

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

In the Matter of:	)	EPA-5-25-113(a)-MN-2
	)	
St. Paul Brass Foundry Company	)	Proceeding Under Sections 113(a)(1),
St. Paul, Minnesota	)	(a)(3), and 114(a)(1) of the Clean Air Act,
	)	42 U.S.C. §§ 7413(a)(1), (a)(3), and
	)	7414(a)(1)

**Administrative Consent Order**

1. The Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to St. Paul Brass Foundry Company (St. Paul Brass) under Sections 113(a)(1), (a)(3), and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1), (a)(3), and 7414(a)(1).

**A. Statutory and Regulatory Background**

**Federally Enforceable State Operating Permit Program**

2. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a plan that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by EPA pursuant to Section 109(a) of the CAA, 42 U.S.C. § 7409(a). These plans are referred to as "State Implementation Plans" or "SIPs."

3. On May 2, 1995, EPA approved Minnesota Administrative Rules (MAR) 7007.0050 through 7007.1850 as part of the federally enforceable Minnesota SIP. See 60 Fed. Reg. 21447 (May 2, 1995).

4. MAR 7007.0050 through 7007.1850 authorize the Minnesota Pollution Control Agency (MPCA) to issue federally enforceable state operating permits with such terms and conditions as are

necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality.

5. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable SIP or permit.

St. Paul Brass Federally Enforceable State Operating Permit Requirements

6. The MPCA issued Air Emission Permit No. 12300001-001 (the FESOP) to St. Paul Brass, the permittee, on February 13, 2007.

7. Among other things, the FESOP, at Table A, A – 17, requires St. Paul Brass to:

- a. “Operate and maintain [CE 005 (Fabric Filter – Low Temperature)] in accordance with the Operation and Maintenance (O & M) Plan”;
- b. “Install and maintain the necessary monitoring equipment for measuring and recording pressure drop as required by [the] permit. The monitoring equipment must be installed, in use, and properly maintained when the monitored air pollution control equipment is in operation”;
- c. “Record the time and date of each pressure drop reading for air pollution control equipment, and whether or not the observed pressure drop was within the established range”; and
- d. “Take corrective action as soon as possible if the recorded pressure drop is outside the required operating range, or the fabric filter or any of its components are found to need repair during inspection of control equipment. Corrective actions shall return the pressure drop to within the permitted range and/or include completion of necessary repairs identified during the inspection,

as applicable. Corrective actions include, but are not limited to, those outlined in the O & M Plan for the fabric filter. The Permittee shall keep a record of the type and date of any corrective action taken for each filter.”

8. Among other things, the FESOP, at Table A, A – 17, states that the pressure drop operating range across CE 005 shall be greater than or equal to 7 inches of water column (in. W.C.) and less than or equal to 11 in. W.C., unless a new range is set pursuant to MAR 7017.2025, subp. 3, and the FESOP.

### **B. Findings**

9. St. Paul Brass owns and operates a nonferrous foundry at 954 Minnehaha Avenue in St. Paul, Minnesota (the Facility).

10. St. Paul Brass owns and operates the following equipment at the Facility:

- a. Fabric Filters (CE 003 and CE 005);
- b. Ladle Preheater (EU 014); and
- c. Three Electric Induction Furnaces for brass melting, including Electric Induction Furnace 1, Electric Induction Furnace 2, and Electric Induction Furnace 3 (EU 015, EU016, and EU032, respectively).

11. Unit EU 014 is controlled by CE 003.

12. Units EU 015, EU 016, and EU 032 are controlled by CE 005.

13. On July 12, 2022, EPA conducted a CAA inspection of the Facility.

14. On November 14, 2022, EPA issued a request for information to St. Paul Brass pursuant to EPA’s authority under CAA Section 114, 42 U.S.C. § 7414, relating to the Facility (Information Request).



15. St. Paul Brass submitted information responsive to the Information Request on multiple dates throughout 2023.

16. Request 4 of the Information Request required the submission of all emission tests conducted at the Facility for any reason, from October 1, 2012, to the present. St. Paul Brass stated that no emission tests had been conducted at the Facility during this period.

17. Request 13 of the Information Request asked for the Facility's O & M Plans. St. Paul Brass provided Facility O & M Plans for its air pollution control equipment.

18. The O & M Plan for CE 005 documents potential corrective actions the Facility may perform to bring the pressure drop back to the range used to demonstrate continuous compliance. This plan also documents how a new pressure drop operating range may be established.

19. Request 6 of the Information Request asked for copies of all reports submitted to MPCA. St. Paul Brass provided, among other things, Deviation Reporting Forms submitted to MPCA.

20. The Deviation Reporting Forms (DRFs) submitted by the Facility to MPCA for the periods of January 1, 2021 to June 30, 2021 (DRF 1), July 1, 2021 to December 31, 2021 (DRF 2), and January 1, 2022 to June 30, 2022 (DRF 3) indicate that 251 of 257 total readings for pressure drop at CE 005 were outside the pressure drop operating range of 7 to 11 in. W.C. as specified in the FESOP.

21. DRF 1, DRF 2, and DRF 3 indicate that no corrective action or source testing was conducted at CE 005 in response to the pressure drop deviations that occurred between January 1, 2021 and June 30, 2022.

22. On January 20, 2015, the Facility submitted an Initial Notification of applicability of the National Emission Standards for Hazardous Air Pollutants for Nonferrous Foundry Area Sources at 40 C.F.R. Part 63 Subpart ZZZZZZ (NESHAP Subpart ZZZZZZ) to EPA as required by 40 C.F.R. § 63.11553(a).

23. On March 15, 2023, EPA issued to St. Paul Brass a Notice and Finding of Violation (NOV/FOV) alleging that it violated the FESOP for failing to take corrective actions to respond to deviations from the pressure drop operating range at CE 005 for the period of January 1, 2021 through June 30, 2022, and for failing to take appropriate steps to establish a new pressure drop operating range at CE 005 in response to deviations, in violation of Table A, A – 17 of the FESOP.

24. On May 25, 2023, representatives of St. Paul Brass and EPA discussed the NOV/FOV.

25. Since EPA issued the NOV/FOV, St. Paul Brass has inspected ductwork, replaced and modified ductwork as needed to improve flow, and installed additional access points for duct inspection and cleaning.

### **C. Compliance Program**

26. By the effective date of this Order, St. Paul Brass must achieve, demonstrate and maintain compliance with the Minnesota SIP and the conditions of its FESOP for operations at its St. Paul, Minnesota facility.

27. By the effective date of this Order, St. Paul Brass shall operate the existing units CE 003 and CE 005, retrofitted with secondary high efficiency particulate air filters (HEPA filters). A HEPA filter, for purposes of this Order, means a filter designed to remove at least 99.97 percent of airborne particles that are 0.3 micrometers or larger in diameter.

28. By the effective date of the Order, St. Paul Brass shall limit lead content in alloys produced to 6% facility wide.

29. Within 180 days of the effective date of this Order, St. Paul Brass shall submit an application to MPCA's Industrial Division, Land and Air Compliance Section, with a copy to EPA, to amend its FESOP to include the requirements of paragraph 28 of this Order, and the following items:

- a. A request to establish operating parameters and operating parameter ranges for the HEPA filters based on manufacturers' recommendations;
- b. A request to include applicable requirements of the National Emission Standards for Hazardous Air Pollutants for Nonferrous Foundry Area Sources at 40 C.F.R. Part 63 Subpart ZZZZZZ;
- c. Monitoring requirements for CE 003 and CE 005, retrofitted with secondary HEPA filters, to demonstrate compliance with subparagraph 29.a, above, when the associated emission unit(s) are in operation;
- d. A plan for limiting emissions from uncontrolled roof and wall vents/openings, excluding garage and service doors, to the extent practicable; and
- e. A requirement to maintain monitoring records required under subparagraph 29.a, above, for at least five years.

#### **D. General Provisions**

30. St. Paul Brass consents to the transmission of this Order by e-mail at the following e-mail address(es): [davidhartigan@stpaulfoundry.com](mailto:davidhartigan@stpaulfoundry.com) and [bell.brian@dorsey.com](mailto:bell.brian@dorsey.com) .

31. This Order does not affect St. Paul Brass's responsibility to comply with other federal, state, and local laws.

32. This Order does not restrict EPA's authority to enforce the CAA and its implementing regulations.

33. Failure to comply with this Order may subject St. Paul Brass to penalties of up to \$121,275 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.



34. The terms of this Order are binding on St. Paul Brass, its assignees and successors. St. Paul Brass 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.

35. St. Paul Brass 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 St. Paul Brass 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 CAA, 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.

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

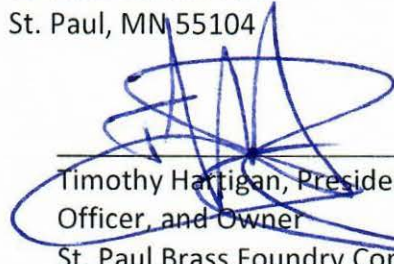
37. St. Paul Brass agrees to the terms of this Order. St. Paul Brass waives any remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in Part B above, including any right of judicial review under Section 307(b) of the CAA, 42 U.S.C. § 7607(b).

38. This Order is effective on the date of signature by the Director of the Enforcement and Compliance Assurance Division. This Order will terminate two years from the effective date, provided that St. Paul Brass has complied with all terms of the Order throughout its duration.

**For St. Paul Brass Foundry Company**

954 Minnehaha Ave

St. Paul, MN 55104

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and strokes, positioned over the signature line.

\_\_\_\_\_  
Timothy Hartigan, President, Chief Executive  
Officer, and Owner  
St. Paul Brass Foundry Company

8/29/2025  
\_\_\_\_\_  
Date



**For United States Environmental Protection Agency:**

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