

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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In the Matter of:) Docket No. CAA-05-2008-0057
) REGIONAL HEARING CLERK
Wisconsin Plating Works of Racine, Inc.) U.S. ENVIRONMENTAL
Racine, Wisconsin) PROTECTION AGENCY
)
Respondent.)
_____)

JOINT STIPULATION CONCERNING DOCUMENTS

Complainant, through its undersigned attorney, and Respondent, through its undersigned attorneys, for the convenience of the parties and the Presiding Officer, hereby jointly stipulate to the authenticity and admissibility of the documents described below into the record to be compiled at the administrative hearing to be held in this matter in Chicago, Illinois, starting on July 21, 2009. It is not intended that this Joint Stipulation Concerning Documents constitute the entire record for this decision in this proceeding. The parties are not precluded from presenting other evidence or relying upon previous rulings by the Presiding Officer in this matter, which may not be included in this Joint Stipulation Concerning Documents, at the administrative hearing. The parties are also not precluded from arguing the relevance of the stipulated documents in any post-hearing briefs.

1. Complainant's Exhibit 1- July 18, 2007 Semi-Annual Compliance Certification and Halogenated Solvent Cleaner NESHAP's Semi-Annual Exceedance Report prepared by Scientific Control Laboratories on behalf of Wisconsin Plating Works of Racine, Inc.
2. Complainant's Exhibit 2 - March 7, 2008 Finding of Violation from U.S. EPA, Region 5 to Wisconsin Plating Works of Racine, Inc.
3. Complainant's Exhibit 3 - June 10, 2008 letter from Adam M. Kushner, Director, Air Enforcement Division, U.S. EPA, Headquarters to Ronald J. Tenpas, Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice. RE: Section 113(d) of the Clean Air Act waiver request of the twelve-month limitation on EPA's authority to initiate an administrative case (Region 5, Wisconsin Plating Works of

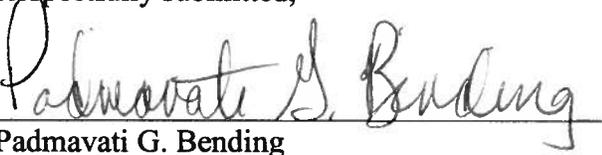
Racine, Inc., Racine, Wisconsin)

4. Complainant's Exhibit 4 - July 3, 2008 letter from William D. Brighton, Assistant Chief, Environmental Enforcement Section, U.S. Department of Justice to Cheryl L. Newton, Acting Director, Air and Radiation Division, U.S. EPA Region 5. RE: Request to Waive Clean Air Act Section 113(d) Limitation of EPA's Authority to Initiate Administrative Case Against Wisconsin Plating Works of Racine, Inc.
5. Complainant's Exhibit 5 - Federal Register, Vol. 58, No. 227 Pages 62566-62598, National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning, Proposed Rule, November 29, 1993
6. Complainant's Exhibit 6 - Federal Register, Vol. 59, No. 231, Pages 61801-61820, National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning, Final Rule, December 2, 1994.
7. Complainant's Exhibit 7 - U.S. EPA Policy, dated October 25, 1991, "Clean Air Act Stationary Source Civil Penalty Policy."
8. Complainant's Exhibit 8 - U.S. EPA Policy, dated January 17, 1992, "Clarifications to the October 25, 1991 Clean Air Act Stationary Source Civil Penalty Policy."
9. Complainant's Exhibit 9 - U.S. EPA Policy, dated May 9, 1997, "Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Rule (Pursuant to the Debt Collection Improvement Act of 1996)."
10. Complainant's Exhibit 10 - U.S. EPA Policy, dated September 21, 2004, "Modifications to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Rule (Pursuant to the Debt Collection Improvement Act of 1996, Effective October 1, 2004)."
11. Complainant's Exhibit 11 - Declaration of Constantinos Loukeris concerning Wisconsin Plating's use of the vapor degreaser during the period of violation.
12. Complainant's Exhibit 12 - Dun and Bradstreet report dated February 29, 2008 for Wisconsin Plating.
13. Complainant's Exhibit 13 - Photographs of vapor degreaser provided by Wisconsin Plating Works of Racine, Inc. to EPA with March 27, 2008 transmittal electronic mail.
14. Complainant's Exhibit 14 - Region 5 Delegation 7-6-A, Clean Air Act, Administrative Enforcement Actions: Issuance of Complaints and Orders, and Signing of Consent Agreements, etc.

15. Complainant's Exhibit 15 - September 15, 2008 letter Re: Notice of Intent to File Civil Administrative Complaint Against Wisconsin Plating Works of Racine, Inc.
16. Complainant's Exhibit 16 - Resume of Gail B. Coad, Industrial Economics, Inc.
17. Complainant's Exhibit 17 - Permit No. 252016270-F10 for Wisconsin Plating Works of Racine, Inc. (Title V Permit).
18. Complainant's Exhibit 18 - Agency for Toxic Substances and Disease Registry Toxicological Profile for Trichloroethylene.
19. Respondent's Exhibit 1 – Professional Resume of Jeffrey Zak, P.E., CEF.
20. Respondent's Exhibit 2 – Professional Resume of Joelle Zak, CEF-4.
21. Respondent's Exhibit 3 – Professional Resume of Deanna Heffron, P.E., CEF-2.
22. Respondent's Exhibit 4 – November 14, 2008 email from Karl Loepke to Jeffrey Toeppe regarding the functionality of the freeboard chiller system of Respondent's vapor degreasing machine.
23. Respondent's Group Exhibit 5 – Respondent's July 18, 2007 Semi-Annual Monitoring Compliance Certification and Halogenated Solvent Cleaner NESHAP's Semi-Annual Exceedance Report submitted by Scientific Control Laboratories to Wisconsin Department of Natural Resources and USEPA.
24. Respondent's Group Exhibit 6 – Respondent's talking points and slides from March 26, 2008 meeting between Respondent and Complainant.
25. Respondent's Group Exhibit 7 – Respondent's Tax Returns for 2005, 2006, and 2007.
26. Respondent's Group Exhibit 8 – Respondent's 4th Quarter 2008 Financial Statement.
27. Respondent's Group Exhibit 9 – Respondent's Federal and Wisconsin Corporate Tax Returns for 2006.
28. Respondent's Group Exhibit 10 - Respondent's Federal and Wisconsin Corporate Tax Returns for 2007.
29. Respondent's Group Exhibit 11 - Respondent's Federal and Wisconsin Corporate Tax Returns for 2008.
30. Respondent's Group Exhibit 12 – Respondent's List of Assets

31. Respondent's Group Exhibit 13- Respondent's End-of-Year Financial Statement for 2006 (and 2005).
32. Respondent's Group Exhibit 14- Respondent's End-of-Year Financial Statement for 2007 (and 2006).
33. Respondent's Group Exhibit 15- Respondent's End-of-Year Financial Statement for 2008 (and 2007).
34. Respondent's Group Exhibit 16- Respondent's 1st Quarter 2009 Financial Statement with Cash Flow.
35. Respondent's Group Exhibit 17- Respondent's 2nd, 3rd and 4th Quarter Proforma Projections with Cash Flow Statement.
36. Respondent's Group Exhibit 18- Respondent's End-of-Month Financial Statement for January 2009.
37. Respondent's Group Exhibit 19- Respondent's End-of-Month Financial Statement for February 2009.
38. Respondent's Group Exhibit 20- Respondent's End-of-Month Financial Statement for March 2009.
39. Respondent's Group Exhibit 21- Respondent's End-of-Month Financial Statement for April 2009.
40. Respondent's Group Exhibit 22- Respondent's Letter from David Insurance Regarding Non-Coverage for Environmental Fines or Legal Expenses.
41. Respondent's Group Exhibit 23- Respondent's Emailed Spreadsheet from Purchasing Manager of NTN Detailing Production Forecast Through September 2009.
42. Respondent's Group Exhibit 24- Respondent's Executed Letter of Intent for the NTN Project.
43. Respondent's Group Exhibit 25- Respondent's Chart Detailing Respondent's Monthly Sales from January 2006 through April 2009.

Respectfully submitted,



Padmavati G. Bending

Associate Regional Counsel

U.S. Environmental Protection Agency,

Region 5

77 West Jackson Blvd. (C-14J)

Chicago, IL 60604-3590

Christopher T. Nowotarski

Stuart M. Sheldon

Stone, Pogrud and Korey, LLC

1 East Wacker Drive, Suite 2610

Chicago, IL 60601

Respectfully submitted,

Padmavati G. Bending
Associate Regional Counsel
U.S. Environmental Protection Agency,
Region 5
77 West Jackson Blvd. (C-14J)
Chicago, IL 60604-3590



Christopher T. Nowotarski
Stuart M. Sheldon
Stone, Pogrud and Korey, LLC
1 East Wacker Drive, Suite 2610
Chicago, IL 60601

U.S. ENVIRONMENTAL
PROTECTION AGENCY

JUN 05 2008

OFFICE OF REGIONAL
COUNSEL

CERTIFICATE OF SERVICE

RECEIVED
JUN 4 2009
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ENVIRONMENTAL PROTECTION AGENCY

I hereby certify that today I filed personally with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-19J), Chicago, Illinois, 60604-3590, the original document and a copy entitled Joint Stipulation Concerning Documents for this civil administrative action, and that I issued to the Court (via pouch mail) and Respondent's Counsel (via first class mail) a copy of the original document.

The Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Christopher T. Nowotarski
Stuart M. Sheldon
Stone, Pogrund and Korey, LLC
1 East Wacker Drive, Suite 2610
Chicago, IL 60601

Mildred Vargas
Mildred Vargas
Secretary

June 4, 2009
Date