



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

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Victor Marsh
Faith Dylewski
1000 Unizan Plaza
220 Market Avenue South
Canton, Ohio 44702

Dear Mr. Marsh,

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves GNW Aluminum, Incorporated, CAA Docket Number CAA-05-2005-0053. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on 2/17/2006.

Pursuant to paragraph 11 of the CAFO, GNW Aluminum, Incorporated must pay the civil penalty within 30 days of 2/17/2006. Your check must display the case docket number, CAA-05-2005-0053, and the billing document number, 050306014.

Please direct any questions regarding this case to Joseph Williams, Associate Regional Counsel, (312) 886-6631.

Sincerely yours,

A handwritten signature in cursive script that reads "William MacDowell".

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

Enclosure

ARD
EDMS

cc: Gary Hoopes, President
GNW Aluminum, Inc.
1356 Harrisburg Road
P.O. Box 2418
Alliance, Ohio 44601

Joseph Williams, ORC

Reza Bagherian, ARD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:) Docket No. CAA-05-2005-0053
)
GNW Aluminum, Inc.) Proceeding to Assess an
Alliance, Ohio) Administrative Penalty
) under Section 113(d) of the
) Clean Air Act,
Respondent.) 42 U.S.C. 7413(d)
)

Consent Agreement and Final Order

Preliminary Statement

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 28, 2005, U.S. EPA filed the complaint in this action against GNW Aluminum, Inc ("Respondent"). The Complaint alleges that the Respondent violated provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production found at 40 C.F.R. Part 63, Subpart RRR. The Complaint proposed a civil penalty of \$104,898 for the violations.

3. Respondent filed an Answer on December 2, 2005, admitting, denying, and neither admitting nor denying certain allegations of the Complaint and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. §7413(d)(2).

US EPA REGION 5
PROTECTION AGENCY
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4. Respondent is an Ohio Corporation doing business in the State of Ohio and owns a facility located at 1356 Harrisburg Road, Alliance, Ohio.

Jurisdiction and Waiver of Right to Hearing

5. Respondent for purposes of settlement admits to the jurisdictional allegations of the Complaint, and it admits, denies, and neither admits nor denies the factual allegations of the complaint.

6. Respondent waives its right to contest the allegations in the Complaint, and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Stipulations

7. Respondent certifies that it is presently in full compliance with the NESHAP for Secondary Aluminum Production, found at 40 C.F.R. Part 63, Subpart RRR.

8. The parties consent to the terms of this Consent Agreement and Final Order (CAFO).

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

Civil Penalty

10. In January 2006, Respondent submitted financial documentation to the U.S. EPA.

11. In consideration of Respondent's good faith efforts to come into compliance and because a review of its financial documentation has shown an inability to pay a large penalty, U.S.

EPA agrees to mitigate the proposed penalty of \$104,898 to \$5,000.

12. Respondent must pay the \$5,000 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.

Respondent must send the check to:
U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

13. 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, (R-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

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 60604-3590

Joseph Williams, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

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

15. If Respondent **does not pay timely the civil penalty** due under paragraph 12, 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.

16. Interest will accrue on any overdue amount from the date payment was due at a rate established under 26 U.S.C. § 6621(a)(2). 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

16. This CAFO settles U.S. EPA's claims for civil penalties for the violations alleged in the Complaint.

17. Nothing in this CAFO restricts U.S. EPA's authority to seek Respondent's compliance with the Act and other applicable laws and regulations.

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

19. 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 Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

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

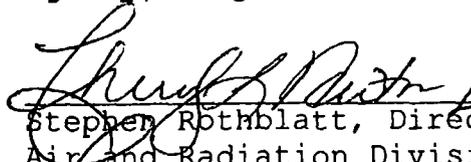
21. Each person signing this CAFO certifies that he or she has the authority to sign this CAFO for the party whom he or she represents and to bind that party to its terms.

22. Each party agrees to bear its own costs and fees in this action.

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

U.S. Environmental Protection Agency, Complainant

2-17-06
Date



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

GNW Aluminum, Inc., Respondent

2-13-06
Date



Name: GARY L. HOOPES
Title: PRESIDENT
GNW Aluminum, Inc.

CONSENT AGREEMENT AND FINAL ORDER

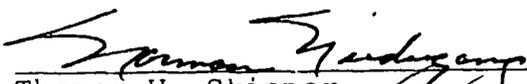
GNW Aluminum, Inc.

Docket No. CAA-05-2005-0053

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.

2/17/06
Date


Thomas V. Skinner
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

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**CONSENT AGREEMENT AND FINAL ORDER
GNW Aluminum, Inc.
Docket No. CAA-05-2005-0053**

CERTIFICATE OF SERVICE

I, Donald E. Ayres, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-05-2005-0053 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to GNW Aluminum, Inc., Victor Marsh and the Honorable Judge Moran by placing them in the custody of the United States Postal Service addressed as follows:

Gary Hoopes, President
GNW Aluminum, Inc.
1356 Harrisburg Road
P.O. Box 2418
Alliance, Ohio 44601

Victor Marsh
Faith Dylewski
1000 Unizan Plaza
220 Market Avenue South
Canton, Ohio 44702

Honorable William Moran
U.S. Environmental Protection Agency
Office of the Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Ave.N.W.
Washington, D.C. 20460

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PROTECTION AGENCY
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RECEIVED
FEB 17 2006

On the 17 day of February, 2006.

