



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 29 2013

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Chad Davidson  
Division 2 Manager Clyde Operations  
Revere Plastics Systems, LLC  
401 East Elm Street  
Clyde, Ohio 43410

Re: Revere Plastics Systems, LLC, Clyde, Ohio Consent Agreement and Final Order  
Docket No. EPCRA-05-2013-0023

Dear Mr. Davidson:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on August 29, 2013.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$61,756.50 in the manner prescribed in paragraph 105, and reference your check with the docket number EPCRA-05-2013-0023.

Your payments are due on September 30, 2013.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Kris Vezner, Associate Regional Counsel, at (312) 886-6827. Thank you for your assistance in resolving this matter.

Sincerely,

Michael E. Hans, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5



In the Matter of: ) Docket No.EPCRA-05-2013-0023  
)  
Revere Plastics Systems, LLC ) Proceeding to Assess a Civil Penalty Under  
Clyde, Ohio, ) Section 325(c)(1) and (c)(2) of the Emergency  
) Planning and Community Right-to-Know  
Respondent. ) Act of 1986

Consent Agreement and Final Order  
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c)(1) and (c)(2), 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, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Revere Plastics Systems, LLC a Delaware Limited Liability Company doing business in the State of Ohio.

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 the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations and alleged violations 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.

**Statutory and Regulatory Background**

9. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC) and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level. See 40 C.F.R. § 370.33.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the OSHA

to prepare or have available an MSDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower. See 40 C.F.R. § 370.40(a).

11. Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a), assist state and local committees in planning for emergencies and make information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

12. Federal Regulations at 29 C.F.R. § 1910.1200(b)(1), require all employers to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, an MSDS.

13. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term "hazardous chemical" has the meaning given such term by 29 U.S.C. § 1910.1200(c).

14. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

15. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 312. The Debt

Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$32,500 per day of violation that occurred after March 15, 2004 through January 12, 2009 and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

16. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for EPCRA 311 violations that occurred after March 15, 2004 through January 12, 2009 and to \$16,000 per day of violation for violations that occurred after January 12, 2009.

#### **Factual Allegations and Alleged Violations**

17. At all times relevant to this CAFO, Respondent was a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 401 East Elm Street, Clyde, Ohio (facility).

19. At all times relevant to this CAFO, Respondent was an employer at the facility.

20. At all times relevant to this CAFO, Respondent’s facility consisted of buildings, equipment, structures and other stationary items which were located on a single site or on contiguous or adjacent sites, and which were owned or operated by the same person (or by any person which controlled, was controlled by, or under common control with, such person).

21. At all times relevant to this CAFO, Respondent’s facility was a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

22. At all times relevant to this CAFO, the Ohio Environmental Protection Agency (“Ohio EPA”) was the SERC for Ohio under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

23. At all times relevant to this CAFO, the Sandusky County Emergency Management Agency (“Sandusky County EMA”) was the LEPC for Sandusky County, Ohio under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

24. At all times relevant to this CAFO, the Clyde Fire Department was the fire department with jurisdiction over the facility.

25. At all times relevant to this CAFO, lead-acid batteries were used at the facility for purposes including but not limited to operating material handling equipment.

26. At all times relevant to this CAFO, lead-acid batteries used at the facility contained sulfuric acid and lead.

#### **Respondent’s sulfuric acid obligations**

27. At all times relevant to this CAFO, sulfuric acid was classified as a health hazard and a physical hazard under OSHA regulations at 29 C.F.R. Part 1910.1200.

28. At all times relevant to this CAFO, sulfuric acid (CAS #7664-93-9) was a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

29. At all times relevant to this CAFO, sulfuric acid (CAS #7664-93-9) was an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

30. At all times relevant to this CAFO, sulfuric acid (CAS #7664-93-9) had a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

31. As of December 31, 2008, sulfuric acid was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

32. During at least one period of time in calendar year 2008, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

33. During at least one period of time in calendar year 2009, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

34. During at least one period of time in calendar year 2010, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

35. During at least one period of time in calendar year 2011, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

36. At all times relevant to this CAFO, OSHA required Respondent to prepare, or have available, an MSDS for sulfuric acid.

37. Section 311 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before March 31, 2009, an MSDS for sulfuric acid or a list including sulfuric acid.

38. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2009, for calendar year 2008.

39. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2010, for calendar year 2009.

40. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2011, for calendar year 2010.

41. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including sulfuric acid on or before March 1, 2012, for calendar year 2011.

**Respondent's lead obligations**

42. At all times relevant to this CAFO, lead was classified as a health hazard under OSHA regulations at 29 C.F.R. Part 1910.1200.

43. At all times relevant to this CAFO, lead (CAS #7439-92-1) was a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

44. At all times relevant to this CAFO, lead (CAS #7439-92-1) had a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

45. As of December 31, 2008, lead was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

46. During at least one period of time in calendar year 2008, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

47. During at least one period of time in calendar year 2009, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

48. During at least one period of time in calendar year 2010, lead was present at the facility in an amount equal to or greater than the minimum threshold level.



49. During at least one period of time in calendar year 2011, lead was present at the facility in an amount equal to or greater than the minimum threshold level.

50. At all times relevant to this CAFO, OSHA required Respondent to prepare, or have available, an MSDS for lead.

51. Section 311 of EPCRA required Respondent to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before March 31, 2009, an MSDS for lead or a list including lead.

52. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including lead on or before March 1, 2009, for calendar year 2008.

53. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including lead on or before March 1, 2010, for calendar year 2009.

54. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including lead on or before March 1, 2011, for calendar year 2010.

55. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form including lead on or before March 1, 2012, for calendar year 2011.

#### **Count 1**

#### **Failure to Submit Sulfuric Acid MSDS to Ohio EPA**

56. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

57. Respondent failed to submit an MSDS for sulfuric acid or a list including sulfuric acid to Ohio EPA on or before March 31, 2009.

58. Respondent submitted an MSDS for sulfuric acid or a list showing sulfuric acid to Ohio EPA on or about August 23, 2012.

59. Each day after March 31, 2009 on which Respondent failed to submit an MSDS or a list for sulfuric acid to Ohio EPA constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

### **Count 2**

#### **Failure to Submit Sulfuric Acid MSDS to Sandusky County EMA**

60. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

61. Respondent failed to submit an MSDS for sulfuric acid or a list including sulfuric acid to the Sandusky County EMA on or before March 31, 2009.

62. Respondent submitted an MSDS for sulfuric acid or a list showing sulfuric acid to the Sandusky County EMA on or about July 20, 2012.

63. Each day after March 31, 2009 on which Respondent failed to submit an MSDS or a list for sulfuric acid to the Sandusky County EMA constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

### **Count 3**

#### **Failure to Submit Sulfuric Acid MSDS to Clyde Fire Department**

64. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

65. Respondent failed to submit an MSDS for sulfuric acid or a list including sulfuric acid to the Clyde Fire Department on or before March 31, 2009.

66. Respondent submitted an MSDS for sulfuric acid or a list showing sulfuric acid to the Clyde Fire Department in or about July or August 2012.

67. Each day after March 31, 2009 on which Respondent failed to submit an MSDS or a list for sulfuric acid to the Clyde Fire Department constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

#### **Count 4**

##### **Failure to Submit Lead MSDS to Ohio EPA**

68. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

69. Respondent failed to submit an MSDS for lead or a list including lead to Ohio EPA on or before March 31, 2009.

70. Respondent submitted an MSDS for lead or a list showing lead to Ohio EPA on or about August 23, 2012.

71. Each day after March 31, 2009 on which Respondent failed to submit an MSDS or a list for lead to Ohio EPA constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

#### **Count 5**

##### **Failure to Submit Lead MSDS to Sandusky County EMA**

72. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

73. Respondent failed to submit an MSDS for lead or a list including lead to the Sandusky County EMA on or before March 31, 2009.

74. Respondent submitted an MSDS for lead or a list showing lead to the Sandusky County EMA on or about July 20, 2012.

75. Each day after March 31, 2009 on which Respondent failed to submit an MSDS or a list for lead to the Sandusky County EMA constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

#### **Count 6**

##### **Failure to Submit Lead MSDS to Clyde Fire Department**

76. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

77. Respondent failed to submit an MSDS for lead or a list including lead to the Clyde Fire Department on or before March 31, 2009.

78. Respondent submitted an MSDS for lead or a list showing lead to the Clyde Fire Department in or about July or August 2012.

79. Each day after March 31, 2009 on which Respondent failed to submit an MSDS or a list for lead to the Clyde Fire Department constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

#### **Count 7**

##### **Failure to Submit 2008 Tier I or Tier II Form to Emergency Authorities**

80. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

81. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2008 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department on or before March 1, 2009.

82. Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2008 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department in or about July through August 2012.

83. Each day after March 1, 2009 on which Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2008 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

#### **Count 8**

##### **Failure to Submit 2009 Tier I or Tier II Form to Emergency Authorities**

84. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

85. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2009 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department on or before March 1, 2010.

86. Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2009 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department in or about July through August 2012.

87. Each day after March 1, 2010 on which Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2009 including sulfuric

acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 9**

**Failure to Submit 2010 Tier I or Tier II Form to Emergency Authorities**

88. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

89. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2010 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department on or before March 1, 2011.

90. Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2010 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department in or about July through August 2012.

91. Each day after March 1, 2011 on which Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2010 including sulfuric acid and lead to Ohio EPA, the Sandusky County EMA and the Clyde Fire Department constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 10**

**Failure to Submit 2011 Tier I or Tier II Form to Ohio EPA**

92. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

93. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to Ohio EPA on or before March 1, 2012.

94. Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to Ohio EPA on or about August 23, 2012.

95. Each day after March 1, 2012 on which Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to Ohio EPA constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 11**

**Failure to Submit 2011 Tier I or Tier II Form to Sandusky County EMA**

96. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

97. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to the Sandusky County EMA on or before March 1, 2012.

98. Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to the Sandusky County EMA on or about July 20, 2012.

99. Each day after March 1, 2012 on which Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to the Sandusky County EMA constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 12**

**Failure to Submit 2011 Tier I or Tier II Form to Clyde Fire Department**

100. Complainant incorporates paragraphs 1 through 55 of this CAFO as if set forth in this paragraph.

101. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to the Clyde Fire Department on or before March 1, 2012.

102. Respondent submitted a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to the Clyde Fire Department in or about July or August 2012.

103. Each day after March 1, 2012 on which Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory Form for calendar year 2011 including sulfuric acid and lead to the Clyde Fire Department constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Civil Penalty**

104. Complainant has determined that an appropriate civil penalty to settle this action is \$61,756.50 for the EPCRA violations. 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 violation[s] and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive



Environmental Response Compensation and Liability Act, dated September 30, 1999  
(EPCRA/CERCLA Enforcement Response Policy).

105. Within 30 days after the effective date of this CAFO, Respondent must pay a \$61,756.50 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

for checks sent by express mail:

sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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 following: Revere Plastics Systems, LLC and the docket number of this CAFO.

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

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

James Entzminger (SC-5J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Kris Vezner (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

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

108. If Respondent does not timely pay 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. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

109. 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, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

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

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

112. Respondent certifies that it is complying with Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a).

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

114. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

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

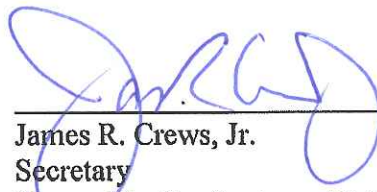
116. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

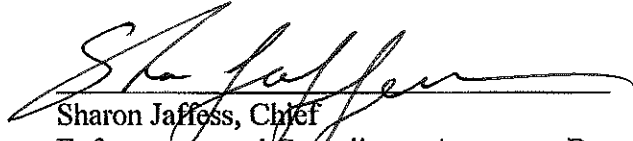
**Revere Plastics Systems, LLC, Respondent**

8/8/2013  
\_\_\_\_\_  
Date


  
\_\_\_\_\_  
James R. Crews, Jr.  
Secretary  
Revere Plastics Systems, LLC

U.S. Environmental Protection Agency, Complainant

8/23/13  
Date

  
Sharon Jaffess, Chief  
Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5

8-23-13  
Date

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

In the Matter of: Revere Plastics Systems, LLC, Clyde, Ohio  
Docket No. EPCRA-05-2013-0023

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.

8-27-13

Date



Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5



In the Matter of: **Revere Plastics systems, LLC, Clyde, Ohio**  
Docket No. **EPCRA-05-2013-0023**

**Certificate of Service**

I, James Entzminger, certify that I filed the original and a copy of the Consent Agreement and Final Order (CAFO) with the Regional Hearing Clerk, U. S. Environmental Protection Agency, Region 5, delivered a copy of the CAFO by intra-office mail to the Regional Judicial Officer, U.S. Environmental Protection Agency, Region 5, and mailed the second original CAFO by first-class, postage prepaid, certified mail, return receipt requested, to Respondent by placing it in the custody of the United States Postal Service addressed as follows:

Mr. Chad Davidson  
Division 2 Manager Clyde Operations  
Revere Plastics Systems, LLC  
401 East Elm Street  
Clyde, Ohio 43410

Heather Aley Austin, Attorney  
Thompson Hine, LLP  
3900 Key Center  
127 Public Square  
Cleveland, Ohio 44114



on the 29<sup>th</sup> day of August, 2013

A handwritten signature in blue ink that appears to read "Jh Entzminger".

James Entzminger  
U.S. Environmental Protection Agency  
Region 5