



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 02 2009

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7001 0320 0006 0191 0554

Mr. Elliot Badzin
SuperClean Brands, Inc.
1380 Corporate Center Curve, Suite 200
Eagan, Minnesota 55121

Consent Agreement and Final Order, Docket No.EPCRA-05-2009-0016

Dear Mr. Badzin:

Enclosed is a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on November 2, 2009, with the Regional Hearing Clerk.

The civil penalty in the amount of \$ 23,000 is to be paid in the manner described in paragraphs 10 and 11. In the comment or description field of the electronic funds transfer, please state: SuperClean Brands, Inc., the docket number of this CAFO (above), and the following billing document number BD 2751044E005. Payment is due by December 2, 2009.

Thank you for your cooperation in resolving this matter.

Sincerely,


for Terry Bonace
Pesticides and Toxics Compliance Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

| | | |
|--------------------------------|---|---|
| In the Matter of: |) | Docket No. EPCRA-05-2009-0016 |
| |) | |
| SuperClean Brands, Inc. |) | Proceeding to Assess a Civil Penalty Under |
| St. Paul, Minnesota |) | Section 325(c) of the Emergency Planning |
| |) | and Community Right-to-Know Act of |
| Respondent. |) | 1986, 42 U.S.C. § 11045(c) |
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Consent Agreement and Final Order

Preliminary Statement

**REGIONAL HEARING CLERK
USEPA
REGION 5**

1. Complainant, the Director of the Land and Chemicals Division, United States

Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c).

2. On March 17, 2009, EPA filed the Complaint in this action against Respondent, SuperClean Brands, Inc. The Complaint alleges that Respondent processed methanol at its facility located at 51 Maryland Avenue East, in St. Paul, Minnesota, in 2003, 2004 and 2005, and processed ethylene glycol at the same facility in 2004 and 2005, in quantities exceeding the threshold for reporting as listed at Section 313(f) of EPCRA, 42 U.S.C. § 11023(f); and that Respondent violated Section 313 of EPCRA and 40 C.F.R. Part 372 by failing to timely submit Toxic Chemical Release Inventory Reporting Forms (Form R) for methanol for the 2003, 2004 and 2005 calendar years and for ethylene glycol for the 2004 and 2005 calendar years for the St. Paul facility. The Complaint proposed a civil penalty of \$57,870 for these alleged violations.

3. Respondent filed an Answer and requested a hearing under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and 40 C.F.R. § 22.15.

Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint, other than those it admitted in its Answer.
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 EPCRA.
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 Penalties

9. In consideration of Respondent's cooperation and other factors as justice may require, EPA agrees to mitigate the proposed penalty of \$57,870 to \$23,000.
10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$23,000 civil penalty by one of the "How to Make Payment to EPA" options identified on the "www.epa.gov/ocfo/finservices/make_a_payment.htm" website.
11. Within five business days after making the civil penalty payment discussed herein, Respondent agrees to send a letter which includes its name, complete address, the docket number of this case (i.e. EPCRA-05-2009-0016), the assigned billing document number, and proof of payment to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Terence Bonace (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Terry Stanuch (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

12. This civil penalty is not deductible for federal tax purposes.
13. If Respondent does not pay the civil penalty timely, 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. 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 amount overdue from the date the 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 6 percent per year penalty on any principal amount 90 days past due.

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 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 EPCRA and other applicable federal, state, and local laws.

18. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for Section 313 of EPCRA.

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

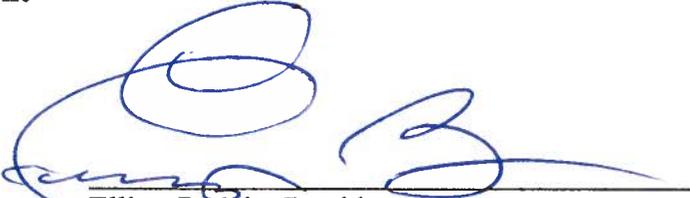
20. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and attorney's fees in this action.

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

SuperClean Brands, Inc., Respondent

13 Oct 09
Date


Elliott Badzin, President
SuperClean Brands, Inc.
St. Paul, Minnesota

United States Environmental Protection Agency, Complainant

10.27.09
Date


for Margaret M. Guerriero
Director
Land and Chemicals Division

**In the Matter of: SuperClean Brands, Inc.
Consent Agreement and Final Order
Docket No: EPCRA-05-2009-0016**

Final Order

This Consent Agreement and Final Order, as agreed to by the 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.

10/28/09
Date

Walter W. Kayalitz
for
Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

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**REGIONAL HEARING CLERK
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REGION 5**

CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving SuperClean Brand, Inc., was filed on November 2, 2009, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that I mailed, by Certified Mail, Receipt No. 7001 0320 0006 0191 0554, a copy of the original to the Respondents:

Mr. Elliot Badzin
President
SuperClean Brands, Inc.
1380 Corporate center Curve, Suite 200
Eagan, Minnesota 55121

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Terry Stanuch, Counsel for Complainant ORC/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown, PTCS (LC-8J)
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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