

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

IN THE MATTER OF:	:	
	:	Docket No. EPCRA-III-2015-0127
Eagle Brass Company,	:	
currently doing business as	:	
Eagle Metals, Inc.	:	
Respondent,	:	
	:	
Eagle Brass Company	:	Consent Agreement
1243 Old Bernville Road	:	
Leesport, PA 19533-9115,	:	
Facility.	:	

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Preliminary Statement

1. On June 4, 2015, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“Complainant”) issued an Administrative Complaint and Notice of Opportunity for Hearing (“Complaint”) against Eagle Brass Company, (“Respondent”), pursuant to Sections 313 and 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), 42 U.S.C. §§ 11023 and 11045(c), the regulations implementing EPCRA § 313, as set forth at 40 C.F.R. Part 372. On July 2, 2015, Respondent filed an Answer to the Complaint.
2. This Consent Agreement is entered into by Complainant and Respondent in settlement of EPA’s claims against Respondent for civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c) for the violations alleged in the Complaint.
3. For purposes of this proceeding only, Respondent admits the jurisdictional allegations of the Complaint.
4. Respondent neither admits nor denies the Findings of Fact set forth in the Complaint except as provided in Paragraph 3, above.
5. Respondent neither admits nor denies the Conclusions of Law set forth in the Complaint except as provided in Paragraph 3, above.
6. For the purposes of this proceeding only, Respondent hereby expressly waives its right

Civil Penalties

15. Respondent agrees to pay a civil penalty in the amount of **TEN THOUSAND, SIX HUNDRED THIRTY FIVE DOLLARS (\$10,635.00)**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this Consent Agreement and attached Final Order fully executed by the parties. Respondent may avoid the assessment of interest, administrative fees, and late payment penalties described in Paragraphs 17 – 20 below in connection with such civil penalty described in this Paragraph, by paying the entire civil penalty no later than thirty (30) calendar days after the date on which a copy of this Consent Agreement and attached Final Order is mailed or hand-delivered to Respondent.

16. This Consent Agreement is in accordance with law and that the civil penalty amount is based on a number of factors, including, but not limited to, the facts and circumstances of this case, the statutory factors set forth in EPCRA § 325(b)(1)(C), 42 U.S.C. § 11045(b)(1)(C), EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)* and Section 6607 of the Pollution Prevention Act (1990), April 12, 2001, and other appropriate factors, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties Complainant may have under Sections 313 and 325(c) EPCRA, 42 U.S.C. §§ 11023 and 11045(c), for violations alleged in the Complaint.

Payment Terms

17. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment as specified herein shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

18. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

19. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b).

Civil Penalties

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16. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount is based on a number of factors, including, but not limited to, the facts and circumstances of this case, the statutory factors set forth in EPCRA § 325(b)(1)(C), 42 U.S.C. § 11045(b)(1)(C), EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)* and Section 6607 of the Pollution Prevention Act (1990), April 12, 2001, and other appropriate factors, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties Complainant may have under Sections 313 and 325(c) EPCRA, 42 U.S.C. §§ 11023 and 11045(c), for violations alleged in the Complaint.

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19. The costs of the Agency's administrative handling of overdue debts will be charged and

- d. All payments made by check and sent by private commercial overnight delivery service shall be addressed for delivery to:

U.S. Environmental Protection Agency
Government Lockbox 979077
Cincinnati Finance Center
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:

“D 68010727 Environmental Protection Agency”

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Entire Agreement

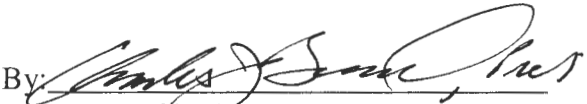
24. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged in the Complaint and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this Consent Agreement and attached Final Order.

Effective Date

25. The effective date of this Consent Agreement and the attached Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

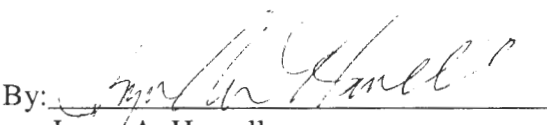
For Respondent, Eagle Brass Company c/b/a Eagle Metals, Inc.:

Date: 2/7/17

By: 
Name: Charles Bernard
Position: President

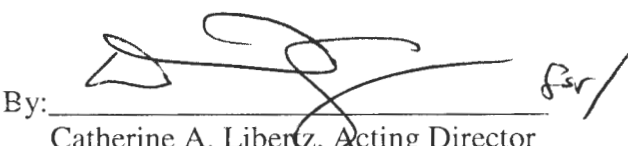
For Complainant:

Date: 2/17/17

By: 
Joyce A. Howell
Senior Assistant Regional Counsel

Accordingly, I hereby recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 02-17-17

By: 
Catherine A. Libertz, Acting Director
Land and Chemicals Division

**BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

IN THE MATTER OF:	:	
	:	Docket No. EPCRA-III-2015-0127
Eagle Brass Company,	:	
currently doing business as	:	
Eagle Metals, Inc.	:	:
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Respondent,	:	
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	:	
Eagle Brass Company	:	
1243 Old Bernville Road	:	
Leesport, PA 19533-9115,	:	
	:	
Facility.	:	Proceeding under EPCRA §§ 313 and 325(c); 42 U.S.C. §§ 11023 and 11045(c)

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FINAL ORDER

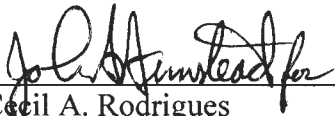
Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Eagle Brass Company, have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)* and Section 6607 of the Pollution Prevention Act (1990), April 12, 2001, the statutory factors set forth in EPCRA § 325(b)(1)(C), 42 U.S.C. § 11045, and the provisions and objectives of EPCRA § 313, 42 U.S.C. § 11023.

NOW, THEREFORE, PURSUANT TO Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), 42 U.S.C. § 11045, and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **TEN THOUSAND, SIX HUNDRED THIRTY-FIVE DOLLARS (\$10,635.00)**, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 2.17.17



Cecil A. Rodrigues
Acting Regional Administrator
EPA Region III

