



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

FEB 07 2017

REPLY TO THE ATTENTION OF

LC- 8J

CERTIFIED MAIL: No. N/A JW
RETURN RECEIPT REQUESTED

Mr. Anil Patel
President
Galaxy Circuits, Inc.
383 Randy Road
Carol Stream, Illinois 60188

Consent Agreement and Final Order in the Matter of
Galaxy Circuits, Inc., Docket No EPCRA-05-2017-0003

Mr. Patel:

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 2/7/2017, with the Regional Hearing Clerk.

The civil penalty in the amount of \$16,090 is to be paid in the manner described in paragraph 48. Please be certain that the docket number is written on both the transmittal letter and the on the payment check.

Thank you for your cooperation in resolving this matter.

Sincerely,

Meghan Dunn
Pesticides and Toxics Compliance Section

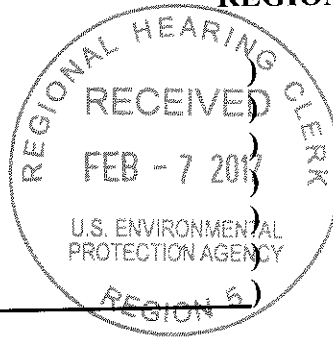
Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Galaxy Circuits, Inc.
Carol Stream, Illinois,

Respondent.



Docket No. EPCRA-05-2017-0003

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 Galaxy Circuits, Inc., a corporation doing business in the State of Illinois.
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 neither admits nor denies 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 40 C.F.R. §§ 372.25 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. As set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.28, the reporting threshold amount for lead manufactured, processed or otherwise used at a facility is 100 pounds for calendar years including and subsequent to 2001.

13. 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 that 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

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

15. Respondent owned or operated a facility located at 383 Randy Road, Carol Stream, Illinois during the calendar years 2011 through 2014.

16. Respondent's facility consists of buildings, equipment and structures and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned by the same person, entity, or corporation.

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. During the calendar years 2011, 2012, 2013, and 2014, Respondent employed at its

facility the equivalent of at least 10 employees with total paid hours equal to or more than 20,000 hours per calendar year.

19. Respondent's facility is covered by NAICS code 334412, a covered NAICS code as defined at 40 C.F.R. § 372.23.

20. As detailed below, during the calendar years 2011, 2012, 2013 and 2014, Respondent "manufactured" and "processed," as defined by 40 C.F.R. § 372.3, toxic chemicals identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65, in quantities exceeding the thresholds for reporting set forth at Section 313(f) and at 40 C.F.R. § 372.25.

21. On July 21, 2015, a representative of EPA inspected Respondent's facility.

Count 1

22. Complainant incorporates paragraphs 1 through 21 of the CAFO as if set forth in this paragraph.

23. During calendar year 2014, Respondent's facility manufactured and processed, as that term is defined at 40 C.F.R. § 372.3, copper compounds, Chemical Category N100, listed under 40 C.F.R. § 372.65, in the amount of 79,000 pounds, 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.

24. Respondent was required to submit to the Administrator of EPA and to Illinois a Form R for copper compounds for calendar year 2014 by July 1, 2015.

25. Respondent did not submit to the Administrator of EPA and to Illinois a Form R for copper compounds for calendar year 2014 by July 1, 2015.

26. Respondent submitted Form R for copper compounds to the Administrator of EPA

and to Illinois on July 21, 2015 for calendar year 2014.

27. Respondent's failure to submit timely a Form R for copper compounds to the Administrator of EPA and to Illinois for calendar year 2014 violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count 2

28. Complainant incorporates paragraphs 1 through 21 of the CAFO as if set forth in this paragraph.

29. During calendar year 2013, Respondent's facility manufactured and processed, as that term is defined at 40 C.F.R. § 372.3, copper compounds, Chemical Category N100, listed under 40 C.F.R. § 372.65, in the amount of approximately 82,291 pounds, 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 Illinois a Form R for copper compounds for calendar year 2013 by July 1, 2014.

31. Respondent did not submit to the Administrator of EPA and to Illinois a Form R for copper compounds for calendar year 2013 by July 1, 2014.

32. Respondent submitted Form R for copper compounds to the Administrator of EPA and to Illinois for calendar year 2013 on July 21, 2015.

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

Count 3

34. Complainant incorporates paragraphs 1 through 21 of the CAFO as if set forth in

this paragraph.

35. During calendar year 2012, Respondent's facility manufactured and processed, as that term is defined at 40 C.F.R. § 372.3, copper compounds, Chemical Category N100, listed under 40 C.F.R. § 372.65, in the amount of approximately 86,622 pounds, 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.

36. Respondent was required to submit to the Administrator of EPA and to Illinois a Form R for copper compounds for calendar year 2012 by July 1, 2013.

37. Respondent did not submit to the Administrator of EPA and to Illinois a Form R for copper compounds for calendar year 2012 by July 1, 2013.

38. Respondent submitted Form R for copper compounds to the Administrator of EPA and to Illinois for calendar year 2012 on July 20, 2015.

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

Count 4

40. Complainant incorporates paragraphs 1 through 21 of the CAFO as if set forth in this paragraph.

41. During calendar year 2011, Respondent's facility manufactured and processed, as that term is defined at 40 C.F.R. § 372.3, copper compounds, Chemical Category N100, listed under 40 C.F.R. § 372.65, in the amount of approximately 78,747 pounds, 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.

42. Respondent was required to submit to the Administrator of EPA and to Illinois a Form R for copper compounds for calendar year 2011 by July 1, 2012.

43. Respondent did not submit to the Administrator of EPA and to Illinois a Form R for copper compounds for calendar year 2011 by July 1, 2012.

44. Respondent submitted Form R for copper compounds to the Administrator of EPA and to Illinois for calendar year 2011 on July 20, 2015.

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

Civil Penalty

46. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, Complainant determined that an appropriate civil penalty to settle this action is \$16,090. 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, 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).

47. Respondent agrees to pay a civil penalty of \$16,090 for the violations set forth above.

48. Within 30 days after the effective date of this CAFO, Respondent must pay a \$16,090 civil penalty for the EPCRA violations by 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, Missouri 63101

The check must note "Galaxy Circuits, Inc." and the docket number of this CAFO.

49. Respondent must send a notice of payment that states Respondent's name, complete address 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

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

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

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

51. If Respondent does not timely pay the civil penalty 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.

52. 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.

General Provisions

53. 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: daugavietis.andre@epa.gov (for Complainant), and anil@galaxycircuits.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

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

55. 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.

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

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

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

59. 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.

60. Each party agrees to bear its own costs and attorneys fees in this action.

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

Galaxy Circuits, Inc., Respondent

1/10/17
Date

Anil Patel
Anil Patel
President
Galaxy Circuits, Inc.

United States Environmental Protection Agency, Complainant

January 30, 2017
Date

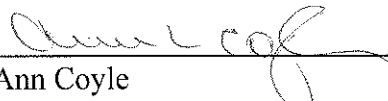
Margaret M. Guerriero Ignacio L. Arrazola
Acting Director
Land and Chemicals Division

In the Matter of:
Galaxy Circuits, Inc.
Docket No. EPCRA-05-2017-0003

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.

February 3, 2017
Date



Ann Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the matter of: Galaxy Circuits, Inc.
Docket Number: EPCRA-05-2017-0003

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 2/7/2017, in the following manner to the addressees:

Copy by Certified Mail
Return-receipt:

Mr. Anil Patel
President
Galaxy Circuits, Inc.
383 Randy Road
Carol Stream, Illinois 60188
anil@galaxycircuits.com

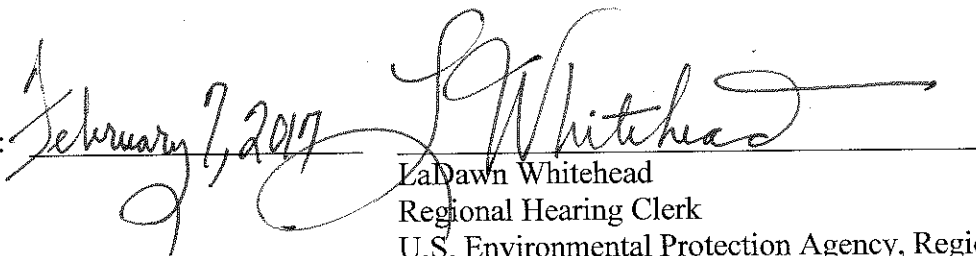
Copy by E-mail to
Attorney for Complainant:

Andre Daugavietis
daugavietis.andre@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

February 7, 2017


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

CERTIFIED MAIL RECEIPT NUMBER: N/A