



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 15 2010

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Steve Laten  
Vice President and Chief Financial Officer  
Alro Steel Corporation  
Post Office Box 927  
3100 East High Street  
Jackson, Michigan 49204

Re: Alro Steel Corporation, Jackson, Michigan, Consent Agreement and Final Order  
Docket No. EPCRA-05-2010-0009

Dear Mr. Laten:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on MAR 15 2010

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$120,000.00 in the manner prescribed in paragraph 189, and reference your check with the billing document number 2751044E012 and the docket number EPCRA-05-2010-0009

APR 14 2010

Your payments are due on \_\_\_\_\_ [within 30 days of filing date].

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jeffery Trevino, Associate Regional Counsel, at (312) 886-6729. Thank you for your assistance in resolving this matter.

Sincerely,

Mark J. Horwitz, Chief  
Chemical Emergency Preparedness  
and Prevention Section

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: ) Docket No. EPCRA-05-2010-0009  
)  
Alro Steel Corporation, ) Proceeding to Assess a Civil Penalty Under  
Jackson, Michigan ) Section 325(c)(1) and (c)(2) of the Emergency  
Respondent. ) Planning and Community Right-to-Know Act  
\_\_\_\_\_ ) of 1986

RECEIVED  
MAR 15 2010

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

1. This is an administrative action commenced and concluded under Sections 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. §§ 11045(c)(1) and (c)(2), and Sections 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. The Complainant is, by lawful delegation, the Chief of the Emergency Response Branch 1, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. Respondent is Alro Steel Corporation, a Michigan corporation doing business in the State of Michigan, Illinois, and Indiana.
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 the terms of the 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. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC), and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by OSHA to

prepare or have available an MSDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC, and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier 1 or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

11. Section 311 of EPCRA, 42 U.S.C. § 11021, and Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), assists state and local committees in planning for emergencies and allows information on chemical presence and hazards to be available to the public. A delay in reporting could result in harm to human health and the environment.

12. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDS.

13. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z, are hazardous.

14. Under 29 C.F.R. § 1910.1200(c), hazardous chemical is defined as any chemical which is a physical hazard or health hazard.

15. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at

40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for EPCRA 311 violations that occur between January 31, 1997, and January 12, 2009, and to \$16,000 per day of violation for EPCRA 311 violations that occur after January 12, 2009.

16. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 for each EPCRA Section 312 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$27,500 per day of violation that occurred from January 31, 1997, through March 15, 2004, to \$32,500 per day of violation for violations that occurred between March 15, 2004 and January 12, 2009, and to \$37,500 per day of violation for violations that occur after January 12, 2009.

#### **Factual Allegations and Alleged Violations**

17. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 1800 West Willow Street, Lansing, Michigan (Lansing facility).

19. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 4501 James Place, Melrose Park, Illinois (Melrose Park facility).

20. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 5620 Churchman Avenue, Indianapolis, Indiana (Indianapolis facility).

21. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 4929 New Haven Avenue, Fort Wayne, Indiana (Fort Wayne facility).

22. At all times relevant to this CAFO, Respondent was an employer at each facility.

23. Each of Respondent's sites consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

24. Each of Respondent's sites is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

25. Sulfuric acid (CAS #7664-93-9) is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

26. Sulfuric acid (CAS #7664-93-9) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

27. Sulfuric acid (CAS #7664-93-9) is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

28. Sulfuric acid (CAS #7664-93-9) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

29. Lead (CAS #7439-92-1) is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

30. Lead (CAS #7439-92-1) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

31. Lead (CAS #7439-92-1) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

32. The MSDS for oxygen does have health and physical hazard data.

33. Oxygen is considered a hazardous chemical under OSHA.

34. Oxygen (CAS #7782-44-7) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

35. Oxygen (CAS #7782-44-7) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

36. The MSDS for carbon steel does have health and physical hazard data.

37. Carbon steel is considered a hazardous chemical under OSHA.

38. Carbon steel (CAS #7439-89-6) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

39. Carbon steel (CAS #7439-89-6) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

#### **Lansing, Michigan Facility**

40. As of December 31, 2004, sulfuric acid, lead, oxygen, and carbon steel were present at the Lansing facility at any one time in an amount equal to or greater than the minimum threshold level.

41. During at least one period of time in calendar year 2004, sulfuric acid, lead, oxygen, and carbon steel were present at the Lansing facility in an amount equal to or greater than the minimum threshold level.

42. During at least one period of time in calendar year 2005, sulfuric acid, lead, oxygen, and carbon steel were present at the Lansing facility in an amount equal to or greater than the minimum threshold level.

43. During at least one period of time in calendar year 2006, sulfuric acid, lead, oxygen, and carbon steel were present at the Lansing facility in an amount equal to or greater than the minimum threshold level.

44. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid, lead, oxygen, and carbon steel at the Lansing facility.

45. Respondent was required to submit to the SERC, LEPC, and Lansing Fire Department on or before March 31, 2005, an MSDS for sulfuric acid, lead, oxygen, and carbon steel or a list including sulfuric acid, lead, oxygen, and carbon steel for the Lansing facility.

46. Respondent was required to submit to the SERC, LEPC, and Lansing Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, on or before March 1, 2005, for calendar year 2004 for the Lansing facility.

47. Respondent was required to submit to the SERC, LEPC, and Lansing Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, on or before March 1, 2006, for calendar year 2005 for the Lansing facility.

48. Respondent was required to submit to the SERC, LEPC, and Lansing Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, on or before March 1, 2007, for calendar year 2006 for the Lansing facility.

49. At all times relevant to this CAFO, the Michigan Citizen-Community Emergency Response Coordinating Council was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a), for the Lansing facility.

50. At all times relevant to this CAFO, the Ingham County Local Emergency Planning Committee was the LEPC for Ingham County, Michigan under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c), for the Lansing facility.

51. At all times relevant to this CAFO, the Lansing Fire Department was the fire department with jurisdiction over the Lansing facility.



52. Respondent submitted to the Michigan SERC and Ingham County LEPC an MSDS for sulfuric acid or a list showing sulfuric acid on March 10, 2008.

53. As of March 25, 2008, Respondent had not submitted to the Lansing Fire Department an MSDS for sulfuric acid or a list showing sulfuric acid.

54. Each day Respondent failed to submit to the Michigan SERC an MSDS or a list for sulfuric acid by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

55. Each day Respondent failed to submit to the Ingham County LEPC an MSDS or a list for sulfuric acid by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

56. Each day Respondent failed to submit to the Lansing Fire Department an MSDS or a list for sulfuric acid by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

57. Respondent submitted to the Michigan SERC and Ingham County LEPC an MSDS for lead or a list showing lead on March 10, 2008.

58. As of March 25, 2008, Respondent had not submitted to the Lansing Fire Department an MSDS for lead or a list showing lead.

59. Each day Respondent failed to submit to the Michigan SERC an MSDS or a list for lead by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

60. Each day Respondent failed to submit to the Ingham County LEPC an MSDS or a list for lead by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

61. Each day Respondent failed to submit to the Lansing Fire Department an MSDS or a list for lead by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

62. As of March 25, 2008, Respondent had not submitted to the Lansing Fire Department an MSDS for oxygen or a list showing oxygen.

63. Each day Respondent failed to submit to the Lansing Fire Department an MSDS or a list for oxygen by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

64. Respondent submitted to the Michigan SERC and Ingham County LEPC an MSDS for carbon steel or a list showing carbon steel on March 10, 2008.

65. As of March 25, 2008, Respondent had not submitted to the Lansing Fire Department an MSDS for carbon steel or a list showing carbon steel.

66. Each day Respondent failed to submit to the Michigan SERC an MSDS or a list for carbon steel by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

67. Each day Respondent failed to submit to the Ingham County LEPC an MSDS or a list for carbon steel by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

68. Each day Respondent failed to submit to the Lansing Fire Department an MSDS or a list for carbon steel by March 31, 2005, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

69. As of April 30, 2008, Respondent had not submitted to the Michigan SERC, Ingham County LEPC, and Lansing Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, for calendar year 2004.

70. Each day Respondent failed to submit to the Michigan SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2005, for calendar year 2004 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

71. Each day Respondent failed to submit to the Ingham County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2005, for calendar year 2004 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

72. Each day Respondent failed to submit to the Lansing Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2005, for calendar year 2004 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

73. As of April 30, 2008, Respondent had not submitted to the Michigan SERC, Ingham County LEPC, and Lansing Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, for calendar year 2005.

74. Each day Respondent failed to submit to the Michigan SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2006, for calendar year 2005 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

75. Each day Respondent failed to submit to the Ingham County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2006, for calendar year 2005 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

76. Each day Respondent failed to submit to the Lansing Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2006, for calendar year 2005 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

77. As of June 6, 2008, Respondent had not submitted to the Michigan SERC and Ingham County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and carbon steel, for calendar year 2006.

78. As of March 25, 2008, Respondent had not submitted to the Lansing Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, for calendar year 2006.

79. Each day Respondent failed to submit to the Michigan SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and carbon steel, by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

80. Each day Respondent failed to submit to the Ingham County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, and carbon steel, by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

81. Each day Respondent failed to submit to the Lansing Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Melrose Park, Illinois Facility**

82. As of December 31, 2005, sulfuric acid was present at the Melrose Park facility at any one time in an amount equal to or greater than the minimum threshold level.

83. During at least one period of time in calendar year 2005, sulfuric acid was present at the Melrose Park facility in an amount equal to or greater than the minimum threshold level.

84. During at least one period of time in calendar year 2006, sulfuric acid was present at the Melrose Park facility in an amount equal to or greater than the minimum threshold level.

85. During at least one period of time in calendar year 2007, sulfuric acid was present at the Melrose Park facility in an amount equal to or greater than the minimum threshold level.

86. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid at the Melrose Park facility.

87. Respondent was required to submit to the SERC, LEPC, and the Melrose Park Fire Department on or before March 31, 2006, an MSDS for sulfuric acid or a list including sulfuric acid for the Melrose Park facility.

88. Respondent was required to submit to the SERC, LEPC, and the Melrose Park Fire Department, a completed Emergency and hazardous Chemical Inventory Form including sulfuric acid, on or before March 1, 2006, for calendar year 2005 for the Melrose Park facility.

89. Respondent was required to submit to the SERC, LEPC, and Melrose Park Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, on or before March 1, 2007, for calendar year 2006 for the Melrose Park facility.

90. Respondent was required to submit to the SERC, LEPC, and the Melrose Park Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, on or before March 1, 2008, for calendar year 2007 for the Melrose Park facility.

91. At all times relevant to this CAFO, the Illinois SERC was the SERC for Illinois under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a), for the Melrose Park facility.

92. At all times relevant to this CAFO, the Cook County Local Emergency Planning Committee was the LEPC for Cook County, Illinois under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c), for the Melrose Park facility.

93. At all times relevant to this CAFO, the Melrose Park Fire Department was the fire department with jurisdiction over the Melrose Park facility.

94. Respondent submitted to the Illinois SERC and Cook County LEPC an MSDS for sulfuric acid or a list showing sulfuric acid on December 17, 2008.

95. Respondent submitted to the Melrose Park Fire Department an MSDS for sulfuric acid or a list showing sulfuric acid on February 24, 2009.

96. Each day Respondent failed to submit to the Illinois SERC an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

97. Each day Respondent failed to submit to the Cook County LEPC an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

98. Each day Respondent failed to submit to the Melrose Park Fire Department an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

99. As of July 9, 2008, Respondent had not submitted to the Illinois SERC, Cook County LEPC, and Melrose Park Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid for calendar year 2005.

100. Each day Respondent failed to submit to the Illinois SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2006, for calendar year 2005, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

101. Each day Respondent failed to submit to the Cook County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2006, for calendar year 2005, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

102. Each day Respondent failed to submit to the Melrose Park Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2006, for calendar year 2005, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

103. As of July 9, 2008, Respondent had not submitted to the Illinois SERC, Cook County LEPC, and Melrose Park Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid for calendar year 2006.

104. Each day Respondent failed to submit to the Illinois SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2007, for calendar year 2006, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

105. Each day Respondent failed to submit to the Cook County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2007, for calendar year 2006, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

106. Each day Respondent failed to submit to the Melrose Park Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2007, for calendar year 2006, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

107. Respondent submitted to the Illinois SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid for calendar year 2007, on December 17, 2008.

108. As of July 9, 2008, Respondent had not submitted to the Cook County LEPC and Melrose Park Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid for calendar year 2007.

109. Each day Respondent failed to submit to the Illinois SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2008, for calendar year 2007, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

110. Each day Respondent failed to submit to the Cook County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by March 1, 2008, for calendar year 2007, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

111. Each day Respondent failed to submit to the Melrose Park Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid by



March 1, 2008, for calendar year 2007, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Indianapolis, Indiana Facility**

112. As of December 31, 2005, sulfuric acid, lead, oxygen, and carbon steel were present at the Indianapolis facility at any one time in an amount equal to or greater than the minimum threshold level.

113. During at least one period of time in calendar year 2005, sulfuric acid, lead, oxygen, and carbon steel were present at the Indianapolis facility in an amount equal to or greater than the minimum threshold level.

114. During at least one period of time in calendar year 2006, sulfuric acid, lead, oxygen, and carbon steel were present at the Indianapolis facility in an amount equal to or greater than the minimum threshold level.

115. During at least one period of time in calendar year 2007, sulfuric acid, lead, oxygen, and carbon steel were present at the Indianapolis facility in an amount equal to or greater than the minimum threshold level.

116. OSHA requires Respondent to prepare, or have available, an MSDS for sulfuric acid, lead, oxygen, and carbon steel for the Indianapolis facility.

117. Respondent was required to submit to the SERC, LEPC, and Beech Grove Fire Department on or before March 31, 2006, an MSDS for sulfuric acid, lead, oxygen, and carbon steel or a list including sulfuric acid, lead, oxygen, and carbon steel for the Indianapolis facility.

118. Respondent was required to submit to the SERC, LEPC, and Beech Grove Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including

sulfuric acid, lead, oxygen, and carbon steel, on or before March 1, 2006, for calendar year 2005 for the Indianapolis facility.

119. Respondent was required to submit to the SERC, LEPC, and Beech Grove Fire Department, a completed emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, on or before March 1, 2007, for calendar year 2006 for the Indianapolis facility.

120. Respondent was required to submit to the SERC, LEPC, and Beech Grove Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, on or before March 1, 2008, for calendar year 2007 for the Indianapolis facility.

121. At all times relevant to this CAFO, the Indiana SERC was the SERC for Indiana under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a), for the Indianapolis and Fort Wayne facilities.

122. At all times relevant to this CAFO, the Marion County Local Emergency Planning Committee was the LEPC for Marion County, Indiana under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c), for the Indianapolis facility.

123. At all times relevant to this CAFO, the Beech Grove Fire Department was the fire department with jurisdiction over the Indianapolis facility.

124. Respondent submitted to the Indiana SERC and Marion County LEPC an MSDS for sulfuric acid or a list showing sulfuric acid on November 17, 2008.

125. As of May 26, 2009, Respondent had not submitted to the Beech Grove Fire Department an MSDS for sulfuric acid or a list showing sulfuric acid.

126. Each day Respondent failed to submit to the Indiana SERC an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

127. Each day Respondent failed to submit to the Marion County LEPC an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

128. Each day Respondent failed to submit to the Beech Grove Fire Department an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

129. Respondent submitted to the Indiana SERC and Marion County LEPC an MSDS for lead or a list showing lead on November 17, 2008.

130. As of May 26, 2009, Respondent had not submitted to the Beech Grove Fire Department an MSDS for lead or a list showing lead.

131. Each day Respondent failed to submit to the Indiana SERC an MSDS or a list for lead by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

132. Each day Respondent failed to submit to the Marion County LEPC an MSDS or a list for lead by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

133. Each day Respondent failed to submit to the Beech Grove Fire Department an MSDS or a list for lead by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

134. Respondent submitted to the Indiana SERC and Marion County LEPC an MSDS for oxygen or a list showing oxygen on November 17, 2008.

135. As of May 26, 2009, Respondent had not submitted to the Beech Grove Fire Department an MSDS for oxygen or a list showing oxygen.

136. Each day Respondent failed to submit to the Indiana SERC an MSDS or a list for oxygen by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

137. Each day Respondent failed to submit to the Marion County LEPC an MSDS or a list for oxygen by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

138. Each day Respondent failed to submit to the Beech Grove Fire Department an MSDS or a list for oxygen by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

139. Respondent submitted to the Indiana SERC and Marion County LEPC an MSDS for carbon steel or a list showing carbon steel on November 17, 2008.

140. As of May 26, 2009, Respondent had not submitted to the Beech Grove Fire Department an MSDS for carbon steel or a list showing carbon steel.

141. Each day Respondent failed to submit to the Indiana SERC an MSDS or a list for carbon steel by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

142. Each day Respondent failed to submit to the Marion County LEPC an MSDS or a list for carbon steel by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

143. Each day Respondent failed to submit to the Beech Grove Fire Department an MSDS or a list for carbon steel by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

144. As of December 1, 2008, Respondent had not submitted to the Indiana SERC, Marion County LEPC, and Beech Grove Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, for calendar year 2005.

145. Each day Respondent failed to submit to the Indiana SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2006, for calendar year 2005, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

146. Each day Respondent failed to submit to the Marion County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2006, for calendar year 2005, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

147. Each day Respondent failed to submit to the Beech Grove Fire Department a completed Emergency and hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2006, for calendar year 2005, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

148. As of December 1, 2008, Respondent had not submitted to the Indiana SERC, Marion County LEPC, and Beech Grove Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, for calendar year 2006.

149. Each day Respondent failed to submit to the Indiana SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2007, for calendar year 2006, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

150. Each day Respondent failed to submit to the Marion County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2007, for calendar year 2006, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

151. Each day Respondent failed to submit to the Beech Grove Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2007, for calendar year 2006, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

152. Respondent submitted to the Indiana SERC and Marion County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, for calendar year 2007, on November 17, 2008.

153. As of May 26, 2009, Respondent had not submitted to the Beech Grove Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, for calendar year 2007.

154. Each day Respondent failed to submit to the Indiana SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2008, for calendar year 2007, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

155. Each day Respondent failed to submit to the Marion County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2008, for calendar year 2007, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

156. Each day Respondent failed to submit to the Beech Grove Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid, lead, oxygen, and carbon steel, by March 1, 2008, for calendar year 2007, constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Fort Wayne, Indiana Facility**

157. As of December 31, 2005, sulfuric acid and carbon steel were present at the Fort Wayne facility at any one time in an amount equal to or greater than the minimum threshold level.

158. During at least one period of time in calendar year 2005, sulfuric acid and carbon steel were present at the Fort Wayne facility in an amount equal to or greater than the minimum threshold level.

159. During at least one period of time in calendar year 2006, sulfuric acid and carbon steel were present at the Fort Wayne facility in an amount equal to or greater than the minimum threshold level.

160. During at least one period of time in calendar year 2007, sulfuric acid and carbon steel were present at the Fort Wayne facility in an amount equal to or greater than the minimum threshold level.

161. OSHA requires Respondent to prepare, or have available, a MSDS for sulfuric acid and carbon steel for the Fort Wayne facility.

162. Respondent was required to submit to the SERC, LEPC, and New Haven Adams Township Fire Department on or before March 31, 2006, an MSDS for sulfuric acid and carbon steel or a list including sulfuric acid and carbon steel for the Fort Wayne facility.

163. Respondent was required to submit to the SERC, LEPC, and New Haven Adams Township Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, on or before March 1, 2006 for calendar year 2005 for the Fort Wayne facility.

164. Respondent was required to submit to the SERC, LEPC, and New Haven Adams Township Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, on or before March 1, 2007 for calendar year 2006 for the Fort Wayne facility.

165. Respondent was required to submit to the SERC, LEPC, and New Haven Adams Township Fire Department, a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, on or before March 1, 2008, for calendar year 2007 for the Fort Wayne facility.

166. At all times relevant to this CAFO, the Allen County Local Emergency Planning Committee was the LEPC for Allen County, Indiana, under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c), for the Fort Wayne facility.

167. At all times relevant to this CAFO, the New Haven Adams Township Fire Department was the fire department with jurisdiction over the Fort Wayne facility.

168. Respondent submitted to the Indiana SERC, Allen County LEPC and the New Haven Adams Township Fire Department an MSDS for sulfuric acid or a list showing sulfuric acid on November 17, 2008.



169. Each day Respondent failed to submit to the Indiana SERC an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

170. Each day Respondent failed to submit to the Allen County LEPC an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

171. Each day Respondent failed to submit to the New Haven Adams Township Fire Department an MSDS or a list for sulfuric acid by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

172. Respondent submitted to the Indiana SERC, Allen County LEPC, and New Haven Adams Township Fire Department an MSDS for carbon steel or a list showing carbon steel on November 17, 2008.

173. Each day Respondent failed to submit to the Indiana SERC an MSDS or a list for carbon steel by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

174. Each day Respondent failed to submit to the Allen County LEPC an MSDS or a list for carbon steel by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

175. Each day Respondent failed to submit to the New Haven Adams Township Fire Department an MSDS or a list for carbon steel by March 31, 2006, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

176. As of December 2, 2008, Respondent had not submitted to the Indiana SERC, Allen County LEPC, and New Haven Adams Township Fire Department a completed Emergency and

Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, for calendar year 2005.

177. Each day Respondent failed to submit to the Indiana SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2006, for calendar year 2005 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

178. Each day Respondent failed to submit to the Allen County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2006, for calendar year 2005 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

179. Each day Respondent failed to submit to the New Haven Adams Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2006, for calendar year 2005 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

180. As of December 2, 2008, Respondent had not submitted to the Indiana SERC, Allen County LEPC, and New Haven Adams Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, for calendar year 2006.

181. Each day Respondent failed to submit to the Indiana SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

182. Each day Respondent failed to submit to the Allen County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

183. Each day Respondent failed to submit to the New Haven Adams Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

184. On November 17, 2008, Respondent submitted to the Indiana SERC, Allen County LEPC, and New Haven Adams Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, for calendar year 2007.

185. Each day Respondent failed to submit to the Indiana SERC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

186. Each day Respondent failed to submit to the Allen County LEPC a completed Emergency and Hazardous Chemical Inventory Form including sulfuric acid and carbon steel, by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

187. Each day Respondent failed to submit to the New Haven Adams Township Fire Department a completed Emergency and Hazardous Chemical Inventory Form including sulfuric

acid and carbon steel, by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Civil Penalty**

188. In consideration of risk to the community, Respondent's cooperation, return to compliance, and willingness to quickly resolve this matter, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$120,000.00.

189. Within 30 days after the effective date of this CAFO, Respondent must pay a \$120,000.00 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

**for checks sent by regular U.S. postal service**

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

**for checks sent by express mail**

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

The check must note the following: Alro Steel Corporation, the docket number of this CAFO and the billing document number 2751044E012

**for electronic funds transfer**

Respondent must pay the penalty by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

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

In the comment or description field of the electronic funds transfer, state the following: Alro

Steel Corporation the docket number of this CAFO and the billing document number 2751044E012.

**for online payments using debit or credit card**

Respondent must pay online using ACH debit or credit card. For payments online using ACH debit or credit card please visit [www.pay.gov](http://www.pay.gov). Using the Search Public Forms option on the tool bar (left side of page), enter SFO 1.1 in the search field. Open the form and complete the information requested.

190. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk, (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

James Entzminger, (SC-6J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Jeffery Trevino, (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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

192. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

193. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

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

195. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

196. Respondent certifies that it is complying with Section 311 of EPCRA, 42 U.S.C. § 11021, and Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

197. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws, and regulations.

198. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021 and 11022.

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

200. 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.

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

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

In the Matter of:

Alro Steel Corporation, Jackson, Michigan

Docket No. \_\_\_\_\_

**Alro Steel Corporation, Respondent**

3/1/10  
Date

Steve J. Laten  
Steve Laten, Vice President and Chief Financial Officer  
Alro Steel Corporation

**U.S. Environmental Protection Agency, Complainant**

3/9/10  
Date

Thomas H. El-Zein for  
Jason H. El-Zein, Chief  
Emergency Response Branch 1  
Superfund Division

3-10-10  
Date

Richard C. Karl  
Richard C. Karl  
Director  
Superfund Division



**In the Matter of:**  
**Alro Steel Corporation, Jackson, Michigan**  
**Docket No. EPCRA-05-2010-0009**

**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.

3-12-10  
Date

*for* *Judha Atiyeh*  
Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**RECEIVED**  
MAR 15 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

**In the Matter of:**  
**Alro Steel Corporation, Jackson, Michigan**  
**Docket No. EPCRA-05-2010-0009**

**Certificate of Service**

I, James Entzminger, certify that I hand delivered the original of the Consent Agreement and Final Order, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Alro Steel Corporation and their Counsel by placing them in the custody of the United States Postal Service addressed as follows:

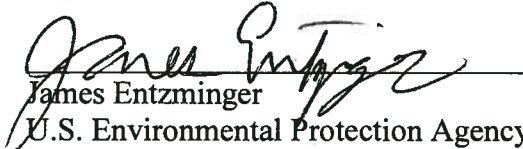
William M. Abbott, Attorney  
Abbott, Thompson & Beer, PLC  
P.O. Box 450  
180 West Michigan Avenue, Suite 601  
Jackson, MI 49204

Steve Laten, Vice President and Chief Financial Officer  
Alro Steel Corporation  
P.O. Box 927  
3100 East High Street  
Jackson, MI 49204

**RECEIVED**  
**MAR 15 2010**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

on the 15 day of March, 2010

  
James Entzminger  
U.S. Environmental Protection Agency  
Region 5