



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. CAA-05-2024-0036
)	
Smith Foundry)	Proceeding to Assess a Civil Penalty
Minneapolis, Minnesota)	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 (CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) 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 Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Smith Foundry Company Inc., a company doing business in Minnesota.
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 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 the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent 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

Minnesota’s State Implementation Plan

9. Under Section 109(a) of the CAA, 42 U.S.C. § 7409(a), EPA must promulgate national ambient air quality standards for the following air pollutants: ground-level ozone, fine particulates, lead, nitrogen dioxide, carbon monoxide, and sulfur dioxide.

10. Under Section 110 of the CAA, 42 U.S.C. § 7410, each state must submit to the Administrator of EPA a plan for implementing, maintaining, and enforcing the national ambient air quality standards promulgated by EPA pursuant to Section 109(a). These plans are referred to as “State Implementation Plans.”

11. On July 27, 2020, EPA approved a revision to Minnesota’s State Implementation Plan (SIP), which updated Minnesota’s air program rules for attaining and maintaining the national ambient air quality standards by, among other things, incorporating Minnesota Rules 7005.0100, 7007.0800, 7011.0075, 7011.0080, 7011.0150, 7011.0715, 7011.0730, and 7019.1000 into Minnesota’s SIP. 85 Fed. Reg. 45,094, 45,094-96 (July 27, 2020).

12. MINN. R. 7011.0075.1 applies to stationary sources and provides that, unless specifically allowed otherwise by an applicable permit, “each piece of listed control equipment, with the exception of low-temperature fabric filters . . . using visible emissions as the monitoring parameter under part 7011.0080, shall at all times be operated in the range established by the control equipment

manufacturer's specifications for each monitoring parameter listed in part 7011.0080." MINN. R. 7011.0080 lists "pressure drop" as the monitoring parameter for "fabric filter (bag house)," which the Rule identifies as a type of "Pollution Control Equipment."

13. MINN. R. 7011.0075.2 provides that "[t]he owner or operator of a stationary source shall maintain each piece of listed control equipment according to the control equipment manufacturer's specifications, shall comply with source-specific maintenance requirements specified in [the applicable] permit, and shall:

- a. ...
- b. ...
- c. thoroughly inspect all control equipment at least annually, or as required by the manufacturing specification (this often requires shutting down temporarily);
- d. inspect monthly, or as required by the manufacturing specification, components that are subject to wear or plugging, for example: bearings, belts, hoses, fans, nozzles, orifices, and ducts;
- e. inspect quarterly, or as required by the manufacturing specification, components that are not subject to wear including structural components, housings, ducts, and hoods;
- f. check daily, or as required by the manufacturing specification, monitoring equipment, for example: pressure gauges, chart recorders, temperature indicators, and recorders;
- g. ...
- h. maintain a record of activities conducted in items (a) to (g) consisting of the activity completed, the date the activity was completed, and any corrective action taken; and
- i. maintain a record of parts replaced, repaired, or modified for the previous five years."

14. MINN. R. 7011.0080 provides that an owner or operator of a stationary source must comply with the monitoring and recordkeeping requirements listed in the following table, and must maintain the required records for a minimum of five years from the date the record was made:

Pollution Control Equipment Type	Monitoring Parameter(s)	Monitoring and Recordkeeping Requirement
Fabric filter (bag house), high temperature ($T > 250^{\circ}\text{F}$), medium temperature ($180^{\circ}\text{F} > T < 250^{\circ}\text{F}$)	Pressure drop	Record pressure drop every 24 hours if in operation
Fabric filter (bag house), low temperature ($T < 180^{\circ}\text{F}$)	Pressure drop or visible emissions observation from filter outlet during an entire cleaning cycle	Record pressure drop every 24 hours if in operation, or record whether any visible emissions are observed and the time period of observation every 24 hours if in operation

15. MINN. R. 7011.0150 provides that “[n]o person shall cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become airborne,” or “cause or permit a building or its appurtenances . . . to be . . . used . . . without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne.”

16. Pursuant to MINN. R. 7005.0100, “[p]articulate matter” means material, except water, that exists at standard conditions in a finely divided form as a liquid or solid as measured by an applicable reference method, or an equivalent or alternative method.

17. MINN. R. 7011.0715(A) provides, in part, that “[n]o owner or operator of any industrial process equipment that was not in operation before July 9, 1969, shall cause to be discharged into the atmosphere from the industrial process equipment any gases that . . . in any one hour contain the sum of filterable and organic condensable particulate matter in excess of the amount permitted in part 7011.0730”

18. MINN. R. 7011.0730 Table 1 sets forth hourly emission limits based on process weight rate, and provides the following equation for determining the amount of gases that may be discharged from industrial process equipment in accordance with MINN. R. 7011.0715(A):

$$E = 3.59 * P^{0.62} \text{ [for] } P \leq 30 \text{ tons/hour}$$

...where:
E = emissions in pounds per hour;
P = process weight rate in tons per hour.”

19. The emissions limit in MINN. R. 7011.0730 does not apply if the calculation set forth in MINN. R. 7011.0735 Table 2 can be used to show that a less stringent limit applies.

20. MINN. R. 7019.1000.1 provides that “[t]he owner or operator of an emission facility, in the event of any deviation, as defined in part 7007.0100, subpart 8a, that could endanger human health or the environment, must notify, orally or by e-mail, the commissioner or must telephone the state duty officer . . . immediately after discovery of the deviation or immediately after when the deviation reasonably should have been discovered by the owner or operator. Within two working days of the discovery, the owner or operator must submit to the commissioner a written description of the deviation”

21. MINN. R. 7007.0100.8a defines “[d]eviation” as “any noncompliance with an applicable requirement or permit condition.”

22. MINN. R. 7019.1000.2 provides that “[t]he owner or operator of an emission facility, emissions unit, or stationary source must notify the commissioner within 24 hours of a breakdown of more than one hour of any control equipment or process equipment if the breakdown causes any increase in the emissions of any regulated air pollutant. The 24-hour period starts when the breakdown was discovered or reasonably should have been discovered by the owner or operator. . . . At the time of notification or as soon as possible thereafter, the owner or operator must inform the commissioner of the cause of the breakdown and the estimated duration. The owner or operator must

notify the commissioner when the breakdown is over.” The notification requirements in MINN R. 7019.1000.2 do not apply if an applicable requirement or compliance document, as those terms are defined in the rules, does not require operation of the control equipment; if an applicable requirement or compliance document specifies alternative minimum operating conditions for the equipment that are still complied with despite the breakdown; or if the facility directly and continuously monitors the emissions with a continuous emissions monitor or similar direct monitoring device that demonstrates emissions do not exceed the applicable limit of any regulated pollutant during the breakdown.

23. MINN. R. 7019.1000.4 provides that “[i]n any shutdown, breakdown, or deviation covered by [Rule 1000.1 or 1000.2], the owner or operator must immediately or as soon as possible considering plant and personnel safety take all practical steps to modify operations to reduce the emission of any regulated air pollutant. No emissions units that have an unreasonable shutdown or breakdown frequency of process or control equipment are permitted to operate.”

National Emission Standards for Hazardous Air Pollutants

24. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to establish national standards for reducing emissions of hazardous air pollutants (HAPs) from stationary sources.

25. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources at 40 C.F.R. §§ 63.10880 through 63.10906 (NESHAP Subpart ZZZZZ).

26. The NESHAP Subpart ZZZZZ applies to owners and operators of iron and steel foundries that are area sources of HAP emissions and describes affected sources as each iron and steel foundry. The rule sets forth different requirements based on whether the affected source is a “large” or “small” foundry. 40 C.F.R. § 63.10880. An existing foundry is classified as a “small foundry” if it has “an annual metal melt production of 20,000 tons or less.” *Id.* § 63.10906; *see also id.* § 63.10880(f).

27. The NESHAP Subpart ZZZZZ, at 40 C.F.R. § 63.10890, provides “Requirements for New and Existing Affected Sources Classified as Small Foundries,” and states that owners and operators of iron foundries must “[a]t all times . . . operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.”

28. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$57,617 per day of violation up to a total of \$460,926 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

29. Section 113(d)(1) limits the Administrator’s authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

30. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

31. ASA Holding Company, a Minnesota corporation formerly known as Smith Foundry Company, owned and operated the iron foundry located at 1855 E 28th St. in Minneapolis, Minnesota (the Facility) prior to selling the facility to Smith Foundry Company, Inc. (Smith Foundry) in an asset purchase transaction on December 5, 2022.

32. The Facility produces gray and ductile iron castings, which are created by pouring molten metal into a mold to produce the desired product.

33. The Facility operates five baghouses to control emissions from certain emission units at the Facility: Control Equipment (CE) 001, which controls emissions from one of the two sand mullers and the shakeout system; CE002, which controls emissions from the sand transfer and storage area, the sodium silicate mixer sand transport area, and the main sand transfer area; CE003, which controls emissions from the shot blaster; CE004, which controls emissions from the grinders; and CE005, which controls emissions one of the two sand mullers. Emissions from the bond silo, casting and pouring area, furnace, and shell core area are uncontrolled.

34. The Facility's casting process produces emissions of particulate matter (PM) regulated by Minnesota's SIP, as well as hazardous air pollutants regulated by the NESHAP Subpart ZZZZZ.

35. Smith Foundry owns and operates "control equipment" at the Facility that are subject to the control equipment maintenance requirements in the Minnesota SIP at MINN. R. 7011.0075 and the monitoring and recordkeeping regulations in the Minnesota SIP at MINN. R. 7011.0080.

36. PM emissions from the Facility are subject to the airborne PM regulations in the Minnesota SIP at MINN. R. 7011.0150.

37. The Facility's industrial process equipment are subject to the standards of performance for post-1969 industrial process equipment in the Minnesota SIP at MINN. R. 7011.0715.

38. The Facility's industrial process equipment are subject to the PM emission rate regulations in the Minnesota SIP at MINN. R. 7011.0715(A) and 7011.0730.

39. Smith Foundry owns and operates emission units at the Facility that are subject to the deviation and breakdown regulations in the Minnesota SIP at MINN. R. 7019.1000.

40. The Facility is subject to the requirements for new and existing affected sources classified as small foundries at the NESHAP Subpart ZZZZZ at 40 C.F.R. § 63.10890.

41. Smith Foundry's permit requires them to maintain an Operations and Maintenance Plan (O&M Plan), in accordance with the control equipment operation provisions in the Minnesota SIP at MINN. R. 7007.0800.14.

42. On May 26, 2023, EPA conducted a CAA inspection of the Facility (May 2023 Inspection). EPA's May 2023 Inspection and documents reviewed as part of that inspection identified the following:

- a. From the date of EPA's May 2023 Inspection until August 18, 2023, CE001 had a pressure drop of 0 inches of H₂O while the connected Emission Units (the sand muller and shakeout system) were operating, and Facility staff stated during the May 2023 Inspection that CE001 had not been working for some time. The manufacturer's specified pressure drop range for CE001 is 1 to 10 inches of H₂O, according to the Facility's O&M Plan.
- b. During and following the May 2023 Inspection, EPA requested records of all inspections and maintenance performed at the Facility's baghouses pursuant to the Facility's O&M Plan, which specifies inspection and maintenance procedures to be performed on the Facility's baghouses daily, weekly, monthly, quarterly, and annually. Smith Foundry did not provide any inspection or maintenance records between December 5, 2022 (when Smith Foundry acquired the Facility) to June 25, 2023.
- c. During and following the May 2023 Inspection, EPA requested records of baghouse pressure drops at the Facility. Smith Foundry did not provide any baghouse pressure drop records for any of the baghouses (CE001 through CE005) between December 5, 2022 (when Smith Foundry acquired the Facility) and August 18, 2023.
- d. During the May 2023 Inspection, EPA Inspectors observed airborne PM throughout the interior of the Facility, PM deposits on surfaces throughout the Facility, airborne PM

escaping out of open doors and windows of the Facility, cracks and holes in the shakeout system ductwork, and either an absence of or deficiencies in equipment to capture emissions from the shell core area, shakeout system area, sand transfer and storage area, and material storage area of the Facility.

- e. EPA calculated a PM emissions limit of 4.69 pounds per hour in 2022 for the Facility's casting and pouring area, under MINN. R. 7011.0730. Smith Foundry's 2022 Air Emissions Inventory Report showed a PM emission rate of 9.20 pounds per hour at the casting and pouring area.
- f. As of July 26, 2023, MPCA had not received any notifications of deviations from Smith Foundry since 2019.
- g. During the May 2023 Inspection, EPA Inspectors did not observe any evidence that Smith Foundry either had taken or was taking practical steps to modify operations to respond to the deviations observed by EPA Inspectors at the Facility.

43. Smith Foundry failed to maintain CE001 within the manufacturer's specified pressure drop range as required by MINN. R. 7011.0075.1, from May 26, 2023 to August 18, 2023.

44. Smith Foundry failed to maintain baghouse pressure drop, inspection, and maintenance records as required by MINN. R. 7011.0075.2H and 7011.0080 from December 5, 2022 to February 4, 2024.

45. Smith Foundry failed to apply reasonable measures to prevent PM from becoming airborne as required by MINN. R. 7011.0150 from December 5, 2022 to the present, both inside and outside the Facility.

46. Smith Foundry failed to comply with the PM emission limits specified in MINN. R. 7011.0715 and 7011.0730 from December 5, 2022 to the present, at the Facility's casting and pouring area.

47. Smith Foundry failed to notify MPCA about deviations and breakdowns that could endanger human health or the environment as required by MINN. R. 7019.1000.1 and 7019.1000.2 from December 5, 2022 to February 4, 2024.

48. Smith Foundry failed to take all practical steps to modify operations to respond to deviations as required by MINN. R. 7019.1000.4 on May 26, 2023.

49. Smith Foundry failed to operate and maintain its control equipment, emission units, the material storage area, and the building envelope in a manner consistent with safety and good air pollution control practices for minimizing emissions, as required by 40 C.F.R. § 63.10890 from December 5, 2022 to the present.

50. On August 15, 2023, EPA issued to Smith Foundry a Notice and Finding of Violation (NOV/FOV) that included the alleged violations described in the preceding paragraphs.

51. On September 29, 2023, representatives of Smith Foundry and EPA discussed the August 15, 2023 NOV/FOV.

52. From December 12, 2023 through December 14, 2023, Smith Foundry conducted emissions testing at the Facility. While this emissions testing was occurring, from December 12, 2023, to December 13, 2023, EPA conducted another CAA inspection of the Facility (December 2023 Inspection). During the December 2023 Inspection, EPA Inspectors observed that the holes in ductwork observed during the May 2023 Inspection had been patched; tarps and covers were added to parts of the Facility to help reduce uncaptured emissions; and Facility personnel had been monitoring and recording pressure drops at the baghouses.

53. Smith Foundry states that it has made other improvements to the Facility since acquiring the Facility in December 2022, including replacing and securing windows and doors, repairing hoods and broken air lines to machines, hiring a new maintenance manager, and completing regular inspections and preventative maintenance.

54. Smith Foundry violated the Minnesota SIP requirements at MINN. R. 7011.0075.1, MINN. R. 7011.0075.2H, MINN. R. 7011.0080, MINN. R. 7011.0150, MINN. R. 7011.0715, MINN. R. 7019.1000, MINN. R. 7019.1000.4, and the NESHAP Subpart ZZZZZ at 40 C.F.R. § 63.10890.

Civil Penalty

55. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, Respondent's cooperation during EPA's investigation, and Respondent's shutdown of certain operations, Complainant has determined that an appropriate civil penalty to settle this action is \$80,000.

56. Penalty Payment. Respondent agrees to:

- a. Pay the civil penalty of \$80,000 in three installments with interest as follows: \$27,466.67 within 90 days of the effective date of this CAFO; \$27,555.56 within 240 days of the effective date of this CAFO; and \$27,022.22 within 360 days of the effective date of this CAFO.
- b. Pay the civil penalty using any method provided in the table below.

Payment Method	Payment Instructions
Automated Clearinghouse (ACH) payments made through the US Treasury	<p>US Treasury REX/Cashlink ACH Receiver ABA: 051036706 Account Number: 310006, Environmental Protection Agency CTX Format Transaction Code 22 – checking</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number.</p>
Wire transfers made through Fedwire	<p>Federal Reserve Bank of New York ABA: 021030004 Account Number: 68010727 SWIFT address: FRNYUS33 33 Liberty Street New York, NY 10045 Beneficiary: US Environmental Protection Agency</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.</p>
<p>Payments made through Pay.gov</p> <p>Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.</p>	<ul style="list-style-type: none"> • Go to Pay.gov and enter “SFO 1.1” in the form search box on the top left side of the screen. • Open the form and follow the on-screen instructions. • Select your type of payment from the "Type of Payment" drop down menu. • Based on your selection, the corresponding line will open and no longer be shaded gray. Enter the CAFO docket number into the field
<p>Cashier’s or certified check payable to “Treasurer, United States of America.”</p> <p>Please notate the CAFO docket number on the check</p>	<p>For standard delivery: U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979078 St. Louis, Missouri 63197-9000</p> <p>For signed receipt confirmation (FedEx, UPS, Certified Mail, etc): U.S. Environmental Protection Agency Government Lockbox 979078 3180 Rider Trail S. Earth City, Missouri 63045</p>

57. Within 24 hours of the payment of each installment of the civil penalty, Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

Jolie McLaughlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
McLaughlin.Jolie@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

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

59. If Respondent does not pay timely any civil penalty installment payment as set forth in Paragraph 56.a, above, the entire unpaid balance of the civil penalty and any amount required by Paragraph 60, below, shall become due and owing upon written notice by EPA to Respondent of the delinquency. EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

60. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorney's fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty

each quarter during which the assessed penalty is overdue. 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. 42 U.S.C. § 7413(d)(5).

61. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of a TIN issued by the IRS.

General Provisions

62. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: McLaughlin.Jolie@epa.gov (for Complainant), and Quiroga Adolfo@smithfoundry.com and thomas.braun@stoel.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

63. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

64. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

65. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state, and local laws. Except as provided in Paragraph 63, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

66. Respondent certifies that it is complying fully, or will comply fully upon meeting the requirements of the associated Administrative Consent Order EPA-5-24-113(a)-MN-01, with the Minnesota SIP requirements at MINN. R. 7011.0075.1, MINN. R. 7011.0075.2H, MINN. R. 7011.0080, MINN. R. 7011.0150, MINN. R. 7011.0715, MINN. R. 7019.1000, MINN. R. 7019.1000.4, and the NESHAP Subpart ZZZZZ at 40 C.F.R. § 63.10890.

67. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

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

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

70. Each party agrees to bear its own costs and attorney’s fees in this action.

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

Smith Foundry Company Inc., Respondent

5/30/2024

Date

DocuSigned by:
Adolfo Quiroga
C9D271CF900A412...

Adolfo Quiroga, President
Smith Foundry Company Inc.

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

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MICHAEL HARRIS
Date: 2024.05.31
12:50:46 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order
In the Matter of: Smith Foundry
Docket No. CAA-05-2024-0036**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5