



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 20 2008

REPLY TO THE ATTENTION OF:

SC-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dave Zeno, President
Aurora Circuits LLC
2250 White Oak Circle
Aurora, IL 60504

Re: Aurora Circuits LLC, Aurora, Illinois
Consent Agreement and Final Order.
Docket No. CAA-05-2008-0036

Dear Zeno:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. EPA has filed the other original CAFO with the Regional Hearing Clerk on NOV 20 2008. Please pay the civil penalty in the amount of \$ 12,000 in the manner prescribed in paragraph(s) 10-11 and reference your check with the number BD 2750903A004 and docket number CAA-05-2008-0036 your payment is due on DEC 22 2008.

Please feel free to contact Silvia Palomo at (312)353-2172 if you have any questions regarding the enclosed documents. Please direct any legal questions to John Tielsch, Associate Regional Counsel at (312)353-7447. Thank you for your assistance in resolving this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark J. Horwitz".

Mark J. Horwitz, Chief
Office of Chemical Emergency
Preparedness & Prevention

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)
)
Aurora Circuits LLC)
2250 White Oak Circle)
Aurora, Illinois 60504)
)
Respondent)
_____)

Docket No. CAA-05-2008-0036

RECEIVED
NOV 20 2008

Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air
Act, 42 U.S.C. § 7413(d)

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).
2. On September 15, 2008, U.S. EPA filed the Complaint in this action against Respondent. The Complaint alleges that Respondent violated Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), and the provisions of 40 C.F.R. Part 68, as referenced at 40 C.F.R. §§ 68.12(a) and (d) at its facility in Aurora, Illinois.
3. Respondent has not yet filed an Answer and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2).

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.
5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).
6. Respondent certifies that it is complying fully with the provisions of 40 C.F.R. Part 68.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. In consideration of Respondent's cooperation and its ability to pay, Complainant agrees to mitigate the proposed penalty of \$20,000 to \$12,000.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$12,000 civil penalty by sending a cashier's or certified check payable to the "Treasurer, United States of America," to:

for checks sent by U.S. Postal Service

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

for checks sent by express mail

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must note the case title, the docket number of this CAFO and the billing document number.

11. A transmittal letter stating the Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-13J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Silvia Palomo (SC-6J)
Chemical Emergency Preparedness
and Prevention Section
77 West Jackson Blvd.
Chicago, Illinois 50504-3511

John H. Tielsch, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

12. This civil penalty is not deductible for federal tax purposes.

13. If Respondent does not pay timely the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

14. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

16. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

17. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state, and local laws. Except as provided in paragraph 15, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by Complainant.

18. The terms of this CAFO bind Respondent, its successors, and assigns.

19. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

20. Each party agrees to bear its own cost and attorneys' fees in this action.

21. This CAFO constitutes the entire agreement between the parties.

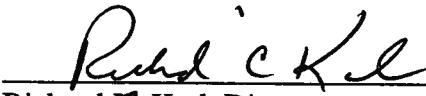
Aurora Circuits LLC, Respondent

11/5/08
Date


Dave Zeno
President

United States Environmental Protection Agency, Complainant

11-17-08
Date

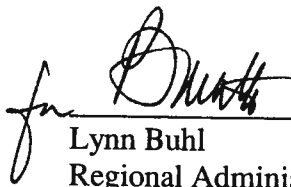

Richard K. Karl, Director
Superfund Division
U.S. Environmental Protection
Agency, Region 5

**In the Matter of:
Aurora Circuits LLC
Docket No.**

Final Order

This Consent Agreement and Final Order, as agreed to by parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-20-08
Date



Lynn Buhl
Regional Administrator
United States Environmental Protection Agency
Region 5

Certificate of Service

I certify that I filed the original and one copy of the Consent Agreement and Final Order in this matter with the Regional Hearing Clerk (E-13J), United States Environmental Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that mailed by Certified Mail, Receipt No. 7001 0320 0006 1454 2315, the second original to Respondent, addressed as follows:

Dave Zeno, President
Aurora Circuits LLC
2250 White Oak Circle
Aurora, IL 60504

11/20/08
Date

Silvia Palomo
Silvia Palomo
Chemical Emergency Preparedness
and Prevention Section (SC-6J)
U.S. EPA Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60453

RECEIVED
NOV 20 2008

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**