

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS**

This form was originated by Wanda I. Santiago for Catherine Smith  
Name of Case Attorney

5/2/16  
Date

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

Case Docket Number EPCRA-01-2016-0033

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:

PEZ Candy, Inc.  
35 Prindle Hill Road  
Orange, CT

Total Dollar Amount of Receivable \$ 5,000      Due Date: 6/2/16

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 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

BY HAND

April 28, 2016

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

Re: In the Matter of PEZ Candy, Inc.  
Docket Number EPCRA-01-2016-0033

Dear Ms. Santiago:

Enclosed for filing in the above-referenced case, please find an original and one copy of an Emergency Planning and Community Right-To-Know Act (EPCRA) Settlement Agreement with PEZ Candy, Inc., for alleged violations of Section 312 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370. The Agreement has been signed by the parties and approved by the Regional Judicial Officer.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Catherine Smith".

Catherine Smith  
Senior Enforcement Counsel  
U.S. EPA, Region 1

Enclosure

cc: Pat Early, VP, PEZ Candy, Inc.  
Jim Gaffey, EPA Region 1

RECEIVED

APR 28 2016

EPA ORC WS  
Office of Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

RECEIVED

APR 28 2016

EPA ORC WS  
Office of Regional Hearing Clerk

**EXPEDITED SETTLEMENT AGREEMENT**  
**DOCKET NO: EPCRA-01-2016-0033**

**This Expedited Settlement Agreement is issued to:**

PEZ Candy, Inc. ("PEZ"), 35 Prindle Hill Road, Orange, Connecticut, for alleged violations of Section 312 of the Emergency Planning and Community Right-To-Know Act.

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region 1, by its duly delegated official, and by Respondent, PEZ Candy, Inc. ("PEZ" or "Respondent"), pursuant to Section 325 of the Emergency and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045, and 40 C.F.R. § 22.13(b).

**ALLEGED VIOLATIONS**

During an EPCRA inspection at PEZ on November 18, 2014, EPA learned that PEZ, operator of a candy manufacturing facility located at 35 Prindle Hill Road, Orange, Connecticut ("Facility"), failed to timely submit completed emergency and hazardous chemical inventory forms (Tier II forms) for the calendar years 2011, 2012 and 2013 as required by Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations set forth at 40 CFR Part 370. Additionally, PEZ did not confirm that Tier II forms had been submitted for reporting year 2013 and 2014. At the time of the EPCRA inspection, PEZ was storing approximately 1,300 pounds of sulfuric acid and 12,800 pounds of lead in batteries at the Facility, in excess of the EPCRA 500 pound and 10,000 reporting thresholds respectively. PEZ had been storing this chemical in amounts exceeding the EPCRA reporting threshold for at least three years prior to the EPCRA inspection. Pursuant to Section 312 of EPCRA, 42 U.S.C. § 11022, and the regulations at 40 C.F.R. Part 370, Respondent was required to submit its Tier II form for each calendar year on or before March 1 of the subsequent year but had failed to do so at the time of the EPCRA inspection and subsequent to the inspection.

**SETTLEMENT**

EPA and PEZ agree that settlement of this matter for a penalty of FIVE THOUSAND DOLLARS (\$5,000) is fair, appropriate and in the public interest. In signing this agreement, PEZ: (1) admits that it is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over PEZ and its conduct as alleged in this ESA; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives its rights to: (a) a judicial or administrative hearing on any issue of law or fact set forth in this ESA; and (b) appeal this ESA. Each party to this action agrees to bear its own costs and fees, if any.

By its signature below, PEZ certifies that the alleged violations have been corrected and agrees to pay the penalty in accordance with the terms of this ESA. PEZ also certifies that it has come into compliance with Section 302 of EPCRA, 42 U.S.C. § 11022 and implementing regulations found in 40 C.F.R. Part 355, Subpart B.

If the signed original ESA is not returned to the EPA Region 1 office at the address above in correct form within 30 days of Respondent's receipt of the proposed ESA, the proposed ESA will be withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

PEZ agrees to submit payment of the penalty within 30 days of the date on which this ESA is filed with the Regional Hearing Clerk. EPA will forward a copy of the fully executed ESA to PEZ as soon as it is filed with the Regional Hearing Clerk. The civil penalty of FIVE THOUSAND DOLLARS (\$5,000) shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case, be in the amount of \$5,000 and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

**If remitted by regular U.S. mail:**

U.S. Environmental Protection Agency / Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

**If remitted by any overnight commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101

**If remitted by wire transfer:** Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:



Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read  
"D 68010727 Environmental Protection Agency"

Respondent must also send a copy of the payment to:

Jim Gaffey, Chemical Engineer  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Mail Code OES-05-1  
Boston, MA 02109-3912

Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that any partial payment of the civil penalty, plus interest thereon is not paid when due without demand, the penalty plus accrued interest shall be pay able with additional interest from the original due date of payment at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as the first day payment is due under 31 C.F.R. § 901.9(d).

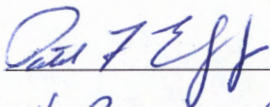
Upon PEZ's submission of the original signed ESA and payment of the penalty as set forth in this ESA, EPA will take no further civil action against PEZ for the alleged violations of EPCRA identified in this ESA. EPA does not waive any right to issue an enforcement action for any other past, present or future violations by PEZ of EPCRA or any other federal statute or regulation.

This ESA shall not be construed as a covenant not sue, release waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal, that EPA has under EPCRA or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

The terms of this ESA may not be modified or amended except upon agreement of both parties and approval of the Regional Judicial Officer. This ESA is binding on the parties signing below.

In accordance with 40 CFR 22.31(b), this ESA is effective upon filing with the Region 1 Hearing Clerk.

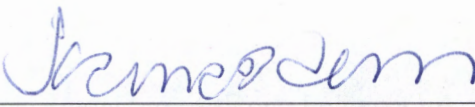
IT IS SO AGREED,

By: 

Date: 4-13-16

Title: VICE PRESIDENT OF OPERATIONS  
PEZ Candy, Inc.  
35 Prindle Hill Road  
Orange, CT 06477

APPROVED BY EPA

By: 

Date: 4/25/16

Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA Region 1

**FINAL ORDER**

Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondents, as specified in the Consent Agreement, are hereby ordered to comply with the terms of the Consent Agreement, effective on the date on which it is filed with the Regional Hearing Clerk.

IT IS SO ORDERED:

\_\_\_\_\_ Date: \_\_\_\_\_

LeAnn Jensen  
Acting Regional Judicial Officer

In Re. PEZ Candy, Inc., Docket No. EPCRA-01-2016-0033

**FINAL ORDER**

Pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent, as specified in the Consent Agreement, are hereby ordered to comply with the terms of the Consent Agreement, effective on the date on which it is filed with the Regional Hearing Clerk.

IT IS SO ORDERED:

Sharon Wells Date: 4/27/16

Sharon Wells  
Regional Judicial Officer

In Re. PEZ Candy, Inc., Docket No. EPCRA-01-2016-0033

Docket No. EPCRA-01-2016-0033

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, the original and one copy of the Expedited Settlement Agreement in the matter of PEZ Candy, Inc., Docket No. EPCRA-01-2016-0033, were filed with the Regional Hearing Clerk and a copy was sent to Respondent, as set forth below:

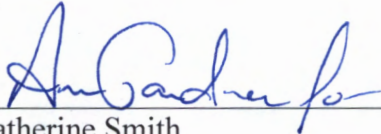
Original and one copy  
by hand delivery to:

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

Copy by certified mail to:

PEZ Candy, Inc.  
c/o Pat Early, VP  
PEZ Candy, Inc.  
35 Prindle Hill Road  
Orange, CT 06477

Date: April 28, 2016

  
Catherine Smith  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1, Mail Code OES04-3  
5 Post Office Square, Suite 100  
Boston, MA 02109  
(617) 918-1777  
[smith.catherine@epa.gov](mailto:smith.catherine@epa.gov)