



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

May 13, 2021

VIA E-MAIL
DELIVERY RECEIPT REQUESTED

Aaron Jenson, Plant Manager
Spectro Alloys Corporation
13220 Doyle Path
Rosemount, MN 55068

Email: ajenson@spectroalloys.com

Dear Mr. Jenson:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves Spectro Alloys Corporation, docket no. CAA-05-2021-0021. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on May 13, 2021.

Pursuant to paragraph 62 of the CAFO, Spectro Alloys Corporation 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 Padmavati Bending, Associate Regional Counsel, (312) 353-8917.

Sincerely,

BRIAN
DICKENS
Digitally signed by BRIAN
DICKENS
Date: 2021.04.26
16:25:27 -05'00'

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

Enclosure

cc: Ann Coyle, Regional Judicial Officer/via electronic mail
Coyle.ann@epa.gov

Regional Hearing Clerk/via electronic mail
R5hearingclerk@epa.gov

Padmavati Bending/via electronic mail
bending.padmavati@epa.gov

Andrew Brown/via electronic mail
Brown.andrew@dorsey.com

Cory Boeck/via electronic mail
cory.boeck@state.mn.us

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CAA-05-2021-0021
)	
Spectro Alloys Corporation)	Proceeding to Assess a Civil Penalty
Rosemount, Minnesota,)	Under Section 113(d) of the Clean Air Act,
)	42 U.S.C. § 7413(d)
Respondent.)	
<hr style="border: 1px solid black;"/>)	

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 Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA or Complainant), Region 5.

3. Respondent is Spectro Alloys Corporation (Spectro or Respondent), a corporation doing business in Minnesota.

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

9. Each state must submit to the Administrator of EPA (the Administrator) a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

10. On August 10, 2011, EPA approved the latest revisions to Minnesota Rule 7011.0610 as part of the federally enforceable State Implementation Plan (MN SIP). 76 Fed. Reg. 49303 (August 10, 2011).

11. Minnesota Rule 7011.0610, Subpart 1.A.2. states that “No owner or operator of any direct heating equipment shall cause to be discharged into the atmosphere from the direct heating equipment any gases which exhibit greater than 20 percent opacity, except for one six-minute period per hour of not more than 60 percent opacity.”

12. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production, Subpart RRR at 40 C.F.R. §§ 63.1500 through 61.1520 (Subpart RRR). The NESHAP for Secondary Aluminum Production applies to each new and existing scrap dryer and each new and existing secondary aluminum processing unit. 40 C.F.R. §§ 63.1500(b)(3), (8).

13. Subpart RRR applies to the owner or operator of each secondary aluminum production facility, as that term is defined at 40 C.F.R. § 63.1503. 40 C.F.R. § 63.1500(a).

14. Subpart RRR applies to each scrap dryer/delacquering kiln/decoating kiln, located at a secondary aluminum production facility that is a major source of hazardous air pollutants (HAPs). 40 C.F.R. § 63.1500(b)(3).

15. Subpart RRR, at 40 C.F.R. § 63.1503, defines a scrap dryer/delacquering kiln/decoating kiln as “a unit used primarily to remove various organic contaminants such as oil, paint, lacquer, ink, plastic, and/or rubber from aluminum scrap (including used beverage containers) prior to melting, or that separates aluminum foil from paper and plastic in scrap.”

16. Subpart RRR, at 40 C.F.R. § 63.1503, defines an add-on air pollution control device as “equipment installed on a process vent that reduces the quantity of a pollutant that is emitted to the air.”

17. Subpart RRR, at 40 C.F.R. § 63.1503, defines an afterburner as “an air pollution control device that uses controlled flame combustion to convert combustible materials to noncombustible gases; also known as an incinerator or a thermal oxidizer.”

18. Subpart RRR, at 40 C.F.R. § 63.1503, defines a fabric filter as “an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media; also known as a baghouse.”

19. Subpart RRR, at 40 C.F.R. § 63.1503, defines lime-injection as “the continuous addition of lime upstream of a fabric filter.”

20. Subpart RRR, at 40 C.F.R. § 63.1506(c)(2), requires the owner and operator of each regulated scrap dryer/delacquering kiln/decoating kiln equipped with an add-on air pollution control device to vent captured emissions through a closed system, except that dilution air may be added to emission streams for the purpose of controlling temperature at the inlet to a fabric filter.

21. Subpart RRR, at 40 C.F.R. § 63.1506(g)(5), requires the owner and operator of a scrap dryer/delacquering kiln/decoating kiln with emissions controlled by an afterburner and a lime-injected fabric filter using continuous lime injection, to maintain the lime feeder setting at or above the level established during the performance test.

22. Subpart RRR, at 40 C.F.R. § 63.1510(i)(4), requires the owner or operator of an affected source or emission unit using a lime-injected fabric filter to comply with the requirements of Subpart RRR, to “[a]t least once per month, verify that the lime injection rate in pounds per hour (lb/hr) is no less than 90 percent of the lime injection rate used to demonstrate compliance during your most recent performance test. If the monthly check of the lime injection rate is below the 90 percent, the owner or operator must repair or adjust the lime injection system to restore normal operation within 45 days. The owner or operator may request from the permitting authority for major sources, or the Administrator for area sources, an extension of up to an additional 45 days to demonstrate that the lime injection rate is no less than 90 percent of the lime injection rate used to demonstrate compliance during the most recent performance test.”

23. The Administrator may assess a civil penalty in an administrative order of up to \$48,762 per day of violation up to a total of \$390,092 for violations that occurred after November 2, 2015 where penalties are assessed on or after December 23, 2020, under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

24. Section 113(d)(1), 42 U.S.C. § 7413(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.

25. 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

26. Spectro owns and operates a secondary aluminum production facility (the Facility), located at 13220 Doyle Path, Rosemount, Minnesota.

27. Spectro owns or operates an “emission source” within the meaning of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Therefore, Spectro is subject to the requirements of Section 114(a)(1).

28. The Facility is a major source under Subpart RRR, as that term is defined at 40 C.F.R. § 63.2.

29. At the Facility, Spectro owns and operates the Furnace 3 Combustion Chamber, which utilizes direct heating in order to melt aluminum scrap; therefore, emissions from the Furnace 3 Combustion Chamber are subject to the opacity limit in the Minnesota SIP at Rule 7011.0610, Subpart 1.A.2.

30. At the Facility, Spectro owns and operates Scrap Dryer 3, a scrap dryer with add-on air pollution control devices, as those terms are defined at 40 C.F.R. § 63.1503; therefore, Spectro is subject to the NESHAP operating requirement for Secondary Aluminum Production at 40 C.F.R. § 63.1506(c)(2).

31. Scrap Dryer 3’s add-on air pollution control devices include an afterburner and a lime-injected fabric filter, as those terms are defined at 40 C.F.R. § 63.1503; therefore, Spectro is subject to the NESHAP operating and monitoring requirements for Secondary Aluminum Production at 40 C.F.R. §§ 63.1506(g)(5) and 63.1510(i)(4).

32. On October 16, 2019, EPA conducted an offsite inspection of the Facility and observed opacity from an unidentified stack. Visible emissions from this stack were observed for over 20 minutes.

33. On October 17, 2019, EPA and Minnesota Pollution Control Agency (MPCA) conducted an onsite inspection (October 17 inspection) in which the Facility confirmed the visible emissions observed on October 16 were from the uncontrolled Furnace 3 Combustion Chamber stack and occurred during the dross skimming process. Spectro explained that is when opacity is most visible under normal operating conditions.

34. On December 19, 2019, EPA issued a request for information to the Facility under Section 114 of the CAA, 42 U.S.C. § 7414 (EPA information request).

35. In response to the EPA information request, Spectro hired a third-party company to conduct Method 9 readings at the Furnace 3 Combustion Chamber stack, from January 13-21, 2020. Sixteen Method 9 readings were completed at the Furnace 3 hearth stack, and each reading was conducted over twenty minutes. The following six-minute average opacities were calculated based on the Method 9 readings reported by the third-party company:

Date	Run Number	Time	6-Minute Average Opacity
January 20, 2020	1	09:10 - 09:16	27.3%
January 20, 2020	1	09:16 - 09:22	21.3%
January 21, 2020	3	15:03 - 15:09	32.5%
January 21, 2020	3	15:09 - 15:15	31.0%

36. Spectro states that the Method 9 testing was conducted when local atmospheric conditions may have impacted the observer's ability to take accurate opacity measurements.

EPA's Visible Emission Field Manual, at Section 2.3.1, recognizes that high humidity will cause opacity to appear higher than it would otherwise. Nevertheless, Spectro agreed to address EPA's concerns regarding opacity at the Furnace 3 Combustion Chamber stack, as described in the Administrative Consent Order (ACO), EPA-5-21-113(a)-MN-01, executed by Spectro and EPA.

37. During the October 17 inspection, EPA and MPCA inspectors observed intermittent visible emissions and/or steam escaping Scrap Dryer 3 from the dryer drum, near the inlet dryer seal.

38. In response to the EPA information request, Spectro provided Scrap Dryer 3 inspection logs since December 1, 2014.

39. The inspection logs include an entry from November 5, 2019, which states "Running turnings thru dryer causing emissions from charge/discharge end seals." The entry further states that exhaust fans were adjusted, and fabric filter bags manually cleaned, and that these steps presumably corrected the issue.

40. The inspection logs include an entry from November 22, 2019, which states "Dryer charge end seals smoking off pretty bad." The entry further states that a manual cleaning cycle of the fabric filter bags corrected the issue.

41. In response to the EPA information request, Spectro also provided a summary of Method 22 observations taken at Scrap Dryer 3, on February 17, 2020.

42. The Method 22 summary indicates that white steam was intermittently observed coming from the top of the Scrap Dryer 3 inlet airlock (inlet airlock) during the observations.

43. The inlet airlock is located at the scrap inlet chute, between the top of the bucket elevator and the dryer drum. The airlock consists of a double gate on a timer that periodically allows scrap into the drum. The first gate opens and closes to allow scrap to drop onto the second

gate; then 3 seconds later, the second gate opens and closes to allow scrap to drop into the drum. The chamber between the two gates is not directly heated and is not near the dryer drum temperature. The chamber is also not directly connected to the exhaust duct. A full airlock cycle including opening of both gates occurs approximately 400 times per hour.

44. The inlet airlock is located above Scrap Dryer 3. The hot gases inside Scrap Dryer 3 will expand and rise, and a portion of the gases, along with buoyant particulate matter and steam, are expected to therefore enter the relatively cooler inlet airlock chamber when the second gate opens. Additionally, steam is generated within the airlock chamber when wet scrap enters the drop chute and is heated between the airlock gates before entering the dryer kiln, and fugitive dust can be generated during the transfer of material by the bucket elevator. The gases and particulate matter may exit the inlet airlock chamber and enter the atmosphere along with the steam, whenever the first gate opens.

45. The inspection logs include 176 entries involving jams in the inlet airlock. In at least some cases, these jams could lengthen the time one or both of the inlet airlock gates are in the open position.

46. During Spectro's latest performance test for Scrap Dryer 3, which occurred January 24-25, 2018 (2018 performance test), the average lime injection rate was measured at 32.0 lb/hr , which is equal to 241.9 grams per minute (gm/min).

47. In response to the EPA information request, Spectro provided daily and monthly inspection logs which included records of the lime injection rate, recorded as gm/min, for the Scrap Dryer 3 lime injection system, since July 1, 2019.

48. According to the logs, the lime injection rate was measured to be less than 217.7 gm/min, which is 90 percent of the lime injection rate used to demonstrate compliance during

Spectro’s most recent performance test, ten times from August 1 to December 31, 2019, as follows:

Date	Rate (gm/min)	Percent of 241.9 gm/min	Date	Rate (gm/min)	Percent of 241.9 gm/min
8/2/19	180	74.4%	10/10/19	217.4	89.9%
8/9/19	198.7	82.1%	11/19/19	200.3	82.8%
8/16/19	29.1	12.0%	11/26/19	211	87.2%
9/20/19	155.6	64.3%	12/17/19	212.5	87.8%
9/27/19	164.5	68.0%	12/24/19	211.1	87.3%

49. In its response to the EPA information request, Spectro stated that the typical adjustment which is made to the lime injection system to improve the feed rate is to adjust the system’s motor hertz setting. Spectro further explained that this adjustment is made to compensate for normal wear on the systems’ mechanical parts, such as the auger, motor, and gear box. Most commonly, as the auger wears over time, the feed rate decreases so it is necessary to increase the hertz setting to ensure sufficient amounts of lime are fed into the system. When a worn auger is replaced by a fresh auger, the hertz rate must be decreased to ensure that excess lime is not fed into the system, while still maintaining a feed rate of at least 90% of the lime injection rate used to demonstrate compliance during the most recent performance test.

50. The lime injection system motor had been set to 26 hertz for the entirety of the 2018 performance test. Spectro has explained that on June 2, 2018, approximately four months after the 2018 performance test, the auger was replaced and shortly thereafter, the motor setting was reduced from 26 hertz to 14 hertz to compensate for the increased feed rate caused by a fresh

auger. In March 2019, the motor setting was increased from 14 to 16 hertz to compensate for the normal wear that had occurred since replacement. On October 18, 2019, the motor setting was increased to 20 hertz, before being decreased to 18 hertz on October 19, 2019.

51. The October 18, 2019 increase in the motor hertz occurred 77 days after August 2, 2019, which is the first instance when the lime injection rate was known to EPA to be below 217.7 gm/min.

52. However, five separate lime measurements did exceed the 217.7 gm/min threshold level in the 77 days between August 2, 2019 and October 18, 2019. During that period of time, there were also five separate lime measurements that did not exceed 217.7 gm/min threshold level, not including the August 2, 2019 measurement.

53. Spectro provided maintenance records from July 1, 2019 to December 31, 2019, for the Dryer 3 lime feeder. The records contain 20 separate entries for maintenance and repairs conducted during that time period, including cleaning the venturi section, unclogging hoppers, greasing sprockets, replacing filters, and replacing hoses. However, Spectro has stated that it typically corrects feed rates by adjusting motor hertz settings and no such adjustments were made after March 2019 until October 18, 2019.

54. On June 9, 2020, EPA issued to Spectro a Notice of Violation and Finding of Violation (NOV/FOV) alleging that Spectro: violated the Minnesota SIP, Rule 7011.0610 by exceeding 20 percent average opacity for two six-minute periods within one hour on January 20, 2020 and for two six-minute periods within one hour on January 21, 2020, at the Furnace 3 Combustion Chamber stack at the Facility; violated the NESHAP operating requirement for Secondary Aluminum Production at 40 C.F.R. § 63.1506(c)(2) by operating Scrap Dryer 3, at the Facility, with openings to the atmosphere, which are not intended for the addition of dilution air;

and violated the NESHAP monitoring requirement for Secondary Aluminum Production at 40 C.F.R. § 63.1510(i)(4) by operating Scrap Dryer 3, at the Facility, at a lime injection rate which is less than 90 percent of the lime injection rate used to demonstrate compliance during the most recent performance test, and by not repairing or adjusting the lime injection system to restore normal operation within 45 days.

55. On July 2, 2020, and subsequently thereafter, representatives of Spectro and EPA discussed the June 9, 2020 NOV/FOV and potential resolution of the issues raised in the NOV/FOV. Spectro worked cooperatively with EPA to address EPA’s concerns.

56. During these discussions, Spectro pointed out that the Method 9 testing was conducted when local atmospheric conditions may have impacted the observer’s ability to take accurate opacity measurements. Spectro pointed to EPA’s Visible Emission Field Manual, at Section 2.3.1, which recognizes that high humidity will cause opacity to appear higher than it would otherwise.

57. During these discussions, Spectro also stated that the remaining forty-four out of forty-eight six-minute averages recorded at the Furnace 3 stack did not exceed 20% opacity according to the test report provided by the third-party company that performed the Method 9 testing.

58. During these discussions, Spectro pointed out that their records of the lime injection rate for the Scrap Dryer 3 lime injection system showed the following:

Date	Rate (gm/min)	Percent of 241.9 gm/min	Date	Rate (gm/min)	Percent of 241.9 gm/min
7/26/2019	253.0	104.6%	10/28/2019	230.0	95.1%
8/2/2019	180.7	74.7%	10/31/2019	219.6	90.8%
8/9/2019	198.7	82.1%	11/5/2019	218.5	90.3%

8/16/2019	29.1	12.0%	11/8/2019	220.4	91.1%
8/23/2019	218.0	90.1%	11/15/2019	265.1	109.6%
8/30/2019	274.0	113.3%	11/19/2019	200.3	82.8%
9/6/2019	233.3	96.4%	11/22/2019	248.1	102.6%
9/13/2019	261.7	108.2%	11/25/2019	211.0	87.2%
9/20/2019	155.6	64.3%	11/27/2019	234.2	96.8%
9/27/2019	164.5	68.0%	12/3/2019	266.2	110.0%
10/10/2019	217.4	89.9%	12/9/2019	253.1	104.6%
10/17/2019	218.2	90.2%	12/19/2019	212.5	87.8%
10/22/2019	233.1	96.4%	12/23/2019	211.1	87.3%

59. Spectro states that according to the logs and data in the table above, there were 16 different measurements taken between August 1 and December 31, 2019 that demonstrate the feed rate was at or above the 217.7 gm/min threshold level at least once during each of those months.

60. The ACO sets forth the measures Spectro has already taken to achieve compliance with some of the above-stated requirements, and the measures Spectro will take to achieve compliance with the remainder of the above-stated requirements.

61. EPA alleges that Spectro has violated the following provisions of the CAA, the MN SIP, and Subpart RRR:

- a. Minnesota Rule 7011.0610, Subpart 1.A.2. which states that “No owner or operator of any direct heating equipment shall cause to be discharged into the atmosphere from the direct heating equipment any gases which exhibit greater than 20 percent opacity, except for one six-minute period per hour of not more

than 60 percent opacity” by allowing emissions greater than 20% opacity from January 2020 to the present, as calculated based on the Method 9 readings reported by the third-party company hired by Spectro;

- b. Subpart RRR, at 40 C.F.R. § 63.1506(c)(2), which requires the owner and operator of each regulated scrap dryer/delacquering kiln/decoating kiln equipped with an add-on air pollution control device to vent captured emissions through a closed system, except that dilution air may be added to emission streams for the purpose of controlling temperature at the inlet to a fabric filter by allowing leaks at the seals of Scrap Dryer 3 from October 17, 2019 (the date of the on-site inspection by EPA and MPCA) to March 9, 2020 (the date when Spectro replaced the Scrap Dryer 3 inlet and outlet seals and inlet airlock gates, and increased the frequency of inspections of dryer kiln seals from monthly to weekly);
- c. Subpart RRR, at 40 C.F.R. § 63.1506(g)(5), which requires the owner and operator of a scrap dryer/delacquering kiln/decoating kiln with emissions controlled by an afterburner and a lime-injected fabric filter using continuous lime injection, to maintain the lime feeder setting at or above the level established during the performance test by failing to maintain the lime feeder setting for Scrap Dryer 3 at or above the level established during the performance test on various dates in 2019, as described herein in paragraphs 48 to 53; and
- d. Subpart RRR, at 40 C.F.R. § 63.1506(c)(2), which requires the owner and operator of each regulated scrap dryer/delacquering kiln/decoating kiln equipped with an add-on air pollution control device to vent captured emissions through a closed system, except that dilution air may be added to emission streams for the

purpose of controlling temperature at the inlet to a fabric filter by allowing leaks at the inlet drop chute from February 2020 (the date when Method 22 observations were taken at Scrap Dryer 3) to July 24, 2020 (the date when Spectro began exhausting the Dryer 3 drop chute to the existing Transfer Baghouse).

Civil Penalty

62. 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, cooperation by Spectro, and Spectro’s agreement under the ACO to undertake work to achieve compliance expeditiously, Complainant has determined that an appropriate civil penalty to settle this action is \$110,000.

63. Within 30 days after the effective date of this CAFO, Respondent must pay a \$110,000 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.

64. 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:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Padmavati Bending
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
bending.padmavati@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

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

66. If Respondent does not remit payment for the civil penalty within 30 days after the effective date of this CAFO, 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.

67. 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 quarterly 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

68. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: bending.padmavati@epa.gov (for Complainant), and brown.andrew@dorsey.com (for Respondent).

69. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in Paragraph 61, above.

70. 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.

71. 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 69, above, compliance with this CAFO or the ACO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

72. Respondent certifies that it is complying fully with the Minnesota SIP and 40 C.F.R. Part 63, Subpart RRR.

73. 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).

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

75. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to this CAFO's terms.

76. Each party agrees to bear its own costs and attorney's fees in this action.

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

**Consent Agreement and Final Order
In the Matter of: Spectro Alloys Corporation**

Spectro Alloys Corporation, Respondent

**Aaron
Jenson**

Digitally signed by Aaron Jenson
Date: 2021.05.05 13:16:13 -05'00'

Date

Aaron Jenson, Plant Manager
Spectro Alloys Corporation

**Consent Agreement and Final Order
In the Matter of: Spectro Alloys Corporation**

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2021.05.10 10:01:45
-05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Spectro Alloys Corporation
Docket No. CAA-05-2021-0021

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.

Date

**ANN
COYLE**

Digitally signed by
ANN COYLE
Date: 2021.05.12
10:42:07 -05'00'

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

Consent Agreement and Final Order
In the matter of: Spectro Alloys Corporation
Docket Number: [CAA-05-2021-0021](#)

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number [CAA-05-2021-0021](#), which was filed on [May 13, 2021](#), in the following manner to the following addressees:

Copy by E-mail to Respondent: Aaron Jenson
ajenson@spectroalloys.com

Copy by E-mail to Attorney for Complainant: Padmavati Bending
bending.padmavati@epa.gov

Copy by E-mail to Attorney for Respondent: Andrew Brown
brown.andrew@dorsey.com

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

Dated: _____

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