

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

FILED

May 04, 2026

12:07 pm

U.S. EPA REGION 5
HEARING CLERK

In the Matter of:) Docket No. CAA-05-2026-0024
)
Heidtman Steel) Proceeding to Assess a Civil Penalty
Granite City, Illinois) Under Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
Respondent.)
_____)

Consent Agreement and Final Order

A. Preliminary Statement

1. This is an administrative penalty assessment proceeding commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b) 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. §§ 22.1(a)(2), 22.13(b) and 22.18(b).

2. Complainant is the U.S. Environmental Protection Agency (EPA). The EPA Administrator has delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA to the Division Director of the Region 5 Enforcement and Compliance Assurance Division.

3. Respondent is Heidtman Steel (Heidtman), a corporation doing business in Illinois. Respondent is a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

4. The EPA and Respondent agree that settling this action is in the public interest and consent to the entry of this Consent Agreement and Final Order (CAFO) pursuant to 40 C.F.R. § 22.18(b)(2) and (3) without the adjudication of any issues of law or fact.

5. Respondent agrees to comply with the terms of this CAFO.

B. Jurisdiction

6. The alleged violations in this CAFO are pursuant to Section 113(a)(3)(A) of the CAA. Respondent neither admits nor denies factual allegations and alleged violations in this CAFO. Respondent does not waive any rights or defenses it may have other than as provided herein.

7. The EPA and the United States Department of Justice have jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

8. On August 15, 2023, the EPA issued to Respondent a Finding of Violation (FOV) and provided a copy of the FOV to the Illinois Environmental Protection Agency (IEPA), providing notice to Respondent and IEPA of the alleged violations described in Section E of this CAFO and providing Respondent an opportunity to confer with the EPA. On September 21, 2023, representatives of Respondent and the EPA conferred regarding the August 15, 2023, FOV.

9. The Regional Judicial Officer of Region 5 is authorized to ratify the consent agreement memorializing the settlement between the EPA and Respondent and to issue the attached Final Order. 40 C.F.R. §§ 22.4(b) and 22.18(b).

C. Statutory and Regulatory Background

10. The CAA is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its populations. Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

11. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires the EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants

(HAP) and establish emissions standards for the categories and subcategories. These emission standards are known as the NESHAP. The purpose of the NESHAP is to ensure that all subject sources achieve the maximum degree of reduction in emission of HAP that the EPA determines is achievable for each sources category.

12. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), Congress established a list of HAPs which included hydrochloric acid (HCl) as a HAP.

13. Pursuant to Section 112(c) of the CAA, 42 U.S.C. § 7412(c), the EPA promulgated a list of categories and subcategories of major sources of the air pollutants listed pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b).

14. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), the EPA promulgated regulations implementing the NESHAP at 40 C.F.R. Part 63.

15. Section 112(a) of the CAA, 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2 define “major source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) or more of any HAP or 25 tpy or more of any combination of HAPs.

16. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

17. The NESHAP at 40 C.F.R. Part 63, Subpart A contains General Provisions applicable to the owner or operator of any stationary source that contains an “affected source” subject to the NESHAP at Part 63. These general provisions include definitions at 40 C.F.R. § 63.2.

18. The NESHAP, at 40 C.F.R. § 63.2, defines “affected source” as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a CAA Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the CAA, 42 U.S.C. § 7412(c).

19. The NESHAP, at 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.

20. On June 22, 1999, the EPA promulgated the NESHAP for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants (“Pickling NESHAP”), codified at 40 C.F.R. Part 63, Subpart CCC. 64 Fed. Reg. 33218.

21. 40 C.F.R § 63.1160(a)(1) provides that the “owner or operator of an affected existing steel pickling facility and/or hydrochloric acid regeneration plant subject to this subpart shall achieve initial compliance with the requirements of this subpart no later than June 22, 2001.”

22. 40 C.F.R. § 63.1155(a)(1) provides that the provisions of the Pickling NESHAP apply to all new and existing steel pickling facilities or plants that are major sources of HAP and pickle carbon steel using HCl solution that contains 6 percent or more by weight HCl and is at a temperature of 100 degrees Fahrenheit or higher.

23. 40 C.F.R. § 63.1155(b) provides that, for the purposes of implementing the Pickling NESHAP, the affected sources at a facility or plant subject to the Pickling NESHAP include continuous pickling lines and hydrochloric acid storage vessels.

24. 40 C.F.R. § 63.1156 defines “steel pickling facility” as any facility that operates one or more batch or continuous pickling lines.

25. 40 C.F.R. § 63.1156 defines “continuous pickling line” as the collection of equipment and tanks configured for pickling metal strip, rod, wire, tube, or pipe that is passed through an acid solution in a continuous or nearly continuous manner and rinsed in another tank or series of tanks to remove residual acid. This definition includes continuous spray towers.

26. 40 C.F.R. § 63.1156 defines “hydrochloric acid storage vessel” as a stationary vessel used for the bulk containment of virgin or regenerated hydrochloric acid.

27. The Pickling NESHAP requires that a subject facility comply with applicable requirements which include: a complete scrubber operation and maintenance plan; requirements to demonstrate initial and continuous compliance with emission limits; operating limits; work practice standards; and recordkeeping and reporting requirements associated with a facility’s steel pickling line.

28. On March 21, 2011, the EPA promulgated the NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (“Boiler NESHAP”), codified at 40 C.F.R. Part 63, Subpart DDDDD. 76 Fed. Reg. 15664. This subpart applies to new and existing industrial boilers and process heater located at major stationary sources of HAP.

29. 40 C.F.R § 63.7495(b) requires the owner or operator of an existing affected source comply with the requirements of the Boiler NESHAP no later than January 31, 2016.

30. 40 C.F.R. § 63.7485 provides that the provisions of the Boiler NESHAP apply to owners or operators of an industrial, commercial, or institutional boiler or process heater as defined in 40 C.F.R. § 63.7575 that is located at, or is part of, a major source of HAP, except as specified in 40 C.F.R. § 63.7491.

31. 40 C.F.R. § 63.7490(a)(1) provides that an existing affected source, as defined for the Boiler NESHAP, is the collection at a major source of all existing industrial, commercial, and institutional boilers and process heaters within a subcategory as defined in 40 C.F.R. § 63.7575.

32. 40 C.F.R. § 63.7490(c) provides that a boiler or process heater is reconstructed if the criteria contained in § 63.2 are met, reconstruction commenced after June 4, 2010, and the applicability criteria are met at the time reconstruction commenced.

33. 40 C.F.R. § 63.7490(d) defines a boiler or process heater as existing if it is not new or reconstructed.

34. 40 C.F.R. § 63.7490(b) defines a boiler or process heater as new if construction of the unit commenced after June 4, 2010, and applicability criteria is met at the time construction commences.

35. 40 C.F.R. § 63.7575 defines an industrial boiler as a boiler used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity.

36. The Boiler NESHAP requires that a subject facility comply with applicable requirements which include: the completion of a boiler energy assessment; required regular boiler tune-ups and other work practice standards; submission of compliance notifications; and submission of boiler tune-up compliance reports.

37. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the CAA.

38. Section 503(c) of the CAA, 42 U.S.C. § 7661b(c), provides that any person required to have a Title V permit shall apply for such permit not later than 12 months after the date on which the source become subject to the permit program.

39. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), on July 21, 1992, the EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295. Those regulations are codified at 40 C.F.R. Part 70.

40. The EPA granted interim approval of the State of Illinois' Title V permit program on March 7, 1995. 60 Fed. Reg. 12478. The EPA granted final approval on December 4, 2001. 66 Fed. Reg. 62946. The Illinois Clean Air Act Permit Program (CAAPP) is codified at 415 Illinois Compiled Statutes (ILCS) 5/39.5.

41. 40 C.F.R. § 70.5(a), provides that each Title V source must submit a timely and complete permit application in accordance with that section. *See also* ILCS 5/39.5(5).

42. 40 C.F.R. § 70.7(b) provides that no Title V source may operate after the time that it is required to submit a timely and complete application except in compliance with a Title V permit issued under an approved permit program. *See also* ILCS 5/39.5(6)(b).

43. 40 C.F.R § 70.2 defines “major source,” in part, as any stationary source that emits or has the potential to emit 10 tpy or more of any HAP which has been listed pursuant to section 112(b) of the CAA. *See also* ILCS 5/39.5(2)(c)(i)(A).

44. 40 C.F.R § 70.2 defines “potential to emit” as “the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution

control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator.” Section 112(a) of the CAA requires that “potential to emit” be evaluated “considering controls.”

45. Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of the 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 Enforcement and Compliance Assurance Division.

46. The Administrator of the EPA may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; 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 Enforcement and Compliance Assurance Division.

D. Factual Allegations

47. For the purposes of this proceeding, Heidtman neither admits nor denies specific factual allegations contained in this CAFO.

48. Heidtman owns and operates a carbon steel pickling line at its steel pickling facility at 10 Northgate Industrial Drive, Granite City, Illinois (“the Granite City facility”).

49. Heidtman is a corporation doing business in the state of Illinois.

50. Heidtman is a “person,” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

51. At the Granite City facility, Heidtman operates one industrial natural gas-fired boiler, installed in 2004 and rated at 14.6 MMBtu/hour.

52. At the Granite City facility, Heidtman operates a continuous push-pull steel pickling line consisting of three HCl tanks and four rinse tanks connected in series. On the pickling line, Heidtman uncoils steel strip, which is push-pulled through the pickle and rinse tanks. Heidtman applies the HCl to the steel strip at a weight percent concentration of up to 13%, and at a temperature of approximately 180 degrees Fahrenheit. The HCl fumes from the pickle line and Heidtman collects and directs the associated storage tanks to a wet scrubber prior to venting through an exhaust stack to the atmosphere.

53. On July 18, 2018, Heidtman conducted EPA Method 26A HCl tests at the pickle line scrubber inlet duct and exhaust stack while operating at maximum production rate. The results of the tests, provided in an August 13, 2018, report, indicate that Heidtman's steel pickling line has the potential to emit HCl at a rate of 110.8 tpy prior to control.

54. Because the Granite City facility has the potential to emit more than 10 tpy of HCl, without consideration of controls, as referenced in 42 U.S.C. § 7412(a), Heidtman operates a "major source" of HAP, as defined at 40 C.F.R. §§ 63.2 and 70.2.

55. Absent enforceable controls, the Granite City facility is a major source of HCl, Heidtman is subject to the requirements of Title V of the CAA, the Pickling NESHAP, and the Boiler NESHAP.

56. Absent enforceable controls, since June 22, 2001, Heidtman has been required to comply with the requirements of the Pickling NESHAP at its steel pickling line, 40 C.F.R. Part 63, Subpart CCC. See Paragraph 21, above.

57. Absent enforceable controls, since January 31, 2016, Heidtman has been required to comply with the requirements of the Boiler NESHAP for existing industrial boilers at its 14.6 MMBtu/hr natural gas-fired industrial boiler, 40 C.F.R. Part 63, Subpart DDDDD. See Paragraph 29, above.

58. Heidtman has not obtained a federally enforceable permit requiring the use of a scrubber to control emissions from the State of Illinois. Heidtman submitted a federally enforceable state operating permit (FESOP) application, (No. 06050035) to Illinois Environmental Protection Agency on May 9, 2006, and again on June 4, 2009. The State of Illinois concluded that Heidtman qualified for a Lifetime Operating Permit (LOP). The LOP was issued by the Illinois Environmental Protection Agency on July 30, 2009.

59. On August 15, 2023, the EPA issued a Finding of Violation (FOV) to Heidtman giving notice of the violations alleged below at the Granite City facility and offering Heidtman an opportunity to confer with the EPA. On September 21, 2023, representatives of Heidtman and the EPA discussed the August 15, 2023 FOV.

60. Respondent submitted a FESOP application incorporating the approved O&M plan to Illinois Environmental Protection Agency in September of 2024.

61. Respondent submitted a Pickling Line Scrubber System Operation and Maintenance (O&M) Plan to EPA for approval and EPA approved the plan on February 9, 2026.

E. Allegations

62. Heidtman failed to submit a timely Title V permit application to the State of Illinois, in violation of 40 C.F.R. § 70.5(a) and Section 503 of the CAA, 42 U.S.C. § 7661b.

63. Heidtman operated the Granite City facility after the time it was required submit a timely and complete Title V application, in violation of 40 C.F.R. § 70.7(b) and Section 502 of the CAA, 42 U.S.C. § 7661a.

64. Heidtman has failed to comply with applicable requirements of the Pickling NESHAP, which include a complete scrubber operation and maintenance plan, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping and reporting requirements associated with the Granite City facility's steel pickling line.

65. Heidtman has failed to comply with the applicable requirements of the Boiler NESHAP, which include the completion of a boiler energy assessment, required regular boiler tune-ups and other work practice standards, submission of compliance notifications, and submission of boiler tune-up compliance reports.

F. Terms of Consent Agreement

66. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits to the jurisdictional allegations in this CAFO;
- b. neither admits nor denies the allegations stated in Sections D or E of this CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to any conditions specified in this CAFO;
- e. waives any right to contest the allegations set forth in Section E of this CAFO; and
- f. waives its right to appeal this CAFO.

67. For the purposes of this proceeding, Respondent:

- a. agrees this CAFO states a claim upon which relief may be granted against Respondent;

- b. acknowledges this proceeding constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
- d. waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c);
- e. waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement; and
- f. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for noncompliance, and agrees that federal law shall govern in any such civil action.

68. 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, and Respondent's cooperation, the EPA has determined that an appropriate civil penalty to settle this action is seventy-five thousand dollars (\$75,000).

69. Respondent agrees to pay a civil penalty in the amount of \$75,000. ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Consent Agreement is filed with the Regional Hearing Clerk ("Filing Date").

70. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

71. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, CAA-05-2026-0024,

- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

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

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

John Steketee
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
steketee.john@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

72. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately owing, and the EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is, the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handing collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

73. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with the EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

74. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

75. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

76. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the 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 the 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.” The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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 the 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 the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

77. By signing this CAFO, Respondent consents to the release of any information in this CAFO to the public and agrees this CAFO does not contain business information that is entitled to confidential treatment under 40 C.F.R. Part 2.

78. By signing this CAFO, the undersigned representative of the EPA and the undersigned representative of Respondent each certify that they are fully authorized to execute and enter into the terms and conditions of this CAFO and have the legal authority to bind the party they represent to this CAFO.

79. By signing this CAFO, Respondent certifies the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that, under 18 U.S.C. § 1001, there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information.

80. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding, except in the case of a civil action brought by the Attorney General of the United States to recover unpaid penalties as described above.

G. Effect of Consent Agreement and Attached Final Order

81. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: steketee.john@epa.gov (for the EPA), and wells.brent@heidtman.com (for Respondent).

82. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged in this CAFO.

83. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to this matter with the exception of the administrative compliance order, docket number EPA-5-24-113(a)-IL-07 issued concurrently.

84. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties and approval of the Regional Judicial Officer.

85. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, authorized representatives, successors, and assigns.

86. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 per day per violation, or both, as provided in Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 40 C.F.R. § 19.4, as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

87. Nothing in this CAFO relieves Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor does it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor is it a ruling on, or determination of, any issue related to any federal, state, or local permit.

88. Nothing in this CAFO limits the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

89. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and to assess and collect any civil penalties permitted by statute for any violation described herein. The EPA will give Respondent written notice of its intent to revoke this CAFO, which will not be effective until received by Respondent.

H. Effective Date

90. This CAFO will be effective on the date of filing with the Regional Hearing Clerk. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

Consent Agreement in the Matter of Heidtman Steel, Docket No. CAA-05-2026-0024
Heidtman Steel, Respondent

03/23/2026

Date

Brent J Wells

Brent Wells

Environmental Health and Safety Director
Heidtman Steel

Digitally signed by Brent J

Wells

Date: 2026.03.23

16:50:47 -04'00'

Consent Agreement in the Matter of Heidtman Steel, Docket No. CAA-05-2026-0024
United States Environmental Protection Agency, Complainant

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Heidtman Steel
Docket No. CAA-05-2026-0024

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