

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven C. Schlang 12/21/10  
Name of Case Attorney Date

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

Case Docket Number RCRA-01-2010-0026

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:

Hudson Color Concentrates, a division of  
L & A Molding Corporation  
50 Francis Street  
Leominster, MA 01453

Total Dollar Amount of Receivable \$ 17,409 Due Date: 1/20/11

SEP due? Yes  No  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 I

RECEIVED  
DEC 21 2010  
EPA ORC  
Office of Regional Hearing Clerk

\_\_\_\_\_  
In the Matter of: )  
Hudson Color Concentrates, )  
a division of )  
L & A Molding Corporation )  
50 Francis Street )  
Leominster, MA 01453, )  
Respondent )

EPA Docket Number  
RCRA-01-2010-0026

CONSENT AGREEMENT AND  
FINAL ORDER

EPA I.D. No. MAC300012440 )

Proceeding under Section )  
3008(a) of the Resource )  
Conservation and Recovery )  
Act, 42 U.S.C. § 6928(a) )  
\_\_\_\_\_ )

Complainant, United States Environmental Protection Agency, Region 1 ("EPA"), having filed a civil administrative Complaint on September 1, 2010, against Respondent, Hudson Color Concentrates, Inc., a division of L&A Molding Corporation ("Respondent" or "Hudson Color"); and,

Complainant and Respondent (the "Parties") having 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 settling this matter;

NOW THEREFORE, before the taking of any testimony, without any adjudication of

issues of law or fact herein, and upon consent and agreement of the Parties it is hereby ordered and adjudged as follows:

**I. PRELIMINARY STATEMENT**

1. EPA initiated this proceeding for the assessment of a civil penalty pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, by filing the above-mentioned Complaint.

2. The Complaint alleges that Respondent violated Subtitle C of RCRA, Section 3002, 42 U.S.C. § 6922, 40 C.F.R. Part 262, Massachusetts General Laws Chapter 21C, and the federally-authorized state regulations set forth at Title 310 of the Code of Massachusetts Regulations ("C.M.R.") § 30.000 *et seq.*, with respect to the Respondent's facility located at 50 Francis Street, Leominster, Massachusetts ("Facility").

3. Based upon observations made during an EPA inspection on September 22, 2009, the Complaint specifically alleges that Respondent failed to: (a) conduct adequate hazardous waste determinations; (b) manage universal waste to prevent release of mercury; and (c) mark accumulation dates on containers of stored universal wastes.

4. Respondent stipulates 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. Respondent waives any defenses it might have as to jurisdiction and venue.

5. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order accompanying this Consent Agreement.

6. This CAFO shall apply to and be binding upon Hudson Color, its officers, directors, agents, successors and assigns.

## II. TERMS OF SETTLEMENT

7. Hudson Color hereby certifies that the Facility is in compliance with RCRA, the federal regulations promulgated thereunder, M.G.L. Chapter 21C and the Massachusetts rules governing the generation, storage and disposal of hazardous waste at the Facility.

8. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), in light of the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is seventeen thousand, four hundred and nine dollars (\$17,409).

9. Without admitting or denying the factual and legal allegations in the Complaint, Respondent consents to the issuance of this CAFO and consents to the payment of the civil penalty cited in the foregoing paragraph.

10. Hudson Color shall pay the penalty of \$17,409 within thirty (30) days of the effective date of the Final Order. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this Consent Agreement and Final Order is filed with the Regional Hearing Clerk.

**In the Matter of Hudson Color Concentrates,  
a division of L&A Molding Corporation  
Docket No. RCRA-01-2010-0026**

11. Payment of the civil penalty, and any interest thereon, shall be made by certified or cashier's check payable to the "Treasurer, United States of America," including a notation of the case name and docket number. Respondent shall send this check to:

United States Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, MO 63197-9000

and shall provide copies of the check to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 1  
Mailcode - ORA18-1  
Five Post Office Square, Suite 100  
Boston, MA 02109-3912

and

Steven C. Schlang, Esq.  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
Region 1  
Mailcode – OES04-4  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

12. Failure by Respondent to pay the penalty (\$17,409) in full by the due date shall subject the Respondent to a penalty of \$200 per day ("nonpayment penalty") until the full penalty amount, plus interest at current prevailing rates from the effective date of this CAFO, is received by EPA.

13. Pursuant to 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 costs of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or nonpayment penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. See 31 C.F.R. § 901.9(d).

14. The penalties under Paragraphs 10 and 12 above and/or charges described in Paragraph 13 above, and any interest, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal, state, or local taxes.

15. This CAFO constitutes a settlement by EPA of the claims set forth in the EPA complaint for civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). As such, this CAFO resolves civil liability for those violations alleged in the Complaint up to the date of the filing of the Complaint. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of Respondent. Compliance with this CAFO shall not be a defense to any actions unrelated to the violations alleged in the EPA Complaint and subsequently commenced pursuant to Federal laws and regulations administered

by EPA, and it is the responsibility of Respondent to comply with such laws and regulations.

Nothing in this Consent Agreement shall be construed as limiting the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment.

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 CAFO and to execute and legally bind that party to it.

17. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

18. Respondent acknowledges that it has been informed of its rights to request a hearing in this proceeding, and hereby waives its rights to a judicial or administrative hearing on any issue of law or fact set forth in this Consent Agreement.

For Respondent:



Lloyd Watt, CEO/President  
Hudson Color Concentrates,  
a division of L&A Molding Corporation

Date: 12/16/10

In the Matter of Hudson Color Concentrates,  
a division of L&A Molding Corporation  
Docket No. RCRA-01-2010-0026

For EPA:



Joanna B. Jerison  
Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA-Region 1

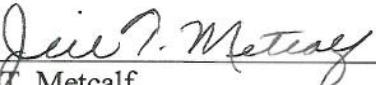
Date: 12/21/10



**In the Matter of Hudson Color Concentrates,  
a division of L&A Molding Corporation  
Docket No. RCRA-01-2010-0026**

**ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. Central Metal is hereby ordered to comply with the terms of the above Consent Agreement, which is effective when it is filed with the Regional Hearing Clerk.

  
\_\_\_\_\_  
Jill A. Metcalf  
Acting Regional Judicial Officer  
U.S. EPA, Region I

  
\_\_\_\_\_  
Date

MEMORANDUM

To: Jill T. Metcalf  
Acting Regional Judicial Officer

From: Steven Schlang  
Senior Enforcement Counsel

Re: Consent Agreement and Final Order  
In the Matter of: Hudson Color Concentrates, a division of L&A Molding Corporation  
Docket No. RCRA-01-2010-0026

Date: December 21, 2010

This memo transmits for your signature a Consent Agreement and Final Order in the matter of Hudson Color Concentrates ("Hudson"), resolving alleged violations of Subtitle C of RCRA, Section 3002, 42 U.S.C. § 6922, 40 C.F.R. Part 262, Massachusetts General Laws Chapter 21C and the federally-authorized state regulations set forth at Title 310 of the Code of Massachusetts Regulations ("C.M.R.") § 30.000 et seq.

The CAFO resolves an enforcement action based on allegations that Hudson violated RCRA by failing to: (a) conduct adequate hazardous waste determinations; (b) manage universal waste to prevent release of mercury; and (c) mark accumulation dates on containers of stored universal wastes. Accordingly, EPA brought an administrative action on September 1, 2010, seeking compliance and a proposed penalty of \$66,260 for violations of Section 3002 of RCRA.

In light of case-specific facts and EPA's RCRA Civil Penalty Policy, EPA has determined that \$17,409 was an appropriate penalty for the violations.

This settlement comports with applicable EPA policy and guidance, including the RCRA Civil Penalty Policy, dated June 2003.

cc: Susan Bernstein, Esq.

In the Matter of: Hudson Color Concentrates, a division of L&A Molding Corporation  
Docket Number RCRA-01-2010-0026

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DEC 21 2010  
EPA ORG WS  
Office of Regional Hearing Clerk

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 (RAA)  
U.S. EPA, Region I  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

Copy by Certified Mail-  
Return Receipt Requested

Susan A. Bernstein, Esq.  
200 Highland Avenue, Suite 306  
Needham, MA 02494

Date:

12/21/10



Steven C. Schlang  
Office of Environmental Stewardship U.S.  
Environmental Protection Agency  
Region I  
Five Post Office Square, Suite 100  
Mail Code OES04-4  
Boston, MA 02109-3219  
tel: (617) 918-1773  
fax: (617) 918-0773