

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)
)
 MAXION WHEELS SEDALIA LLC) **No. APCP-2024-034**
)
)
 Proceeding Under the)
 Missouri Air Conservation Law)

APCP-2024-034
08/14/2024 10:08 AM
08/14/2024 10:08 AM

ADMINISTRATIVE ORDER ON CONSENT

NOTICE TO THE RESPONDENT

The issuance of this Administrative Order on Consent No. APCP-2024-034 (Order) by the Missouri Department of Natural Resources (Department) is a formal administrative action by the State of Missouri and is being issued because MAXION WHEELS SEDALIA LLC (Respondent) is in violation of Missouri Air Conservation Law, Chapter 643, of the Revised Statutes of Missouri (RSMo), and its implementing regulations. This Order is issued under Sections 643.060(4), 643.080, and 643.085, RSMo. Failure to comply with this Order is, by itself, a violation of the Missouri Air Conservation Law under Section 643.151.3, RSMo.

FINDINGS OF FACT

1. The Respondent is an active limited liability company registered with the Missouri Secretary of State.
2. The Respondent owns and operates an automotive wheel manufacturing and finishing company, located at 3610 West Main Street, Sedalia, Pettis County, Missouri.

3. The Respondent operates subject to Missouri Air Conservation Regulation 10 CSR 10-6.065(4)(E)2.B. "Operating Permits," and Intermediate Operating Permit No. OP2015-049, which states: "an installation's right to operate shall terminate upon the expiration of the permit, unless a complete permit renewal application is submitted at least six (6) months before the date of expiration, or unless the permitting authority takes final action approving an application for a permit renewal by the expiration date."

4. The Respondent's Intermediate Operating Permit No. OP2015-049 expired on November 13, 2020. The Respondent was required to submit a complete renewal application by May 13, 2020. The Department did not receive a complete renewal application for Intermediate Operating Permit No. OP2015-049 until October 30, 2020.

5. On October 3, 2024, the Department issued Referral Notice of Violation (RNOV) No. AP24007 to the Respondent to document the violation identified.

STATEMENT OF VIOLATIONS

The Department finds that the following violations of the Missouri Air Conservation Law, Chapter 643, RSMo, and its implementing regulations have occurred, thereby subjecting the Respondent to penalties as described in Sections 643.151 and 643.085, RSMo.

6. On May 13, 2020, the Respondent failed to submit a complete operating permit renewal application at least six (6) months prior to the expiration of OP2015-049 on November 13, 2020.

AGREEMENT

7. The Department and the Respondent desire to amicably resolve all claims that the Department might bring against the Respondent for violation of the Missouri Air Conservation Law and regulations described above and within RNOV No. AP24007. The Department and the Respondent agree that this Order resolves only the specific violations described herein, that this Order shall not be construed as a waiver or a modification of any requirements of the Missouri Air Conservation Law and regulations or any other source of law, and that this Order does not resolve any claims based on any failure by the Respondent to meet the requirements of this Order, or claims for past, present, or future violations of any statutes or regulations other than those specifically referenced herein.

8. The provisions of this Order apply to and bind the parties executing this Order, their agents, subsidiaries, successors, assigns, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through, or for the parties agreeing hereto. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, do not affect the responsibilities of the Respondent under this Order. If the Respondent sells or otherwise transfers its business or the real estate that is the situs of the violation referenced in this Order, then the Respondent shall cause as a condition of such sale or transfer, that the buyer will assume the obligations of the Respondent under this Order in writing. In such event, the Respondent shall provide thirty (30) days prior written notice of such assumption to the Department.

9. The Respondent agrees to comply with the Missouri Air Conservation Law and regulations and, in particular, to refrain from further violations of 10 CSR 10-6.065(4)(E)2.B. for all future operations.

CORRECTIVE ACTIONS BY RESPONDENT

To satisfy this Order, the Respondent agrees to the following:

10. The Respondent must cooperate with the Department's Air Pollution Control Program's Permitting Section for the timely issuance of the new operating permit.

11. The Respondent must continue to operate under Intermediate Operating Permit No. OP2015-049, subject to all permit conditions and requirements, until the new operating permit is issued. Failure to comply with all conditions in Intermediate Operating Permit No. OP2015-049 constitutes a violation of this Order and a violation of the Missouri Air Conservation Law and regulations.

OTHER PROVISIONS

12. Penalty payments under this AOC, including any stipulated penalties, are penalties within the meaning of Section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), and 26 C.F.R. § 1.162-21(a)(3)(i). For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2)(iii)(A), certain costs incurred by performance of this AOC may qualify as restitution, remediation, or costs required to come into compliance with the law (Costs). **MAXION WHEELS SEDALIA LLC** is solely responsible for providing to the Department complete, accurate, and necessary information by the close of any applicable tax year to complete a Form 1098-F. 26 CFR § 1.6050X-1 requires the Department to file a Form 1098-F if it

reasonably believes that the sum of the Costs and penalty is \$50,000 or more. The Department will not file a form 1098-F unless the Department is aware or has reason to believe the sum of the Costs and penalty is \$50,000 or more; it is the Respondent's responsibility to tell the Department if the sum of the Costs and penalty is \$50,000 or more. The Respondent is required by law to give its taxpayer identification number (TIN) to the Department for the Form 1098-F; the Respondent may be penalized by the U.S. Internal Revenue Service if it fails to furnish its TIN pursuant to sections 26 CFR §§ 301.6723, 301.6724(d)(3), and any other applicable law. However, failure to provide the TIN does not trigger penalties under the AOC or state law. The Department shall not be responsible for any incomplete or inaccurate information nor the results of any tax audit. No portion of any penalties paid pursuant to this AOC may be used to reduce any federal or state tax obligations, except as authorized by the Internal Revenue Service.

13. This Order resolves the claims of the Department for the specific violations and concerns stated herein through the effective date of this Order.

14. The Department reserves all legal and equitable remedies available to enforce the provisions of this Order, except as stated in the previous paragraph. This Order shall not be construed to limit the rights of the Department to obtain penalties or injunctive relief under the Clean Air Act, the Missouri Air Conservation Law or the implementing regulations, or under other federal or state laws, regulations, or permit conditions, except as expressly specified in the previous paragraph. The Department further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare of the environment arising at, or posed by the Respondent, whether related to the violations addressed in this Order or otherwise.

15. By signing this Order, all signatories assert that they have read and understand the terms of this Order, that they had the opportunity to consult with counsel, and that they have the authority to sign this Order on behalf of their respective parties.

Upon signing this Order, the Respondent shall mail the signed Order to:

Compliance and Enforcement Section
Air Pollution Control Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

16. This Order shall be construed and enforced according to the laws of the State of Missouri, and the terms stated herein shall constitute the entire and exclusive agreement of the parties hereto with respect to the matters addressed herein. This Order may not be modified orally.

17. If any provision of this Order is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

18. Nothing in this Order excuses the Respondent for any future non-compliance with the laws of the State of Missouri, and the Department expressly reserves the right to address future noncompliance in any manner authorized by law.

19. This Order will become final, effective, and fully enforceable upon the date the Department signs it. The Department shall send a fully executed copy of this Order to the Respondent for their records.

CORRESPONDENCE AND DOCUMENTATION

Correspondence or documentation with regard to this Order shall be directed to the following persons, subject to change upon written notification from either party:

For the Department:

Daniel Reed
Compliance and Enforcement Section
Air Pollution Control Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

For the Respondent:

Scott Woolery
Plant Manager
3610 West Main Street
Sedalia, MO 65301

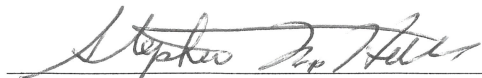
RIGHT OF APPEAL

By signing this Order, the Respondent waives any right to appeal, seek judicial review, or otherwise challenge this Order pursuant to Sections 643.130, 643.085, or 621.250, RSMo, Chapters 536, 643, or 640, RSMo, 10 CSR 10-1.030, or any other source of law.

AGREED TO AND ORDERED:

**MISSOURI DEPARTMENT OF
NATURAL RESOURCES**

**MAXION WHEELS SEDALIA
LLC**



Stephen M. Hall, Director
Air Pollution Control Program



Scott Woolery, Plant Manager

Date: 11/13/2024

Date: NOVEMBER 01, 2024