



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

SEP 22 2016

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brian Thomas
Thompson Aluminum Casting Company
5161 Canal Road
Cuyahoga Heights, Ohio 44125

Re: Administrative Consent Order EPA-5-16-113(a)-OH-20

Dear Mr. Thomas:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please do not hesitate to contact me at (312) 886-6073.

Sincerely,

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

Brian Dickens, Chief
Minnesota/Ohio Air Enforcement and Compliance Assurance Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-16-113(a)-OH-20
)	
Thompson Aluminum Casting Company)	Proceeding Under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act, 42 U.S.C.
Cuyahoga Heights, Ohio)	§§ 113(a)(3) and 114(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 Thompson Aluminum Casting Company (TAC), under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (the “Act”), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Under Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Aluminum, Copper, and Other Non-Ferrous Foundries Area Sources (“Non-Ferrous Foundry NESHAP”) at 40 C.F.R. Part 63, Subpart ZZZZZZ. The Non-Ferrous Foundry NESHAP applies to aluminum, copper, and other nonferrous foundries that are area sources of hazardous air pollutants (HAPs).

3. The Non-Ferrous Foundry NESHAP, at 40 C.F.R. § 63.11544(a)(4)(ii), requires the owner or operator of each aluminum, copper and other non-ferrous foundry that is a new affected area source of HAP emissions to determine the initial applicability of the Non-Ferrous Foundry NESHAP by determining the facility’s annual metal melt capacity at the time of startup.

4. The Non-Ferrous Foundry NESHAP, at 40 C.F.R. § 63.11550(a)(3), requires the owner or operator of a new or existing affected source to prepare, and operate pursuant to a written management practices plan.

5. The Non-Ferrous Foundry NESHAP, at 40 C.F.R. § 63.11552(a) requires the owner or operator of a new or existing affected source to document conformance with the management practices plan by following the recordkeeping requirements as stated in C.F.R. § 63.11553(c).

6. The Non-Ferrous Foundry NESHAP, at 40 C.F.R. §63.11545, requires a new affected source that commences operations at the facility after June 25, 2009 to achieve compliance with the Non-Ferrous Foundry NESHAP upon startup of the affected source.

7. The Non-Ferrous Foundry NESHAP, at 40 C.F.R. § 63.11553(a), requires the owner or operator of a new or existing affected source to submit an initial notification of applicability no later than 120 days after the affected source becomes subject to the standard.

8. The Non-Ferrous Foundry NESHAP, at 40 C.F.R. § 63.11553(b), requires the owner or operator of a new or existing affected source to submit a notification of compliance status no later than 120 days after the affected source's applicable compliance date.

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

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

Findings

11. TAC owns and operates an aluminum, copper or other non-ferrous foundry as defined at 40 C.F.R. § 63.11556 at 5161 Canal Road, Cuyahoga Heights, Ohio (“Facility”).

12. On February 5, 2016, EPA issued an Information Request to TAC pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a).

13. TAC responded to EPA’s Information Request on March 15, 2016 and provided information indicating that it is a non-ferrous foundry under the Non-Ferrous Foundry NESHAP.

14. The Facility commenced operations in March 2012.

15. The Facility became subject to the Non-Ferrous Foundry NESHAP in March 2012.

16. TAC had not submitted an initial notification of applicability at the time of TAC’s response, as required by the Non-Ferrous Foundry NESHAP at 40 C.F.R. § 11553(a).

17. At the time of TAC’s response, TAC had not submitted a notification of compliance status as required by the Non-Ferrous Foundry NESHAP at 40 C.F.R. § 11553(b).

18. At the time of TAC’s response, TAC had not prepared and was not operating pursuant to a written management practices plan as required by the Non-Ferrous Foundry NESHAP at 40 C.F.R. § 11553(a)(3).

19. TAC submitted to EPA an initial notification of applicability as required by the Non-Ferrous Foundry NESHAP at 40 C.F.R. § 11553(a) dated June 30, 2016.

20. TAC submitted to EPA a notification of compliance status as required by the Non-Ferrous Foundry NESHAP at 40 C.F.R. § 11553(b) dated June 30, 2016.

21. TAC submitted to EPA a copy of its written management practices plan as required by the Non-Ferrous Foundry NESHAP at 40 C.F.R. § 11550(a)(3) dated August 11, 2016.

Compliance Program

22. No later than sixty (60) days after the effective date of this Order, TAC must achieve and maintain compliance with the Non-Ferrous Foundry NESHAP.

23. TAC must send all reports required by this Order to:

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

General Provisions

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

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

26. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for TAC's violation of the Non-Ferrous Foundry NESHAP.

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

28. The terms of this Order are binding on TAC, its assignees and successors. TAC 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.

29. TAC 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 TAC 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 Act, 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.

30. 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.

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

32. TAC agrees to the terms of this Order.

33. TAC waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that TAC may have with respect to any issue of fact or law

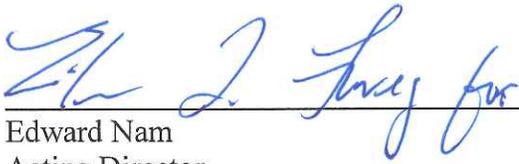
set forth in this Order, including any right of judicial review under the CAA or Administrative Procedures Act, 5 U.S.C. §§ 500-596.

34. 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 TAC has complied with all terms of the Order throughout its duration.

Administrative Consent Order
Thompson Aluminum Casting Company, Cuyahoga Heights, Ohio

9/22/16

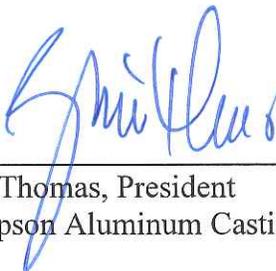
Date



Edward Nam
Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency Region 5

9/4/16

Date



Brian Thomas, President
Thompson Aluminum Casting Company

CERTIFICATE OF MAILING

I, Loretta Shafer, certify that I sent the Administrative Consent Order, EPA-5-16-113(a)-OH-20, by certified mail, return receipt requested, to:

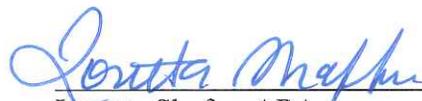
Brian Thomas, President
Thompson Aluminum Casting Company
5161 Canal Road
Cuyahoga Heights, Ohio 44125

I also certify that I sent a copy of the Administrative Consent Order EPA-5-16-113(a)-OH-20, by e-mail to:

George Baker, Commissioner
Division of Air Quality
Cleveland Department of Public Health
gbaker@city.cleveland.oh.us

Bob Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
bob.hodanbosi@epa.ohio.gov

On the 23 day of September 2016.



Loretta Shafer, APA
Planning and Administrative Section

CERTIFIED MAIL RECEIPT
NUMBER:

7009 1680 0000 7674 0982