



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

DEC 27 2005

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard T. Sargeant
Eastman & Smith Ltd.
One Seagate, 24th Floor
Toledo, Ohio 43699-0032

Re: Multi-Cast Corporation
Filed Consent Agreement and Final Order

Dear Mr. Sargeant:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves violations at Multi-Cast Corporation's facility in Wauseon, Ohio, CAA Docket No. ~~CAA-05-2006~~ 0010-25. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on DEC 29 2005.

Pursuant to paragraph 37 of the CAFO, Multi-Cast Corporation must pay the civil penalty within 30 days of DEC 29 2005. Your check must display the case docket number, ~~CAA-05-2006~~ 0010-25, and the billing document number, 050306009.

Please direct any questions regarding this case to Mony Chabria, Associate Regional Counsel, (312) 886-6842.

Sincerely yours,

William MacDowell, Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

Cc: Michael Jewell, Treasurer
Multi-Cast Corporation
P.O. Box 111
225 East Linfoot Street
Wauseon, Ohio 43567

Mony Chabria, ORC

Reza Bagherian, ARD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:) Docket No. ~~CAA-05-~~ 2006 0010 22
)
Multi-Cast Corporation) Proceeding to Assess a Civil
Wauseon, Ohio,) Penalty under Section 113(d)
) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
Respondent.)
_____)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b), and 22.18(b) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA).

3. Respondent is Multi-Cast Corporation (Multi-Cast), a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the

US ENVIRONMENTAL PROTECTION AGENCY
REGIONAL OFFICE
RECEIVED
DEC 29 10 56 AM '05
REGIONAL OFFICE

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 entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Multi-Cast admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Multi-Cast 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. Under Section 112 of the Act, the Administrator of U.S. EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production at 40 C.F.R. §§ 63.1500 et seq. (Secondary Aluminum Production NESHAP or Subpart RRR).

10. According to 40 C.F.R. § 63.1501, the owner or operator of an existing affected source was required to comply with the requirements of 40 C.F.R. Part 63, Subpart RRR by March 24, 2003.

11. The Secondary Aluminum Production NESHAP applies to the owner or operator of each secondary aluminum production facility.

12. A secondary aluminum production facility, as defined at 40 C.F.R. § 63.1503, includes any establishment using clean charge, aluminum scrap, or dross from aluminum production, as the raw material and performing one or more of the following processes: scrap shredding, scrap drying/ delacquering/ decoating, thermal chip drying, furnace operations (i.e., melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in-line fluxing, or dross cooling.

13. According to 40 C.F.R. § 63.1500(c), the requirements of Subpart RRR pertaining to dioxin and furan (D/F) emissions and the associated operating, monitoring, reporting and recordkeeping requirements apply to each new and existing secondary aluminum processing unit, containing one or more group 1 furnace emission units processing other than clean charge, located at a secondary aluminum production facility that is an area source of HAPs as defined in 40 C.F.R. § 63.2.

14. According to 40 C.F.R. § 63.9(b)(2), the owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under Part 63 must notify the Administrator in writing that the source is subject to the relevant standard no later than 120 calendar days after the

effective date of the relevant standard or within 120 calendar days after the source becomes subject to the relevant standard.

15. A group 1 furnace, as that term is defined at 40 C.F.R. § 63.1503, means a furnace of any design that melts, holds, or processes aluminum that contains paint, lubricants, coatings, or other foreign materials with or without reactive fluxing, or processes clean charge with reactive fluxing.

16. According to 40 C.F.R. § 63.1511(b), the owner or operator of any affected source must demonstrate initial compliance with each applicable emission, equipment, work practice, or operational standard for each affected source and emission unit. The owner or operator of any existing affected source must conduct the initial performance test by the date for compliance established by 40 C.F.R. § 63.1501(a). The owner or operator of any new affected source must conduct the initial performance test within 90 days after the date for compliance established by 40 C.F.R. § 63.1501(b). Owners or operators of affected sources located at facilities which are area sources are subject only to those performance testing requirements pertaining to D/F.

17. The provisions of 40 C.F.R. § 63.1512(e) provide, among other things, that the owner or operator of a group 1 furnace without add-on air pollution control devices, which processes

other than clean charge material, must conduct emission tests to measure emissions of D/F at the furnace exhaust outlet.

18. According to 40 C.F.R. § 63.1506(a), the owner or operator must operate all new and existing affected sources and control equipment according to the requirements in 40 C.F.R. § 63.1506.

19. According to 40 C.F.R. § 63.1506(b), the owner or operator must provide and maintain easily visible labels posted at each group 1 furnace that identifies the applicable emission limits and means of compliance, including: (1) the type of affected source or emission unit, and (2) the applicable operational standard(s) and control methods.

20. According to 40 C.F.R. § 63.1515(b), the owner or operator of an existing affected source must submit a notification of compliance status report within 60 days of the compliance date established by 40 C.F.R. § 63.1501(a). A complete notification of compliance status report must include the information specified in paragraphs (1) through (10) of 40 C.F.R. § 63.1515(b).

21. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for Clean Air Act violations that occurred from January 31, 1997 through March 15, 2004, and may assess a civil penalty of up to \$32,500 per day of violation up to a total

of \$270,000 for violations that occurred after March 15, 2004 under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

Factual Allegations

22. Multi-Cast owns and operates a secondary aluminum production facility at 225 East Linfoot Street, Wauseon, Ohio. Multi-Cast's facility used clean charge and aluminum scrap in its aluminum production processes.

23. Multi-Cast owned and operated 12 gas-fired group 1 furnaces which melt aluminum. Although Multi-Cast acquired the 12 group 1 furnaces on January 1, 2005, Multi-Cast's 12 furnaces were constructed or reconstructed before February 11, 1999.

24. Multi-Cast melted painted and coated scrap in its 12 furnaces from January 1, 2005, until March 10, 2005. The 12 group 1 furnaces do not have any add-on pollution control devices.

25. Multi-Cast's facility is an emission source subject to the requirements of the Act and 40 C.F.R. Part 63, Subpart RRR.

26. All 12 group 1 furnaces operated at Multi-Cast's facility were existing affected sources under the requirements of 40 C.F.R. Part 63, Subpart RRR.

27. Multi-Cast does not have the potential to emit more than 10 tons per year of any single Hazardous Air Pollutant (HAP) or more than 25 tons per year of a combination of HAPs, and

therefore is an area source of HAPs as defined in 40 C.F.R. § 63.2.

28. Multi-Cast did not notify the U.S. EPA that it was subject to the standards of 40 C.F.R. Part 63, Subpart RRR.

29. Multi-Cast did not conduct performance tests for D/F on each of its 12 group 1 furnaces and did not demonstrate initial compliance with the applicable D/F emission standard.

30. Multi-Cast did not provide and maintain easily visible labels posted at each group 1 furnace identifying the applicable emission limits and means of compliance.

31. Multi-Cast did not submit a notification of compliance status report for its group 1 furnaces.

Violations

32. Multi-Cast failed to provide an initial notification to U.S. EPA that it was subject to 40 C.F.R. Part 63, Subpart RRR, in violation of 40 C.F.R. § 63.9(b)(2).

33. Multi-Cast failed to demonstrate initial compliance with the applicable D/F standard by conducting performance tests for D/F on each of its group 1 furnaces, in violation of 40 C.F.R. §§ 63.1511(b) and 63.1512(e).

34. Multi-Cast failed to provide and maintain visible labels posted at its group 1 furnaces, in violation of 40 C.F.R. § 63.1506.

35. Multi-Cast failed to submit a notification of compliance status report for its group 1 furnaces, in violation of 40 C.F.R. § 1515(b).

Civil Penalty

36. Based on analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case, and Respondent's cooperation and ability to pay, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$10,000.

37. Multi-Cast must pay the \$10,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

38. Multi-Cast must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

39. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the 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

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

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

41. If Multi-Cast does not pay timely 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. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

42. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Multi-Cast will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Multi-Cast 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.

Final Statement

43. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Violations section of this CAFO.

44. 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.

45. This CAFO does not affect Multi-Cast's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 43 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.

46. Multi-Cast certifies that it is complying fully with any applicable requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production, 40 C.F.R. Part 63, Subpart RRR.

47. 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 Multi-Cast's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

48. The terms of this CAFO bind Multi-Cast, and its successors and assigns.

49. 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.

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

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

U.S. Environmental Protection Agency, Complainant

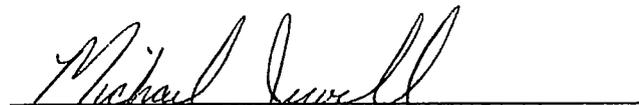
12/27/2005
Date



Stephen Rothblatt, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Multi-Cast Corporation, Respondent

12/21/2005
Date



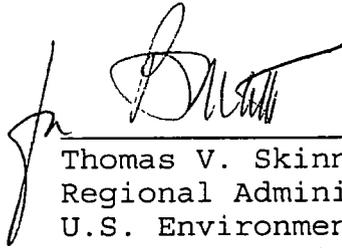
Name: MICHAEL JEWELL
Title: TREASURER
Multi-Cast Corporation

CONSENT AGREEMENT AND FINAL ORDER
IN THE MATTER OF MULTI-CAST CORPORATION
Docket No. ~~CAA-05-~~ 2006 0 0/0 ²⁰

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.

12-27-05



Thomas V. Skinner
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

CONSENT AGREEMENT AND FINAL ORDER
MULTI-CAST CORPORATION
DOCKET NO. CAA-05-2006 001025.

CERTIFICATE OF SERVICE

I, *Betty Williams for Loretta Shaffer*, certify that I have delivered the original and one copy of the Consent Agreement and Final Order (CAFO), docket number *CAA-05-2006-0010* to be filed with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Multi-Cast Corporation and Richard T. Sargeant, by placing them in the custody of the United States Postal Service addressed as follows:

RECEIVED
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604
DEC 29 11 05 57 AM '05

Michael Jewell, Treasurer
Multi-Cast Corporation
P.O. Box 111
225 East Linfoot Street
Wauseon, Ohio 43567

Richard T. Sargeant
Eastman & Smith Ltd.
One Seagate, 24th Floor
Toldeo, Ohio 43699-0032

on the 29th day of December, 2005.

Betty Williams for Loretta Shaffer
Loretta Shaffer
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589097605