

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for William D. Chin 3/5/14
Name of Case Attorney Date

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

Case Docket Number CAA-01-2013-0044

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:

PCA Systems, Inc.
153 Howland Avenue
Adams, MA 01220

Total Dollar Amount of Receivable \$ 44,351 Due Date: 4/3/14

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:
1st \$ 14,784 on 3/30/14
2nd \$ 14,932 on 5/29/14
3rd \$ 14,894 on 8/27/14
4th \$ _____ on _____
5th \$ _____ 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, MA 02109-3912

February 28, 2014

Via Hand Delivery

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

RE: In the Matter of: PCA Systems, Inc.
Docket No. CAA-01-2013-0044

Dear Ms. Santiago:

I enclose for filing in the above-referenced matter the original and one copy of the Consent Agreement and Final Order and a Certificate of Service.

Thank you for your assistance.

Sincerely,

William D. Chin
Enforcement Counsel

Enclosures

cc: Louis S. Moore, Esq.

RECEIVED
2014 FEB 28 A 10:32
EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

In the Matter of: PCA Systems, Inc.
Docket No. CAA-01-2013-0044

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Consent Agreement and Final Order to be sent to the following person(s), in the manner stated, on the date below:

One original and one copy,
By Hand Delivery:

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

2nd original, By 1st Class Mail:

Louis S. Moore, Esq.
Annino Draper & Moore, P.C.
1500 Main Street – Suite 2504
P.O. Box 15428
Springfield, MA 01115-5428

Dated: _____

2/28/14

William D. Chin

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (OES04-4)
Boston, MA 02109-3912

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

2014 FEB 28 A 10:32

RECEIVED

In the Matter of:)
)
PCA Systems, Inc.)
153 Howland Avenue)
Adams, MA 01220)
)
Respondent.)
)
Proceeding under Section 113(d))
of the Clean Air Act, 42 U.S.C. § 7413(d))

Docket No.
CAA-01-2013-0044
CONSENT AGREEMENT
AND FINAL ORDER

CONSENT AGREEMENT

1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 113(d) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7413(d), and in accordance with 40 C.F.R. § 22.18 of EPA’s “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 (“Consolidated Rules of Practice”).

I. INTRODUCTION

2. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1 initiated this proceeding against Respondent, PCA Systems, Inc. (“PCA”), by issuing a Complaint and Notice of Opportunity for Hearing (“Complaint”) pursuant to Section 113(d) of the CAA on September 30, 2013. The Complaint alleged Respondent violated Section 112(r) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7412(r), and EPA’s regulations promulgated to implement this statutory provision at 40 C.F.R. Part 68.

3. The complete factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint. Respondent desires to avoid the expense, uncertainty and inconvenience of litigation and resolve this matter as set forth in this CAFO.

II. TERMS OF SETTLEMENT

4. The provisions of this CAFO shall apply to and be binding on Respondent, its officers and directors (in their corporate capacities only), successors and assigns.

5. Respondent agrees that EPA has jurisdiction over the subject matter alleged in this CAFO. For purposes of this CAFO, including any further action to enforce the terms of this CAFO, Respondent waives any defenses it might have as to jurisdiction and venue.

6. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding, and hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in this CAFO.

7. Respondent hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

8. Without admitting or denying the specific factual allegations contained in the Complaint, Respondent consents to the terms and issuance of this CAFO, and consents for the purposes of settlement to the payment of the civil penalty as set forth in this CAFO.

9. Taking into account the particular facts and circumstances of this matter, with specific reference to the penalty factors set forth in Section 113(e)(1) of the CAA, 42 U.S.C.

§ 7413(e)(1), Complainant has determined that it is fair and proper that Respondent pay a civil penalty in the amount of \$44,351 (plus interest) in settlement of this matter.

Penalty Payment

10. Respondent shall pay the civil penalty set forth in this CAFO (including interest) in accordance with the following schedule:

- a. \$14,784 within 30 days after the effective date of this CAFO;
- b. \$14,932 within 90 days after the effective date of this CAFO; and
- c. \$14,894 within 180 days after the effective date of this CAFO.

11. This CAFO shall be effective on the date it is filed with the Regional Hearing Clerk.

12. Respondent shall make each civil penalty payment by submitting a bank, cashier's or certified check, payable to the order of the "Treasurer, United States of America," to:

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

Respondent shall note the name ("In the Matter of: PCA Systems, Inc.") and docket number ("CAA-01-2013-0044") of this matter on the payment check and in an accompanying cover letter, and shall provide copies of the check and the cover letter to:

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

and

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912

13. If Respondent fails to make any payment required by Paragraph 10 by the required due date, the total penalty amount of \$44,351, plus all accrued interest at the rate of 3% per annum (less payments already made), shall become due immediately to the United States upon such failure. Such interest shall continue to accrue on any unpaid amounts until the total amount due has been received by the United States. Respondent shall be liable for such amount regardless of whether EPA has notified Respondent of its failure to pay or made a demand for payment. All payments to the United States shall be made by a bank, cashier's or certified check as described in Paragraph 12.

14. Failure by Respondent to pay in full the civil penalty amount set forth in this CAFO shall subject Respondent to a civil action to collect the assessed penalty, plus interest at currently prevailing rates from the date of issuance of the Final Order. The rate of interest assessed shall be at the rate established in accordance with 26 U.S.C. § 6621(a)(2). In any such collection action, the validity, amount and appropriateness of the penalty and of this CAFO shall not be subject to review. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any person who fails to pay on a timely basis the amount of an assessed penalty plus any agreed upon interest shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses, including attorney's fees, costs for collection proceedings, and an additional quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to ten percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid at the beginning of each quarter.

Additional Provisions

15. The civil penalty set forth in this CAFO, and any interest, non- payment penalties, and/or other charges assessed in this matter, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

16. Payment of the civil penalty, and any interest, non-payment penalties and/or other charges does not waive, suspend, or modify the responsibility of Respondent to comply with the requirements of all of the federal laws and regulations administered by EPA and shall not be a defense to any actions subsequently commenced pursuant to said laws and regulations.

17. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113 of the CAA for the specific violations alleged in the Complaint and in the CAA Notice of Violation, Administrative Order and Reporting Requirement issued to Respondent by Complainant on February 17, 2012. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal or any other civil liability of Respondent.

Compliance with this CAFO shall not be a defense to any actions unrelated to the violations alleged herein and subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. Nothing in this Consent Agreement shall be construed as limiting the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment.

18. Except as described in Paragraph 14, each party shall bear its own costs and fees in this proceeding, 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.

19. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

20. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED PARTIES enter into this CAFO for: In the Matter of: PCA Systems, Inc., Docket No. CAA-01-2013-0044.

For PCA Systems, Inc.:

Thomas J. Holland
Name: Thomas J. Holland
Title: President
Company: PCA Systems, Inc.

February 18, 2014
Date

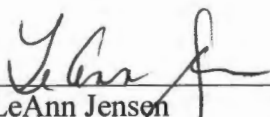
For U.S. EPA, Region 1:

Susan Studlien
Susan Studlien
Director
Office of Environmental Stewardship
U.S. EPA, Region 1

02/26/14
Date

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is 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
U.S. EPA, Region 1

2/27/14

Date