



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

JUL 15 2015

REPLY TO THE ATTENTION OF:

LC- 8J

CERTIFIED MAIL: No.7011 1150 0000 2643 8456

RETURN RECEIPT REQUESTED

All Flex Flexible Circuits, LLC
ATTN: Mr. Greg Closser
1705 Cannon Lane
Northfield, Minnesota 55057

Consent Agreement and Final Order In the Matter of
All Flex Flexible Circuits, LLC Docket No. **EPCRA-05-2015-0019**

Mr. Closser:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. This document was filed on July 15, 2015 with the Regional Hearing Clerk.

The civil penalty in the amount of \$12,038 is to be paid in the manner described in paragraphs 40 and 41. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

for Maynard Shaw
Pesticides and Toxics Compliance Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

All Flex Flexible Circuits, LLC
Northfield, Minnesota

Respondent.



Docket No. EPCRA-05-2015-0019

Proceeding to Assess a Civil Penalty
Under Section 325(c) of the Emergency
Planning and Community Right-to-Know
Act of 1986, 42 U.S.C. § 11045(c)

Consent Agreement and Final Order

1. This is an administrative action commenced and concluded under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is All Flex Flexible Circuits, LLC, a limited liability company doing business in the State of Minnesota.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

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

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and admits the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

9. Respondent certifies that it is complying with Section 313 of EPCRA, 42 U.S.C. § 11023.

Statutory and Regulatory Background

10. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.22 and 372.30 require the owner or operator of a facility that has 10 or more full-time employees; is covered by certain Standard Industrial Classification (SIC) codes; meets one of the criteria set forth in 40 C.F.R. § 372.22(b)(1)-(3); and manufactured, processed or otherwise used a toxic chemical in an amount exceeding an applicable threshold quantity of that chemical listed under Section 313(f) of EPCRA and listed at 40 C.F.R. § 372.65 in an amount that exceeds the threshold for reporting, as set forth in Section 313(f) and in 40 C.F.R. §§ 372.25, 372.27, and 372.28, during the calendar year, to complete and submit a toxic chemical release inventory form (Form R) to the Administrator of EPA and to the State in which the subject facility is located by July 1 for each toxic chemical manufactured, processed or otherwise used in quantities exceeding the established threshold during the preceding calendar year.

11. As set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25, except as provided in 40 C.F.R. §§ 372.27 and 372.28, the reporting

threshold amount for a toxic chemical manufactured or processed at a facility is 25,000 pounds for calendar years including and subsequent to 1989. The reporting threshold for a toxic chemical otherwise used at a facility is 10,000 pounds for calendar years including and subsequent to 1987.

12. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorizes the Administrator of EPA to assess a civil penalty of up to \$25,000 per day for each violation of Section 313 of EPCRA. The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 note (1990), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required federal agencies to issue regulations adjusting for inflation the maximum civil penalties that may be assessed pursuant to each agency's statutes. EPA may assess a civil penalty of up to \$37,500 per day for each violation of Section 313 of EPCRA which occurred after January 12, 2009, pursuant to Section 325(c)(1) and (3) of EPCRA, 42 U.S.C. § 11045(c)(1) and (3), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

13. Respondent is a "person" as that term is defined at Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

14. At all times relevant to this CAFO, Respondent was an owner or operator of the facilities located at 1705 Cannon Lane, Northfield, Minnesota, 9401 James Ave S. Suite 100 Bloomington, MN during calendar years 2010 through 2013, and 1601 Cannon Lane, Northfield, MN starting in 2012.

15. At all times relevant to this CAFO, Respondent had "10 or more full-time employees," as defined at 40 C.F.R. § 372.3, and was an employer at the facility.

16. Respondent's facilities consist of buildings, equipment, structures and other stationary items which are owned or operated by the same person with the exception of the 1601 address that was added in 2012.

17. Respondent's facility is a "facility" as that term is defined at Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

18. The facility has a SIC code of Code 3672 (NAICS 334412), a covered SIC code as defined at Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.22.

Count 1

19. During calendar year 2010, Respondent's facility manufactured, as that term is defined at 40 C.F.R. § 372.3, 58,331 pounds of Copper compounds category code N100, a chemical category or CAS No. 7440-50-8 listed under 40 C.F.R. § 372.65, which is greater than 25,000 pounds, the threshold for reporting, as set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25.

20. Respondent was required to submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2010 calendar year on or before July 1, 2011.

21. Respondent did not submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2010 calendar year.

22. Respondent submitted Form R for Copper compounds to the Administrator of EPA and to Minnesota on November 19, 2014 for calendar year 2010.

23. Respondent's failure to submit timely a Form R for Copper compounds to the Administrator of EPA and to Minnesota for calendar year 2010 violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count 2

24. During calendar year 2011, Respondent's facility manufactured, as that term is defined at 40 C.F.R. § 372.3, 67,357 pounds of Copper compounds category code N100, a chemical category or CAS No. 7440-50-8 listed under 40 C.F.R. § 372.65, which is greater than 25,000 pounds, the threshold for reporting, as set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25.

25. Respondent was required to submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2011 calendar year on or before July 1, 2012.

26. Respondent did not submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2011 calendar year.

27. Respondent submitted Form R for Copper compounds to the Administrator of EPA and to Minnesota on November 19, 2014 for calendar year 2011.

28. Respondent's failure to submit timely a Form R for Copper compounds to the Administrator of EPA and to Minnesota for calendar year 2011 violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count 3

29. During calendar year 2012, Respondent's facility manufactured, as that term is defined at 40 C.F.R. § 372.3, 63,425 pounds of Copper compounds category code N100, a chemical category or CAS No. 7440-50-8 listed under 40 C.F.R. § 372.65, which is greater than 25,000 pounds, the threshold for reporting, as set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25.

30. Respondent was required to submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2012 calendar year on or before July 1, 2013.

31. Respondent did not submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2012 calendar year.

32. Respondent submitted Form R for Copper compounds to the Administrator of EPA and to Minnesota on November 19, 2014 for calendar year 2012.

33. Respondent's failure to submit timely a Form R for Copper compounds to the Administrator of EPA and to Minnesota for calendar year 2012 violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count 4

34. During calendar year 2013, Respondent's facility manufactured, as that term is defined at 40 C.F.R. § 372.3, 75,435 pounds of Copper compounds category code N100, a chemical category or CAS No. 7440-50-8 listed under 40 C.F.R. § 372.65, which is greater than 25,000 pounds, the threshold for reporting, as set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25.

35. Respondent was required to submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2013 calendar year on or before July 1, 2014.

36. Respondent did not submit to the Administrator of EPA and to Minnesota a Form R for Copper compounds for the 2013 calendar year.

37. Respondent submitted Form R for Copper compounds to the Administrator of EPA and to Minnesota on November 19, 2014 for calendar year 2013.

38. Respondent's failure to submit timely a Form R for Copper compounds to the Administrator of EPA and to Minnesota for calendar year 2013 violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Civil Penalty

39. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, Complainant determined that an appropriate civil penalty to settle this action is \$12,038. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, its agreement to perform three supplemental environmental projects, and any other matters as justice may require. Complainant also considered 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) (amended) (April 12, 2001).

40. Within 30 days after the effective date of this CAFO, Respondent must pay a \$12,038 civil penalty for the EPCRA violations by either: electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state All Flex Flexible Circuits, LLC and the docket number of this CAFO; or

ACH electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 –checking

In the comment area of the electronic funds transfer, state All Flex Flexible Circuits, LLC and the docket number of this CAFO.

41. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

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

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

Padma Bending (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

43. If Respondent does not pay timely the civil penalty or any stipulated penalties due under paragraph 67, below, 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.

44. 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 pursuant to 31 U.S.C. § 3717. 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.

Supplemental Environmental Projects

45. Respondent must complete the following supplemental environmental projects:
 - a. Installation of no loss rain stack venting which will protect the environment and public health by decreasing the amount of copper in stormwater;
 - b. Installation of a recirculation system and lead filtration system for the in-line cleaner which will protect the environment and public health by decreasing the amount of lead used at the facility; and
 - c. Replacement of tin/lead solder finish with gold surface finish which will protect the environment and the public health by reducing the amount of lead used at the facility.

Installation of No Loss Rain Stack Venting SEP

46. At its Northfield, MN facility, Respondent must install no loss rain stack venting in the chemical processing area within 6 months of the effective date of this document.
47. Respondent must spend at least \$3,063 installing the no loss rain stack.
48. Respondent must continuously use the no loss stack venting installed as the SEP for 3 years following its installation.
49. Respondent certifies as follows:

I certify that All Flex Flexible Circuits, LLC is not required to perform or develop the installation of no loss rain stack venting SEP described in this document by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that All Flex Flexible Circuits, LLC has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that All Flex Flexible Circuits, LLC is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge

and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term “open federal financial assistance transaction” refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

Installation of recirculation system and lead filtration system for the In-Line Cleaner

50. At its Bloomington, MN facility, Respondent must install the recirculation system and lead filtration system for the in-line cleaner SEP within 6 months of the effective date of this document.

51. Respondent must spend at least \$43,267 installing and operating the water recirculation and lead filtration system for the in-line cleaner in the first five years of the project.

52. In the in-line cleaner, Respondent must not use any chemical that is more toxic or hazardous than lead. Respondent must use Material Safety Data Sheets to determine the chemical’s toxic and hazardous characteristics.

53. Respondent must continuously use the water recirculation and lead filtration system for in-line cleaner installed as the SEP for 3 years following its installation.

54. Respondent certifies as follows:

I certify that All Flex Flexible Circuits, LLC is not required to perform or develop the installation of a recirculation system and lead filtration system for its in-line cleaner SEP described in this document by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that All Flex Flexible Circuits, LLC has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that All Flex Flexible Circuits, LLC is not a party to any open federal financial assistance transaction that is funding or could be used to fund the

same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

Alternative to tin/lead solder finish with a gold surface finish SEP

55. At its Bloomington, MN facility, Respondent must install a gold surface finish line as an alternative to tin/lead solder within 6 months of the effective date of this document.
56. Respondent must spend at least \$47,158 installing, qualifying and operating gold line over 5 years as an alternative to tin/lead solder finish.
57. In the surface finishing process, Respondent must not use any chemical that is more toxic or hazardous than lead. Respondent will use MCES industrial discharge permit limits to determine the chemical's toxic and hazardous characteristics.
58. Respondent must continuously use gold finish in the surface finishing process installed as the SEP for 3 years following its installation.
59. Respondent certifies as follows:

I certify that All Flex Flexible Circuits, LLC is not required to perform or develop the replacement of tin/lead solder finish with a gold surface finish SEP described in this document by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that All Flex Flexible Circuits, LLC has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that All Flex Flexible Circuits, LLC is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the

SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term “open federal financial assistance transaction” refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

60. EPA may inspect the facility at any time to monitor Respondent’s compliance with this CAFO’s SEP requirements.

61. Respondent must maintain copies of the underlying research and data for all reports submitted to EPA pursuant to this CAFO. Respondent must provide the documentation of any underlying research and data to EPA within seven (7) days of EPA’s request for the information.

62. Respondent must submit a SEP completion report for each SEP identified in this document to EPA by 12/31/15. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

63. Respondent must submit all notices and reports required by this CAFO by first class mail to Maynard Shaw of the Pesticides and Toxics Compliance Section at the address provided in paragraph 41, above.

64. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

65. Following receipt of the SEP completion report described in paragraph 62, above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under paragraph 67, below.

66. If EPA exercises paragraph 65.b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 67, below.

67. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

a. SEP completion

i. (a). Except as provided in subparagraph b, below, if Respondent did not complete the installation of the no loss rain stack venting SEP satisfactorily according to the requirements of this CAFO including the schedule in paragraph 46, Respondent must pay a penalty of \$1,530.

(b). If Respondent did not complete the installation of the no loss rain stack venting SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 47, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

(c). If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 47, Respondent must pay a penalty of \$765.

ii. (a). Except as provided in subparagraph b, below, if Respondent did not complete the installation of a recirculation system and lead filtration system for its in-line cleaner SEP satisfactorily according to the requirements of this CAFO including the schedule in paragraph 50, Respondent must pay a penalty of \$21,634.

(b). If Respondent did not complete the installation of a recirculation system and lead filtration system for its in-line cleaner SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent

at least 90 percent of the amount set forth in paragraph 51, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

(c). If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 51, Respondent must pay a penalty of \$10,817.

iii. (a). Except as provided in subparagraph b, below, if Respondent did not complete the replacement of tin/lead solder with a gold surface finish SEP satisfactorily according to the requirements of this CAFO including the schedule in paragraph 55, Respondent must pay a penalty of \$23,579.

(b). If Respondent did not complete the replacement of tin/lead solder with a gold surface finish SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 56, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

(c). If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 56, Respondent must pay a penalty of \$11,789.

b. SEP completion reports

If Respondent did not submit timely the SEP completion reports, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation</u>	<u>Period of violation</u>
\$500	1 st through 14 th day
\$1000	15 th through 30 th day
\$1500	31 st day and beyond

68. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

69. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 40, above, and will pay interest, handling charges and nonpayment penalties on any overdue amounts.

70. Any public statement that Respondent makes referring to the SEP must include the following language, "All Flex Flexible Circuits, LLC undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against All Flex Flexible Circuits, LLC for violations of EPCRA."

71. Nothing in this CAFO is intended to, nor will be construed to, constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

72. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

73. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the

Consolidated Rules,” dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: bending.padmavati@epa.gov (for Complainant), and [gclosser@allflexinc.com] (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. §22.6.

74. This CAFO resolves only Respondent’s liability for federal civil penalties for the violations and facts alleged in the CAFO.

75. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

76. This CAFO does not affect Respondent’s responsibility to comply with EPCRA and other applicable federal, state and local laws.

77. This CAFO is a “final order” for purposes of EPA’s Enforcement Response Policy for Section 313 of EPCRA.

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

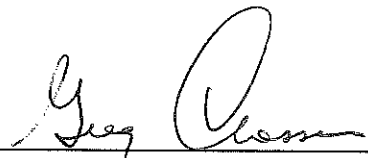
79. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

All Flex Flexible Circuits, LLC, Respondent


4-23-2015
Date



Greg Closser
President
All Flex Flexible Circuits, LLC

United States Environmental Protection Agency, Complainant

7/7/2015
Date




Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
All Flex Flexible Circuits, LLC
Docket No. EPCRA-05-2015-0019

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.

7-13-2015
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

In the matter of: All Flex Flexible Circuits, LLC
Docket Number: EPCRA-05-2015-0019

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing *Consent Agreement and Final Order*, which was filed on July 15, 2015, in the following manner to the addressees:

Copy by Certified Mail
Return-receipt:

All Flex Flexible Circuits, LLC
ATTN: Mr. Greg Closser
1705 Cannon Lane
Northfield, Minnesota 55057

Copy by E-mail to
Attorney for Complainant:

Padma Bending
Bending.padma@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

July 15, 2015



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2643 8456