



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

JUN 15 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Kramer, Director of Manufacturing
Appleton Electric LLC
2105 5th Avenue
South Milwaukee, Wisconsin 53172

Re: Administrative Order EPA-5-15-113(a)-WI-03

Dear Mr. Kramer

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-6073.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

cc: Bill Baumann, Compliance, Enforcement, and Emission Inventory Section Chief
Wisconsin Department of Natural Resources BAPC

Dan Schramm, Supervisor
Wisconsin Department of Natural Resources BAPC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-15-113(a)-WI-03
)	
Appleton Group, LLC)	Proceeding Under Sections 113(a)(1)(3) and
South Milwaukee, Wisconsin)	114(a)(1) of the Clean Air Act, 42 U.S.C.
<hr/>)	§§ 7413(a)(1)(3) and 7414(a)(1)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Appleton Group, LLC (Appleton) under Sections 113(a)(1)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources at 40 C.F.R. §§ 63.10880 through 63.10906 (Subpart ZZZZZ). The NESHAP for Iron and Steel Foundries Area Sources applies to Appleton's iron and steel foundry.

3. The NESHAP, at 40 C.F.R. § 63.10890(i), requires that the owner or operator comply with certain General Provisions (40 C.F.R. Part 63, Subpart A) including 40 C.F.R. § 63.6(e)(1).

4. The NESHAP, at 40 C.F.R. § 63.6(e)(1)(i), requires at all times that the owner or operator "operate and maintain any affected source, including associated air pollution control equipment..., in a manner consistent with safety and good air pollution control practices for minimizing emissions."

5. Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

6. The Administrator of EPA may require any person who owns or operates an emission source to provide information required by the Administrator under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

7. Appleton owns and operates an iron and steel foundry at 2105 5th Ave in South Milwaukee, Wisconsin.

8. Appleton's facility is an affected source subject to the NESHAP at 40 C.F.R. Part 63, Subpart ZZZZZ.

9. Appleton's facility is an "affected source" because it is an iron and steel foundry as defined at 40 C.F.R. § 63.10906 that is an area source of hazardous air pollutants.

10. 40 C.F.R. § 63.10906 defines *Iron and steel foundry* to mean "a facility or portion of a facility that melts scrap, ingot, and/or other forms of iron and/or steel and pours the resulting molten metal into molds to produce final or near final shape products for introduction into commerce."

11. The NESHAP, at 40 C.F.R. § 63.10890(i), requires you to comply with certain General Provisions (40 C.F.R. Part 63, Subpart A) including 40 C.F.R. § 63.6(e)(1).

12. The NESHAP, at 40 C.F.R. § 63.6(e)(1)(i), requires you to “operate and maintain any affected source, including associated air pollution control equipment..., in a manner consistent with safety and good air pollution control practices for minimizing emissions.”

13. Appleton owns or operates an “emission source” within the meaning of Section 114 (a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Therefore, Appleton is subject to the requirements of Section 114(a)(1).

14. On November 19, 2014, EPA inspected the Appleton facility in South Milwaukee, Wisconsin. During the inspection, EPA noted that Appleton did not operate and maintain the air pollution control system on its scrap preheater in a manner consistent with good air pollution control practices for minimizing emissions as required by 40 C.F.R. § 63.6(e)(1)(i) of the NESHAP General Provisions.

15. Appleton reported to EPA that it has installed an additional section of hooding on the ventilation system for the scrap preheater in order to vent emissions from the scrap preheater to the scrap preheater baghouse.

Compliance Program

16. By the effective date of this Order, Appleton must achieve, demonstrate and maintain compliance with the NESHAP for Iron and Steel Foundries Area Sources at its South Milwaukee, Wisconsin facility.

17. By the effective date of this Order, Appleton must operate and maintain the scrap preheater air pollution control system, which includes the new section of hooding.

18. Within 45 days of the effective date of this Order, Appleton must update and submit to EPA for review its Air Pollution Control Device Malfunction Prevention and Abatement Plan (revised 6/27/2014) with maintenance provisions for the scrap preheater control system, and a

statement that Appleton will monthly inspect and maintain/repair (as necessary) the hooding on the scrap preheater air pollution control system.

19. Within 14 days of the effective date of this Order, Appleton must: a) record a video for at least 30-seconds of the scrap preheater in operation with its new additional hooding; and b) submit to EPA the video on physical media such as compact disk, flash drive or other similar item.

20. Appleton must send a report to EPA that describes the actions taken to comply with all items required by Paragraphs 18 through 19 of this order within 30 days of completing these actions.

21. Appleton must send all items required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

22. This Order does not affect Appleton's responsibility to comply with other federal, state and local laws.

23. This Order does not restrict EPA's authority to enforce Section 112 of the CAA or any other section of the CAA.

24. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Appleton's violation of the NESHAP for Iron and Steel Foundries Area Sources.

25. Failure to comply with this Order may subject Appleton to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

26. The terms of this Order are binding on Appleton, its assignees and successors. Appleton must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

27. Appleton may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Appleton fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

28. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

29. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

30. Appleton agrees to the terms of this Order.

31. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Appleton has complied with all terms of the Order throughout its duration.

MAY 23, 2015
Date

Michael Kramer
Mike Kramer, Director of Manufacturing
Appleton Group, LLC

6/15/15
Date

George T. Czerniak
George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a proposed Administrative Consent Order, EPA-5-15-113(a)-WI-03, by Certified Mail, Return Receipt Requested, to:

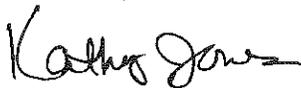
Mike Kramer, Director of Manufacturing
Appleton Group, LLC
2105 5th Ave
South Milwaukee, Wisconsin 53172

I also certify that I sent copies of the Finding of Violation and Administrative Consent Order by first-class mail to:

Bill Baumann
Compliance, Enforcement & Emission Inventory Section Chief
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707-7921

Dan Schramm
Supervisor
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

On the 16th day of June, 2015


801 Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7644 3265