

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Jeff Norcross 12/28/11  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAA-01-2011-0128

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Andrew J. Skipp, President  
Hubbard-Hall, Inc.  
563 South Leonard St.  
Waterbury, CT 06720

Total Dollar Amount of Receivable \$ 63,200.00 Due Date: 1/27/12

SEP due? Yes \_\_\_\_\_ No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:  
1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

**RECEIVED**  
2011 DEC 28 P 12:31

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

**BY HAND**

December 28, 2011

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: In the Matter of Hubbard-Hall Inc.,  
EPA Docket Nos. CAA-01-2011-0128 and CAA-01-2011-0129

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matters please find the original and one copy of two Consent Agreements and Final Orders.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Norcross".

Jeffrey Norcross, Paralegal

Enclosures

cc: Andrew Skipp, President, Hubbard-Hall, Inc.  
Joseph A. Wellington, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND

RECEIVED  
2011 DEC 28 P 12: 50

\_\_\_\_\_  
IN THE MATTER OF )

HUBBARD-HALL INC. )

563 S. Leonard St. )  
Waterbury, CT 06720 )  
Respondent )

Proceeding under Section 113(d) of the )  
Clean Air Act, )  
42 U.S.C. § 7413(d) )  
\_\_\_\_\_ )

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

Docket No: CAA-01-2011-0128

**CONSENT AGREEMENT AND FINAL ORDER**

Complainant, the United States Environmental Protection Agency ("EPA"),  
having filed a Complaint and Notice of Opportunity for Hearing ("Complaint") against  
Respondent, Hubbard-Hall Inc., 563 S. Leonard St., Waterbury, CT ("Respondent" or  
"Hubbard-Hall"), the Parties herein, on September 30, 2011;

Respondent having received an extension to file an Answer and Request for  
Hearing until December 2, 2011 and having timely requested a further extension to  
December 31, 2011;

Complainant and Respondent having agreed that settlement of this matter is in the  
public interest and that entry of this Consent Agreement and Final Order ("CAFO")  
without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleading, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

**STATUTORY AND REGULATORY AUTHORITY**

1. This CAFO resolves an administrative action for the assessment of monetary penalties and other relief brought pursuant to Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d); and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22.

2. EPA’s Complaint alleged that Respondent failed to submit a risk management plan (“RMP”) for hydrofluoric acid (50% or greater) before using it in a process in an amount that exceeded the regulatory threshold, in violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations at 40 C.F.R. Part 68.

**TERMS OF SETTLEMENT**

3. The provisions of this CAFO shall apply to and be binding on the Parties, their officers, directors, agents, servants, employees, successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to



jurisdiction and venue, and without admitting or denying the factual and legal allegations contained in the Complaint, consents to the terms of this CAFO.

5. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

6. Respondent certifies that it is currently operating and will operate the Facility described in paragraph 12 of the Complaint in compliance with the CAA, and the federal regulations promulgated thereunder.

7. Pursuant to Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and taking into account the relevant statutory penalty criteria, the facts recounted in this CAFO, and such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty of Sixty-three Thousand Two Hundred dollars (\$63,200) for the violation alleged in the Complaint.

8. The penalty amount of \$63,200 must be paid in full within thirty (30) calendar days of the effective date of this CAFO. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.

9. Respondent shall make payment by submitting a certified or cashier's check **payable to the order of the "Treasurer, United States of America,"**  
**referencing the case name and docket number of this action on the face of the check,**

to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center

**In the Matter of: Hubbard-Hall Inc.**  
**Docket no. CAA-01-2011-0128**  
**Page 3 of 8**

P.O. Box 979077  
St. Louis, MO 63197-9000;

Respondent shall provide copies of the check to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code ORA18-1  
Boston, MA 02109-3912

and

Joanna Jerison  
Legal Enforcement Manager  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912

10. In the event that the civil penalty is not paid when due without demand, pursuant to Section 113(d)(5) of the CAA, Respondent will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid when due. In that event, interest will accrue from the due date at the "underpayment rate" established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys fees and collection costs. In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding civil penalties and nonpayment penalties hereunder accrued as of the

beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

11. The civil penalty under this CAFO, and any interest, nonpayment penalties, and charges described in this CAFO, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state or local law.

12. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113(d) of the CAA for the violation alleged in the Complaint. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA for matters not addressed in the Complaint or this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law. Nothing in this CAFO is intended to resolve any criminal liability of the Respondent, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

13. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which the Complaint and this CAFO is based, or for Respondent's violation of any applicable provision of law.

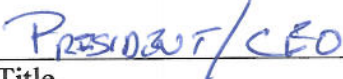
14. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal, state, or local law; nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.


15. The parties shall bear their own costs and fees in this action, including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

16. The undersigned representative of the Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

FOR RESPONDENT HUBBARD-HALL INC.

  
Name

  
Title

  
Date




FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

Sam Silverman, acting for  
Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. EPA, Region 1

12-22-11  
Date

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

  
\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer

12/27/11  
Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

|                       |   |                             |
|-----------------------|---|-----------------------------|
| IN THE MATTER OF:     | ) |                             |
|                       | ) |                             |
| HUBBARD-HALL, INC.,   | ) | Docket No: CAA-01-2011-0128 |
| 563 S. Leonard Street | ) |                             |
| Waterbury, CT         | ) |                             |
|                       | ) |                             |
|                       | ) |                             |
| Respondent.           | ) |                             |
|                       | ) |                             |

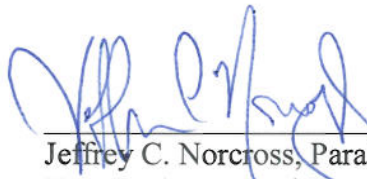
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order in this matter has been sent to the following persons in the manner and on the date noted below:

|  |  |
|--|--|
| Original and One Copy<br>(Hand-Delivered): | Wanda I. Santiago, Regional Hearing Clerk<br>U.S. Environmental Protection Agency, Region 1<br>5 Post Office Square, Suite 100<br>Mail Code ORA18-1<br>Boston, MA 02109-3912 |
|--|--|

|                             |   |
|-----------------------------|---|
| One Copy<br>(Regular Mail): | Andrew J. Skipp, President<br>Hubbard-Hall, Inc.<br>563 South Leonard Street<br>Waterbury, CT 06720 |
|-----------------------------|---|

Dated: 12/28/2011

  
\_\_\_\_\_  
Jeffrey C. Norcross, Paralegal  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-4  
Boston, MA 02109-3912  
(617) 918-1839