

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

WEILER, INC.

ADMINISTRATIVE
CONSENT ORDER

NO. 2016-AQ- 21

To: Weiler, Inc.
Scott Stephens, Facilities Manager
P.O. Box 289
815 Weiler Drive
Knoxville, Iowa 50138

Weiler, Inc.
Patrick J. Weiler, Registered Agent
10 Deer Run Drive
Pella, Iowa 50219

I. SUMMARY

This administrative consent order is entered into between the Iowa Department of Natural Resources (DNR) and Weiler, Inc. (Weiler) for the purpose of resolving air quality permit violations. In the interest of avoiding litigation, the parties have agreed to the provisions below.

Any questions regarding this administrative consent order should be directed to:

Relating to technical requirements:

Jeff Theobald
Iowa Department of Natural Resources
Field Office No. 5
7900 Hickman Road
Windsor Heights, Iowa 50324
Phone: 515-725-0271

Relating to legal requirements:

Anne Preziosi, Attorney for the DNR
Iowa Department of Natural Resources
7900 Hickman Road, Suite 1
Urbandale, Iowa 50322
Phone: 515-725-9551

Payment of penalty to:

Director of the Iowa DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034

II. JURISDICTION

This administrative consent order is issued pursuant to the provisions of Iowa Code sections 455B.134(9) and 455B.138(1), which authorize the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II (air quality), and the rules promulgated or permits issued pursuant to that part; and Iowa Code section 455B.109 and 567

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Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

1. Weiler has a metal fabrication facility located at 815 Weiler Drive in Knoxville, Marion County, Iowa. Sources of emissions to the outside atmosphere at this facility include paint spray booths, a cure oven, and a sandblasting operation.

2. Weiler has failed to maintain records as required by its air quality construction permits. The facility also has a history of failure to comply with the Iowa air quality construction permit process by failing to timely obtain permits, failing to comply with filter maintenance requirements, and failing to comply with stack formation requirements.

3. On November 20, 2000, DNR issued a Notice of Violation letter (NOV) to Weiler for failure to timely obtain a permit for a paint spray booth located at the facility.

4. A March 2, 2007, NOV was issued to Weiler for failure to maintain records, as required by its permits. During a facility inspection on February 22, 2007, Weiler failed to have records available, failed to comply with filter maintenance requirements, and failed to comply with stack formation requirements.

5. A May 11, 2010, NOV was issued to Weiler for failure to maintain complete and up-to-date records, and for failure to have records readily available during an April 27, 2010, inspection, as required by its permits.

6. On August 21, 2012, DNR Field Office 5 conducted a routine inspection at the facility and determined that Weiler had failed to obtain permits prior to modification of stack changes to Emission Point (EP) 2 and EP3, and for a new sandblasting unit. Since the emissions from EP7 and EP8 were close to permitted emission limits at the time of the inspection, DNR recommended that Weiler request modifications to its permits for EP7 and EP8. Following the submission of applications by Weiler, DNR issued revised permits for EP7 and EP8 on November 5, 2012.

7. DNR issued an August 8, 2014, NOV to Weiler for failure to have completed and up-to-date records, and for failure to have records available during a DNR inspection.

8. On October 20, 2016, Weiler submitted a draft recordkeeping plan to DNR for approval. On October 26, 2016, Weiler finalized the recordkeeping

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plan, following DNR comments. The recordkeeping plan, dated October 18, 2016, is attached to this administrative consent order as Attachment A.

IV. CONCLUSIONS OF LAW

1. Iowa Code section 455B.133 provides that the Environmental Protection Commission (Commission) shall establish rules governing the quality of air and emission standards. The Commission has adopted 567 IAC chapters 20-35 relating to air quality.

2. Iowa Code section 455B.134(3) provides that the director of DNR shall grant, modify, suspend, terminate, revoke, reissue or deny permits for the construction or operation of new, modified, or existing air contaminant sources and for related control equipment.

3. Pursuant to Iowa Code sections 455B.133 and 455B.134, 567 IAC 22.3(3) provides that a construction permit may be issued subject to conditions which shall be specified in writing. Such conditions may include but are not limited to emission limits, operating conditions, recordkeeping requirements, fuel specifications, compliance testing, continuous monitoring, and excess emission reporting. Since 2000, Weiler has repeatedly failed to comply with the conditions of its construction permits, particularly the recordkeeping requirements.

V. ORDER

THEREFORE, DNR orders and Weiler agrees to the following:

1. Weiler shall pay a penalty of \$2,500.00 within 30 days of the date this order is signed by the Director;

2. Weiler shall comply with all construction permit conditions at all times, including maintaining current and up-to-date safety data sheet, hazardous air pollutant, and volatile organic chemical records, as described in its permits; and

3. In the future, Weiler shall comply with its October 18, 2016, written recordkeeping plan, which is Attachment A to this administrative order. If future recordkeeping deficiencies are determined by DNR, then Weiler shall work with DNR to revise its recordkeeping plan.

VI. PENALTY

Pursuant to the provisions of Iowa Code section 455B.109 and 567 IAC chapter 10, which authorize the Director to assess administrative penalties, a penalty of \$2,500.00 is assessed by this administrative consent order. The

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penalty must be paid within 30 days of the date this order is signed by the Director.

Iowa Code section 455B.146 authorizes the assessment of civil penalties of up to \$10,000.00 per day of violation for the air quality violations involved in this matter. More serious criminal sanctions are also available pursuant to Iowa Code section 455B.146A.

Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties through 567 IAC chapter 10. Pursuant to this rule, DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative consent order with a penalty. The administrative penalty assessed by this order is determined as follows:

Economic Benefit – Weiler has saved the cost of staff time to properly maintain records and comply with its construction permits since 2000. Additionally, Weiler has failed to comply with the requirement to timely obtain construction permits, failed to comply with filter maintenance requirements, and failed to comply with stack formation requirements. Estimating a savings of at least \$50.00 per year for a period of 14 years (2000-2014), the amount assessed for this factor is \$700.00.

Gravity of the Violation – DNR has conducted inspections at the facility over the past fourteen years (2000-2014) and has found repeated violations. Further, compliance with its permit requirements allows Weiler to remain a synthetic minor facility for Title V Operating Program purposes. Keeping required records and making those records available to DNR, as required by its air quality construction permits, ensures that the facility can maintain its synthetic minor status. Finally, Weiler's failure to comply with its construction permit requirements threatens the integrity of the DNR regulatory program. Therefore, \$700.00 is assessed for the gravity of the violations.

Culpability – Weiler has failed repeatedly to maintain proper records and to have records readily available for DNR inspection, as required. This lack of required and available recordkeeping has occurred repeatedly during inspections conducted at the facility. For the above reasons \$1,100.00 is assessed for culpability.

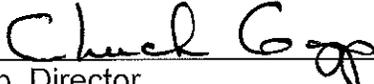
VII. WAIVER OF APPEAL RIGHTS

This administrative consent order is entered into knowingly and with the consent of Weiler. For that reason, Weiler waives its right to appeal this order or any part thereof.

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VIII. NONCOMPLIANCE

Failure to comply with this administrative consent order, including failure to timely pay any penalty, may result in the imposition of further administrative penalties or referral to the attorney general to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.146. Compliance with Section "V. Order" of this administrative consent order constitutes full satisfaction of all requirements pertaining to the specific violations described in Section "IV. Conclusions of Law" of this administrative consent order.



Chuck Gipp, Director
Iowa Department of Natural Resources

Dated this 28th day of
November, 2016.



Weiler, Inc.

Dated this 17th day of
NOVEMBER, 2016.

DNR Field Office 5; Anne Preziosi; VII.C.2



STANDARD WORK

Title: DNR Emissions
Author: Scott Stephens
Value Stream: Facilities Department
Date Effective: 10/18/2016
Date Revised: 10/18/2016

1. PURPOSE – SCOPE

This standard work is written to outline the process for DNR record keeping, emission point inspections, active permits, permit history and future permit requirements.

2. RESPONSIBILITIES

The Facilities department will be responsible for record keeping required by DNR documents to include: permits, exemptions, NESHAP 6X inspections and all other requirements stated in the permits. Facilities will provide correspondence for compliance to the DNR as well as requests for future permits. VOC, HAP and welding usage shall be tracked as required by permits, including but not limited to paint booth and welding station permits.

Maintenance department will be responsible for executing inspections and delivering results to Facilities.

Operations Manager is responsible for reviewing procedures and ensuring allocation of resources.

3. STATEMENT OF STANDARD WORK

3.1 Facilities Department

3.1.1 Permits and exemptions

3.1.1.1 Current and active permits are located in the Machine Shop Center Office

3.1.1.2 Each permit is located in a clearly marked and labeled binder. Example: EPID3a

3.1.1.3 Historical documentation is located in a binder marked for the year the document was created and approved. Example: 2014

3.1.1.4 File chemical usage reports for the appropriate emission point(s)

3.1.1.5 File welding wire usage for the appropriate emission point(s)

3.1.1.6 File Paint filter reading logs for the appropriate emission point(s)

3.1.2 Inventory

3.1.2.1 An inventory summary and sight map are located in a binder marked (Facility Emission Inventory Form EI 07/2015)

3.1.3 Inspections

3.1.3.1 Completed inspections are contained in each specific binder marked for the appropriate emission point

3.1.3.2 Set schedule for active inspection points

3.1.4 Future Permits

3.1.4.1 Will be driven by the Operations Manager through future purchases, production throughput and/or shop floor layout alterations

Attachment A

- 3.1.5 Closing Permits
 - 3.1.5.1 Construction permits (SWPPP)
- 3.2 Maintenance Department
 - 3.2.1 NESHAP 6X Inspections
 - 3.2.1.1 Adhere to the set inspection schedule
 - 3.2.1.2 Execute visual inspection and document results
 - 3.2.1.3 Deliver results to Facilities department for record keeping
 - 3.2.2 Paint booth chemical usage
 - 3.2.2.1 Document chemical usage on Excel spreadsheet (P:\Shop-Floor-Paf\Paint Data\paint usage log.xls)
 - 3.2.3 Paint filter reading logs
 - 3.2.3.1 Execute visual inspection and document results
 - 3.2.3.2 Deliver results to Facilities department for record keeping
 - 3.2.4 Construction SWPPP
 - 3.2.4.1 Execute visual inspection and document results
 - 3.2.4.2 Deliver results to Facilities department for record keeping
- 3.3 Operations Manager
 - 3.3.1 Responsible for oversight and review of policies and procedures.
 - 3.3.2 Ensures proper allocation of resources to complete required compliance tasks

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