

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
American Woodmark) **Administrative Consent Order**
Corporation)
5300 East Side Parkway) **EPA-5-01-113(a) IL-01**
Gas City, Indiana 46933)
)
Proceeding Pursuant to)
Sections 113(a)(3) and)
114(a)(1) of the Clean Air)
Act, 42 U.S.C. §§ 7413(a)(3))
and 7414(a)(1))

Administrative Consent Order

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

Statutory and Regulatory Background

2. Section 112 of the Act, 42 U.S.C. § 7412, authorizes the Administrator of U.S. EPA to promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAPs).
3. Pursuant to Section 112 of the Act, the Administrator promulgated the NESHAP for wood furniture manufacturing operations at 40 C.F.R. §§ 63.800 through 63.819. The NESHAP for wood furniture manufacturing operations applies to each "affected source" as defined in 40 C.F.R. § 63.801(a).
4. The NESHAP for wood furniture manufacturing operations, at 40 C.F.R. § 63.804(f)(4)(ii), requires the owner or operator of an affected facility to demonstrate compliance by conducting an initial performance test as required under 40 C.F.R. § 63.7 using the procedures and test methods listed in 40 C.F.R. §§ 63.7 and 63.805 (c) and (d) or (e).

5. The NESHAP, at 40 C.F.R. § 63.7(a)(2)(ii), requires the owner or operator of an affected source to conduct performance testing within 180 days after the initial startup for a new source that has an initial startup date after the effective date of a relevant standard.
6. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator of U.S. EPA to issue an order requiring compliance with the NESHAPs regulations to any person who has violated or is in violation of the NESHAPs regulations. The Administrator has delegated the authority to issue these orders to the Director of the Air and Radiation Division.
7. Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), authorizes the Administrator of U.S. EPA to require any person who owns or operates an emission source or who is subject to any requirement of the Act, to provide information required by the Administrator. The Administrator has delegated the authority to require the submittal of information pursuant to Section 114(a)(1) to the Director of the Air and Radiation Division.

Findings

8. American Woodmark Corporation (American Woodmark) owns and operates a wood furniture manufacturing operation engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components, located at located at 5300 East Side Parkway, Gas City, Indiana.
9. On or about July 26, 2000, American Woodmark notified U.S. EPA that it was subject to the National Emission Standards for Wood Furniture Manufacturing Operations. American Woodmark also notified U.S. EPA that the facility began operations after the effective date of the NESHAP and that the source became subject to this NESHAP on the start-up date, April 6, 2000.
10. On October 6, 2000, American Woodmark requested from U.S. EPA a 60-day extension for conducting an initial performance test, as required by the NESHAP.

11. On October 20, 2000, American Woodmark requested approval from U.S. EPA for using an alternative method in substitution for its performance test scheduled for November 15, 2000.
12. By letter dated October 31, 2000, U.S. EPA approved the use of an alternative method for performance testing.
13. By letter dated November 10, 2000, American Woodmark requested the Indiana Department of Environmental Management (IDEM) postponing any performance testing.
14. To date, American Woodmark has not conducted a performance test to determine initial compliance as required by 40 C.F.R. § 63.7(a)(2)(ii) and 40 C.F.R. § 63.804(f)(4)(ii), in violation of the Act.
15. American Woodmark owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), and is therefore subject to the requirements of Section 114(a)(1) which govern U.S. EPA's requests for information.
16. After a review of the information that American Woodmark provided to U.S. EPA and after a thorough investigation of all relevant facts, U.S. EPA finds that the following requirements are reasonable.

Therefore, it is hereby ordered that:

Compliance Program

17. By the effective date of this Order, American Woodmark shall achieve, demonstrate, and maintain compliance with the NESHAP for wood furniture manufacturing operations at its Gas City, Indiana facility.
18. American Woodmark shall conduct a performance test using Method 25 A (or Method 18) no later than March 2, 2001.
19. American Woodmark shall submit to the Administrator the performance test results within thirty days after the conclusion of the performance test.
20. American Woodmark shall send all reports required by this Order to:

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

General Provisions

21. This Order does not affect American Woodmark's responsibility to comply with other local, state, and federal laws and regulations.
22. Nothing in this Order shall be construed as a waiver by U.S. EPA of any rights or remedies under the Act. U.S. EPA reserves the right to seek appropriate relief, including penalties, under Sections 113(b) and (d) of the Act, 42 U.S.C. §§ 7413(b) and (d), and any other applicable sections of the Act, for American Woodmark's violations.
23. Nothing in this Order shall be construed to restrict U.S. EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.
24. Failure to comply with this Order may subject American Woodmark to penalties of up to \$27,500 per day for each violation pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b).
25. The provisions of this Order shall apply to and be binding upon American Woodmark, its officers, directors, agents, servants, employees, assignees and any successors in interest. American Woodmark shall give notice of this Order to any successors in interest, prior to transfer of ownership, and shall simultaneously verify to U.S. EPA, at the above address, that American Woodmark has given the notice.
26. This request 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.
27. U.S. EPA may use any information collected pursuant to this Order in support of an administrative, civil or criminal action against American Woodmark.

28. American Woodmark agrees to the terms of this Order.

29. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, provided that American Woodmark has complied with all of its terms.

2/15/01
Date

David L. Blount
David L. Blount, Senior VP Mfg./Logistics

2/15/01
Date

John Schroer
John Schroer, Corporate
Manufacturing Engineer

3/8/01
Date

Bharat Mathur
Bharat Mathur, Director
Air and Radiation Division

Enclosure

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a final Administrative Consent Order, EPA-5-01-113(a)IL-01, was sent by Certified Mail, Return Receipt Requested, to:

John Schroer
Corporate Manufacturing Engineer
American Woodmark Corporation
3102 Shawnee Driver
Winchester, Virginia 22601

I also certify that a copy of the final Administrative Consent Order was sent by First Class Mail to:

David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46205-6015

on the 8th day of March 2001.


Betty Williams, Secretary
AECAS(IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3100 0000 9591 8648