) requires that for each existing electric induction metal melting furnace, you must not discharge emissions through a conveyance to the atmosphere that exceed either 0.005 grains of particulate matter (PM) per dry standard cubic foot (gr/dscf) or 0.0004 gr/dscf of total metal HAP.

16. 40 C.F.R. § 63.7690(a)(4) requires that for each new electric induction metal melting furnace, you must not discharge emissions through a conveyance to the atmosphere that exceed either 0.001 gr/dscf of PM or 0.00008 gr/dscf of total metal HAP.

17. 40 C.F.R. § 63.7690(a)(7) limits fugitive emissions from each building or structure housing any affected iron and steel emissions source to opacity not greater than 20 percent (6-minute average), except for one 6-minute average that does not exceed 27 percent opacity.

18. 40 C.F.R. § 63.7720(a) requires, among other things, that the owner or operator of an affected source be in compliance with the emissions limitations, work practice standards and operation and maintenance requirements of the Foundry NESHAP at all times.

19. 40 C.F.R. § 63.7720(c) requires owners or operators of sources subject to the Foundry NESHAP to develop a written startup, shutdown and malfunction plan according to the provisions in 40 C.F.R. § 63.6(e)(3).

20. 40 C.F.R. § 63.7730(a) requires owners or operators of sources subject to the Foundry NESHAP to conduct an initial performance test no later than 180 calendar days after the compliance test no later than 180 days after the initial startup date for new affected sources, to demonstrate compliance with the PM limit in 40 C.F.R. § 63.7690(a)(1) and the opacity rate in 40 C.F.R. § 63.7690(a)(7).

21. 40 C.F.R. § 63.7731(b) requires the owner or operator of a subject source to demonstrate compliance with the opacity limit §63.7690(a)(7), no less frequent than once every 6 months.

22. 40 C.F.R. § 63.7750(b) requires owners and operators of the Foundry NESHAP to submit an initial notification no later than August 20, 2004 for sources that started up before April 22, 2004.

23. 40 C.F.R. § 63.7751(a) requires the submission of a semiannual compliance report to the sources permitting authority. Pursuant to 40 C.F.R. § 63.7751(a)(2), the first semiannual compliance report was due July 31, 2005.

The Emission Units

24. On March 25, 1998, the Ohio Environmental Protection Agency (OEPA) issued Permit to Install (PTI) No. 01-6432 to Liberty Casting, which identifies, among other things, electric induction furnace, LRFU5, and electric induction furnace, LRFU4, as emission units P034 and P036, respectively.

25. On November 22, 2005, the OEPA issued PTI No. 01-01288 to Liberty Casting which identifies, among other things, electric induction furnace, LRUF3, as emission unit P055.

26. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for CAA violations that occurred after January 12, 2009 through December 6, 2013, \$37,500 per day of violation up to a total of \$320,000 for CAA violations that occurred after December 6, 2013 through November 2, 2015 and \$45,268 per day of violation up to a total of \$362,141 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

27. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

28. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

29. Liberty owns and operates an iron foundry at 550 South Liberty Road, Delaware, Ohio (the "Facility").

30. The Liberty iron foundry emits more than 25 tons per year combined of hazardous air pollutants, making it a major source as defined at 40 C.F.R. § 63.7681 and therefore subject to the Foundry NESHAP.

31. Emission Units P034 and P036 at the Facility are existing affected sources within the meaning of 40 C.F.R. § 63.7682(c) because their construction occurred prior to December 23, 2002.

32. Emission Unit P055 at the Facility is a new affected source under the Foundry NESHAP because its construction began on December 1, 2005 and initial startup was on February 1, 2005.

33. Liberty failed to submit an initial notification that it is subject to the Foundry NESHAP in violation of 40 C.F.R. § 63.7750(c).

34. Liberty failed to develop a written startup, shutdown, and malfunction plan as required by the Foundry NESHAP for emissions units P034, P036, and P055, in violation of 40 C.F.R. § 63.7720(c).

35. Liberty failed to conduct a PM performance test on P034, P036, and P055 to determine compliance with the emission limitation specified in 40 C.F.R. § 63.7690(a)(1), in violation of 40 C.F.R. § 63.7730(a).

36. Liberty failed to submit a semiannual compliance report as required by the Foundry NESHAP to the permitting authority in violation of 40 C.F.R. §§63.7751(a).

37. Liberty failed to conduct an initial Method 9 performance test to determine compliance with the opacity limit in 40 C.F.R. § 63.7690(a)(7), in violation of 40 C.F.R. § 63.7730(a).

38. Liberty failed to conduct subsequent performance tests at a frequency of no less than once every 6 months to determine compliance with the opacity limit in 40 C.F.R. § 63.7690(a)(7), in violation of 40 C.F.R. § 63.7731(b).

39. On April 20 and 21, 2016, Liberty conducted initial PM performance stack testing and opacity performance testing to determine compliance with emission and opacity limits in 40 C.F.R. §§ 63.7690(a)(1), (4) and (7).

40. Based on the results of the April 20 and 21, 2016 performance stack testing, emission units P034 and P036 both emitted 0.0059 gr/dscf of PM in violation of 40 C.F.R. § 63.7690(a)(1).

41. Based on the results of the April 20 and 21, 2016 performance stack testing, emission unit P055 emitted 0.0059 gr/dscf of PM in violation of 40 C.F.R. § 63.7690(a)(4).

42. Based on the results of the April 20 and 2, 2016 performance stack testing, there were four instances where visible emissions from the Facility exceeded 20 percent opacity as a 6-minute average in violation of 40 C.F.R. § 63.7690(a)(7).

43. Based on the results of the April 20 and 21, 2016 performance stack testing, Liberty emitted PM and visible emissions above the emission and opacity limits of the Foundry NESHAP in violation of 40 C.F.R. § 63.7720(a).

44. In December 2016, Liberty completed the installation of hoods, a baghouse to capture and control particulate matter emissions from its three induction furnaces, and a bag leak detection system in the baghouse.

45. On March 8 and 9, 2017, Liberty Casting conducted PM performance stack testing and opacity performance testing that demonstrated compliance with emission and opacity limits in 40 C.F.R. §§ 63.7690(a)(1), (4) and (7) for P034, P036 and P055.

46. On May 22, 2018, the OEPA issued to Liberty Title V Permit Number P0110641 (effective June 12, 2018) incorporating all Foundry NESHAP requirements Liberty is subject to.

Civil Penalty

47. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, prompt return to compliance, and agreement to perform a supplemental environmental project, Complainant has determined that an appropriate civil penalty to settle this action is \$118,190.

48. Within 30 days after the effective date of this CAFO, Respondent must pay a \$118,190 civil penalty by 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 and the docket number of this CAFO.

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

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

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

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

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

51. If Respondent does not pay timely the civil penalty or any stipulated penalties due under paragraph 66, below, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

52. 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).

Supplemental Environment Project

53. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by reducing particulate matter emissions from the Facility.

54. At its Facility, Respondent must complete the SEP as follows. Within nine months from the date of this CAFO, Liberty must transition to the use of at least 20% ceramic sand in the foundry sand mix for use in molds. During the nine months from the date of this CAFO, Liberty must evaluate performance and quality characteristics of the ceramic sand for use in making castings. Within nine months of from the date of this CAFO, Liberty must have spent at least \$350,000 to implement and complete this SEP.

55. Within nine months from the date of this CAFO, Liberty must notify EPA via electronic mail to miller.patrick@epa.gov, tennenbaum.susan@epa.gov, and r5airenforcement@epa.gov in the event that the ceramic sand has poor performance and/or negative quality characteristics. If Liberty has not transitioned to at least 20% ceramic sand in the foundry sand mix, Liberty must complete the SEP in paragraph 56.

56. If the SEP in paragraph 54, above, cannot be completed as required, Respondent must complete the following SEP: Within 18 months from the date of this CAFO, Liberty must

install additional particulate matter fabric filter(s) on currently uncontrolled operations at its Facility, at a cost of at least \$350,000, according to the schedule and reporting requirements in Appendix A. The selected operations at the Facility are not legally required to be controlled by any local, state, or federal regulation. The particulate matter fabric filter(s) must be operated and maintained according to manufacturer's specifications.

57. Regardless of which of the two SEPs described above Respondent chooses to perform, Respondent must not use any chemical mold binder(s) that is(are) more toxic or hazardous than the current one(s) used by Liberty due to the use of ceramic sand in its molds. Respondent must use material data sheets to document the chemical's toxic and hazardous characteristics.

58. Respondent certifies as follows:

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

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

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

60. For the SEP outlined in paragraph 56, above, Respondent must submit to EPA the status reports required by the scope of work for the SEP, according to the schedule in Appendix A, via electronic mail to miller.patrick@epa.gov, tennenbaum.susan@epa.gov, and r5airenforcement@epa.gov.

61. Respondent must submit a SEP completion report to EPA by no later than 12 months from the date of this CAFO if Respondent performs the SEP described in paragraph 54. Respondent must submit a SEP completion report to EPA by no later than 18 months from the date of this CAFO if Respondent performs the SEP described in paragraph 56. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized cost of goods and services used to complete the SEP documented by, but not limited to, copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (i.e., quantify the benefits and pollution reductions).

62. Respondent must submit all notices and reports required by this CAFO by first-class mail to the Compliance Tracker of the Air Enforcement and Compliance Assurance Branch at the address provided in paragraph 49, above.

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

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

64. Following receipt of the SEP completion report described in paragraph 61, above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under paragraph 66.

65. If EPA exercises option b. above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 66, below.

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

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 54 or 56, Respondent must pay a penalty of \$184,268.
- b. If Respondent did not complete the SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 54 or 56, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 54 or 56, Respondent must pay a penalty of \$18,427.
- d. If Respondent did not submit timely the SEP completion report or any other report required by paragraph 61, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$75	1 st through 14 th day
\$100	15 th through 30 th day
\$125	31 st day and beyond

67. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

68. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 48, above, and will pay interest and nonpayment penalties on any overdue amounts.

69. Any public statement that Respondent makes referring to the SEP must include the following language: "Liberty Casting Company undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Liberty Casting Company for violations of the National Emission Standards of Hazardous Air Pollution for Iron and Steel Foundries."

70. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to

notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

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

General Provisions

72. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: tennenbaum.susan@epa.gov (for Complainant), and julmer@kentoniron.com (for Respondent).

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

74. The effect of the settlement described in paragraph 73, above, is conditioned upon the accuracy of Respondent's representations of estimated SEP costs and particulate matter reductions provided to EPA, as memorialized in paragraphs 54 to 57 of this CAFO and Respondent's letter dated May 11, 2018 and email dated June 26, 2018.

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

76. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 73, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

77. By the effective date of this CAFO Respondent certifies that it is complying fully with the Iron and Steel Foundry NESHAP, 40 C.F.R. §§ 63.7680-63.7765, Subpart EEEEE.

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

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

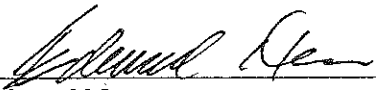
80. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

United States Environmental Protection Agency, Complainant

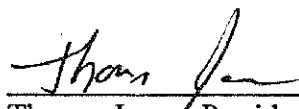
9/11/18
Date



Edward Nam
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Liberty Casting Company, LLC, Respondent

8-22-18
Date



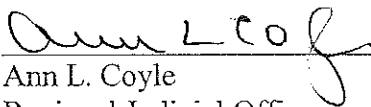
Thomas James, President
Liberty Casting Company, LLC

Consent Agreement and Final Order
In the Matter of: Liberty Casting Company, LLC
Docket No.

Final Order

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

September 12, 2019
Date



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

Appendix A

Upon submittal of the notice provided to EPA pursuant to paragraph 55 that the supplemental environmental project (SEP) contained in paragraph 54 of the CAFO was not successful, Liberty must commence the SEP outlined in paragraph 56. The SEP requirements of paragraphs 54 and Appendix A shall be subject to the provisions of paragraphs 57 to 71 of this CAFO, as applicable. Liberty shall complete the SEP outlined in paragraph 56 in accordance with the following schedule:

1. Within 60 days of the paragraph 55 notice, Liberty must conduct an engineering review and develop a plan for additional particulate matter fabric filter(s) at the Facility. The plan must identify the operations at the Facility that will be controlled, the specific particulate matter fabric filter(s) to be installed, and the estimated particulate matter emission reductions.
2. Within 90 days of the paragraph 55 notice; Liberty must submit the plan for additional particulate matter controls to EPA in accordance with paragraph 60.
3. Within 120 days of the paragraph 55 notice, Liberty must complete the additional control evaluation and obtain quotes for the installation for the fabrication and installation of particulate matter fabric filter(s) and to be installed at the Facility.
4. Within 180 days of the paragraph 55 notice, Liberty must award a contract for the fabrication and installation of particulate matter fabric filter(s) at the Facility.
5. Within 180 days of the paragraph 55 notice, Liberty must submit to EPA, in accordance to paragraph 60, a status update detailing progress made toward SEP completion within 18 months of the date of this CAFO.
6. Within 210 days of the paragraph 55 notice, Liberty must commence installation of particulate matter fabric filter(s) identified in the plan submitted to EPA in item 1, above.
7. Within 240 days of the paragraph 55 notice, Liberty must complete installation of particulate matter fabric filter(s) identified in the plan submitted to the EPA in item 1, above.

Consent Agreement and Final Order
In the matter of: Liberty Casting Company LLC
Docket Number: CAA-05-2018-0023

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CAA-05-2018-0023, which was filed on 9/13/2018, in the following manner to the following addressees:

Copy by E-mail to Respondent: Jessica Ulmer-West
Liberty Casting Company LLC
550 South Liberty Road
Delaware, Ohio 43015
julmer@kentoniron.com

Copy by E-mail to
Attorney for Complainant: Susan Tennenbaum
tennenbaum.susan@epa.gov

Copy by E-mail to
Attorney for Respondent: William Hayes
whaves@fbtlaw.com

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

Copy by E-mail to Ohio
EPA Contacts: Bob Hodanbosi
bob.hodanbosi@epa.ohio.gov

James Kavalec
james.kavalec@epa.ohio.gov

Kelly Toth
kelly.toth@epa.ohio.gov

Dated: September 13, 2018



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5