



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 01 2007

REPLY TO THE ATTENTION OF

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Stroh, President
Stroh Die Casting Co.
11123 West Burleigh Street
Milwaukee, Wisconsin 53222

Dear Mr. Stroh:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves Stroh Die Casting Co.'s, docket number, CAA-05-2006-0030. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on

~~_____~~ **AUG 01 2007**

Pursuant to paragraphs 11 and 12 of the CAFO, Stroh Die Casting Co. must pay a \$10,000 initial installment of the civil penalty within 60 days of **AUG 01 2007** and a second installment of \$10,000, plus interest, within one year of the effective date of the CAFO. Your checks must display the case docket number, CAA-05-2006-0030, and the billing document number, 2750760A001.

Please direct any questions regarding this case to Deborah Carlson, Attorney, (312) 353-36121 or Tanya Hurlburt, Environmental Scientist, 312-353-4145.

Sincerely yours,

A handwritten signature in cursive script that reads "Bonnie Bush".

Bonnie Bush, Section Chief
Air Enforcement and Compliance Assurance MI/WI Section

Enclosure

Cc: Michael Simpson, Esq.
The Hon. William B. Moran

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) Docket No. CAA-05-2006-003
)
Stroh Die Casting Co.,) Proceeding to Assess a
Inc. Milwaukee, Wisconsin) Civil
) Penalty under Section
Respondent.) 113(d)
_____) of the Clean Air Act,
42 U.S.C. § 7413(d)

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Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On September 15, 2006, U.S. EPA filed the complaint in this action against Respondent, Stroh Die Casting Co., Inc. (Stroh Die Casting). The complaint alleges that Stroh Die Casting violated Section 112 of the Act, and 40 C.F.R. Part 63, Subpart RRR, the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production at its facility in Milwaukee, Wisconsin.

3. Stroh Die Casting filed an answer and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2).

Stipulations

4. Stroh Die Casting admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

5. Stroh Die Casting waives any right to contest the allegations in the complaint and its right to appeal this consent agreement and final order (CAFO).

6. Stroh Die Casting certifies that it is complying fully with the Secondary Aluminum Production NESHAP at 40 C.F.R. Part 63, Subpart RRR.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. In consideration of Stroh Die Casting's cooperation, good faith efforts to comply and documentation

of inability to pay the proposed penalty, U.S. EPA agrees to mitigate the proposed penalty of \$64,475 to \$20,000.

10. Stroh Die Casting must pay the \$20,000 in two equal installments. Stroh Die Casting must pay the two installments of the civil penalty by cashier's or certified check payable to the "Treasurer, United States of America."

11. Stroh Die Casting must pay the first installment of \$10,000 within 60 days after the effective date of this CAFO.

12. Stroh Die Casting must pay the second installment of \$10,000, plus interest at the rate established under 31 U.S. C. § 3717, within one year of the effective date of this CAFO.

13. For each of the two installments, Stroh Die Casting must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 371531
Pittsburgh, PA 15251-7531

14. A transmittal letter, stating the Respondent's name, complete address, the case docket number, and the

billing document number must accompany each payment.

Respondent must write the case docket number and the billing document number on the face of each check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Deborah Carlson, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

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

16. If Stroh Die Casting does not pay timely either of the two installments of 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 under Section 113(d)(5) of the Act, 42 U.S.C. §

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7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

17. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Respondent will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Respondent will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). 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.

General Provisions

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

19. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other

equitable relief or criminal sanctions for any violation of law.

20. This CAFO does not affect Stroh Die Casting's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 18 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.

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

22. The terms of this CAFO bind Stroh Die Casting, and its successors, and assigns.

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

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

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

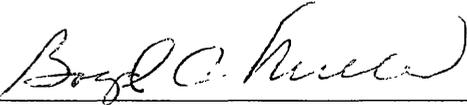
**U.S. Environmental Protection Agency,
Complainant**

7/30/2007
Date


Stephen Rothblatt, Director
Air and Radiation Division
United States Environmental
Protection Agency, Region 5

**Stroh Die Casting Co., Inc.
Respondent**

July 26, 2007
Date


Michael Stroh, President,
Stroh Die Casting Co, Inc.
CHIEF OPERATING OFFICER

CONSENT AGREEMENT AND FINAL ORDER
Stroh Die Casting Co., Inc.
Docket No. CAA-05-2006-0030

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This final order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

7/31/2007

Date



Mary A. Gade
Regional Administrator
United States Environmental
Protection Agency, Region 5

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CERTIFICATE OF SERVICE

I, Shanee Rucker, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-05-2006-0030 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Administrative Law Judge William B. Moran, Mr. Michael Stroh and to Respondent's counsel, Mr. Michael Simpson, by placing them in the custody of the United States Postal Service addressed as follows:

Mr. Michael Stroh
Stroh Die Casting Co., Inc.
11123 West Burleigh Street
Milwaukee, Wisconsin 53222

Michael Simpson, Esq.
Reinhart Boerner Van Deuren S.C.
P.O. Box 2965
Milwaukee, Wisconsin 53201-2965

The Hon. William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail code (1900L)
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

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on the 1st day of August, 2007.

Shanee Rucker
Shanee Rucker, Secretary

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0186 1337