

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Maximilian Boel  
Name of Case Attorney

9/3/15  
Date

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

Case Docket Number TSCA 01-2015-0053

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:

Enpro Services, Inc.  
114 Bridge Road  
Salisbury, MA 01952

Total Dollar Amount of Receivable \$ 46,000.00

Due Date: 9/2/15

SEP due? Yes \_\_\_\_\_ No X Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 5<sup>th</sup> \$ \_\_\_\_\_ 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

RECEIVED

SEP 03 2015

EPA ORC  
Office of Regional Hearing Clerk

September 3, 2015

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

BY HAND

Re: *In the Matter of ENPRO Services, Inc.*  
Docket No. TSCA-01-2015-0053

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Max B".

Maximilian Boal  
Enforcement Counsel

Enclosure

cc: Jonathan Selden, Esq.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
BEFORE THE ADMINISTRATOR**

\_\_\_\_\_) )  
In the Matter of: ) )  
) )  
ENPRO Services, Inc. ) )  
114 Bridge Road ) )  
Salisbury, MA 01952 ) )  
) )  
ENPRO Services of Vermont, Inc. ) )  
54 Avenue D ) )  
Williston, Vermont 05495 ) )  
) )  
Respondents. ) )  
\_\_\_\_\_)

Docket No. 1-TSCA-01-2015-0053

**CONSENT AGREEMENT  
AND FINAL ORDER**

**RECEIVED**

**SEP 03 2015**

EPA ORC  
Office of Regional Hearing Clerk

Complainant, the United States Environmental Protection Agency (“EPA”), and Respondents, ENPRO Services, Inc. (“Respondent ENPRO”), and ENPRO Services of Vermont, Inc. (“Respondent EVI”) (both hereinafter referred to as “Respondents”) have agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter.

**I. PRELIMINARY STATEMENT**

1. EPA initiated this proceeding against Respondents pursuant to Section 16 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615.
2. The Complaint alleges that Respondent ENPRO violated Section 15 of TSCA, 15 U.S.C. § 2614, and the regulations promulgated thereunder at 40 C.F.R. Part 761, through

omissions and inaccuracies in a waste manifest for waste containing polychlorinated biphenyls (“PCBs”).

3. The Complaint alleges that Respondent EVI violated Section 15 of TSCA, 15 U.S.C. § 2614, and the regulations promulgated thereunder at 40 C.F.R. Part 761, through omissions and inaccuracies in a waste manifest for waste containing PCBs and for the export and distribution in commerce of PCBs.

4. The provisions of this CAFO shall apply to and be binding on the Complainant and on the Respondents, their officers, directors, agents, servants, employees, successors and assigns.

5. Respondents stipulate that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondents. Respondents waive any defenses they might have as to jurisdiction and venue and, without admitting or denying the factual and legal allegations contained in the Complaint, consent to the terms of this CAFO.

6. Respondents hereby waive their rights to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waive their rights to appeal the Final Order.

## **II. TERMS OF SETTLEMENT**

7. Respondents certify that they have corrected the alleged violations cited in this CAFO and that they are now operating in compliance with the requirements of TSCA and 40 C.F.R. Part 761.



8. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and taking into account the nature, circumstances, extent, and gravity of the violations, Respondents' culpability, the economic impact of the penalty upon the Respondents, and such other matters as justice may require, EPA has determined that an appropriate civil penalty to settle this action is in the amount of forty-six thousand dollars (\$46,000).

9. Without admitting or denying the factual allegations contained in the Complaint, Respondents consent to the issuance of this CAFO and consent to the payment of a civil penalty of \$46,000, which shall be due within thirty (30) calendar days of the effective date of this CAFO.

10. Respondents shall pay the penalty of \$46,000 within 30 days of the effective date of this CAFO in the manner described below:

- a. Payment shall be in a single payment of \$46,000 due within 30 calendar days of the effective date of this CAFO. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by U.S. Bank, as described below. Payment must be received by 11:00 A.M. Eastern Standard time to be considered as received that day.
- b. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall reference "*In the Matter of ENPRO Services, Inc.*, Consent Agreement and Final Order, EPA Region 1," Respondent's name and address, and the EPA Docket Number of this action (TSCA-01-2015-0053), shall be in the amount stated above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

**If remitted by regular U.S. mail:**

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center

P.O. Box 979077  
St. Louis, MO 63197-9000

**If remitted by any overnight commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101

**If remitted by wire transfer:** Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental Protection Agency"

**If remitted on-line with a debit card, credit card, or bank account transfer:**

No user name, password, or account number is necessary for this option. On-line payment can be accessed via [WWW.PAY.GOV](http://WWW.PAY.GOV), entering 1.1 in the form search box on the left side of the screen to access the EPA's Miscellaneous Payment Form, opening the form, following the directions on the screen and, after selecting "submit data," entering the relevant debit card, credit card, or bank account information.

- c. At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

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

and  
Maximilian Boal  
Enforcement Counsel

U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OES04-2  
Boston, MA 02109-3912  
boal.maximilian@epa.gov

11. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

12. All penalties, interest, and charges payable pursuant to this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

13. Respondents shall bear their own costs and attorneys' fees in connection with the action resolved by this CAFO and specifically waive any rights to recover such costs from other parties pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

14. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, for the violation alleged in the Complaint.



Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondents to comply with such laws and regulations.

15. This CAFO in no way relieves Respondents or their employees of any criminal liability. Nothing in the CAFO shall be construed to limit the authority of the United States to undertake any action against Respondents in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondents' violation of this CAFO or Respondents' violation of the statutes and regulations upon which this agreement is based, or for Respondents' violation of applicable provision of law.

16. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

17. This CAFO does not constitute a waiver, suspension, or modification of the requirements of TSCA, 15 U.S.C. § 2601 *et seq.*, or any regulations promulgated thereunder.

18. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.



**For Respondent ENPRO Services, Inc.:**

David A. Cowie

Name: David A. Cowie  
Title: Chief Operating Officer  
ENPRO Services, Inc.

08/27/2015

Date

**For Respondent ENPRO Services of Vermont, Inc.:**

David A. Cowie

Name: David A. Cowie  
Title: President  
ENPRO Services of Vermont, Inc.

08/27/2015

Date

**For Complainant:**


Joanna Jerison  
Joanna Jerison A. Zucker for  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
Region I

9/2/2015  
Date

### **III. FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondents, ENPRO Services, Inc. and ENPRO Services of Vermont, Inc. are hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

Date: 9/3/15

  
\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. Environmental Protection Agency, Region I

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

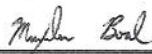
In the Matter of:	)	
	)	
ENPRO Services, Inc.	)	Docket No. 1-TSCA-01-2015-0053
114 Bridge Road	)	
Salisbury, MA 01952	)	
	)	
ENPRO Services of Vermont, Inc.	)	
54 Avenue D	)	
Williston, Vermont 05495	)	
	)	
Respondents.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and One Copy, Hand Delivered:	Wanda Santiago Regional Hearing Clerk U.S. Environmental Protection Agency, Region 1 5 Post Office Square, Suite 100, Mail Code: ORA 18-1 Boston, MA 02109-3912
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Copy, Certified Mail, Return Return Receipt Requested:	Jonathan Selden, Corporate Counsel ENPRO Services, Inc. (TMC Environmental) 19 National Drive Franklin, MA 02038
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Dated: <u>9-3-2015</u>	 _____ Maximilian Boal Enforcement Counsel (OES) U.S. Environment Protection Agency, Region 1 5 Post Office Square, Suite 100, Mail Code: OES04-2 Boston, MA 02109-3912
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