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**\*\*FILED\*\***  
**24 SEP 2021**  
**U.S. EPA - REGION IX**

8 SYLVIA QUAST  
9 Regional Counsel

10 UNITED STATES  
11 ENVIRONMENTAL PROTECTION AGENCY  
12 REGION 9

13 **In the Matter of:**

**Docket No. TSCA-09-2021-0062**

14 **Oreq Corporation,**

**CONSENT AGREEMENT AND FINAL  
ORDER PURSUANT TO 40 C.F.R.  
§§ 22.13 AND 22.18**

15 **Respondent.**

16 **CONSENT AGREEMENT**

17 The United States Environmental Protection Agency (“EPA”), Region 9, and Oreq  
18 Corporation (“Respondent”) agree to settle this matter and consent to the entry of this  
19 Consent Agreement (“CAFO”), which simultaneously commences and concludes this  
20 matter in accordance with 40 C.F.R. §§ 22.13 and 22.18.  
21

22 **I. AUTHORITY, JURISDICTION AND PARTIES**

23  
24 1. This is a civil administrative penalty assessment proceeding initiated against Respondent  
25 pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a),  
26 for violation of Section 15(3)(B) of TSCA, 15 U.S.C. §2614(3)(B), and federal regulations  
27 promulgated to implement Section 8(a) of TSCA, 15 U.S.C. §2607(a), at 40 C.F.R. Part 711.  
28

In the Matter of: Oreq Corporation  
Consent Agreement and Final Order - 1

1 2. Complainant is the Manager, Toxics Section, Enforcement and Compliance Assurance  
2 Division, EPA, Region 9, who has been duly delegated the authority to bring and settle civil  
3 administrative penalty proceedings under TSCA.  
4

5 3. Respondent is a California corporation engaged in manufacturing pool and spa products  
6 and fabricating sheet metal products.

## 7 **II. STATUTORY AND REGULATORY AUTHORITY**

8 4. Section 8(a)(1)(A) of TSCA, 15 U.S.C. § 2607(a)(1)(A), provides that the EPA  
9 Administrator shall promulgate rules under which each person (other than a small manufacturer  
10 or processor) who manufactures or processes or proposes to manufacture or process a chemical  
11 substance shall maintain such records, and shall submit to the Administrator such reports, as the  
12 Administrator may reasonably require.  
13

14 5. 40 C.F.R. Part 711, entitled the TSCA Chemical Data Reporting Requirements, specifies  
15 reporting and recordkeeping procedures under TSCA Section 8(a) for certain manufacturers  
16 activities associated with the periodic update of information on a subset of the chemical  
17 substances included on the TSCA Inventory.  
18

19 6. 40 C.F.R. § 711.8(a) provides that, for submission periods subsequent to the 2012  
20 submission period, any person who manufactured (including imported) for commercial purposes  
21 25,000 lbs (11,340 kg) or more of a chemical substance described in § 711.5 at any single site  
22 owned or controlled by that person during any calendar year since the last principal reporting  
23 year is a person who must report under Part 711. For example, for the 2016 submission period, a  
24 subject person must report for calendar years 2012, 2013, 2014 and 2015, given that 2011 was  
25 the last principal reporting year.  
26

27 7. 40 C.F.R. § 711.5 provides that any chemical substance that is in the Master Inventory  
28

1 File at the beginning of a submission period must be reported unless excluded by § 711.6.

2 8. “Master Inventory File” means EPA’s comprehensive list of chemical substances which  
3 constitutes the TSCA Inventory compiled under TSCA Section 8(b). 40 C.F.R. § 711.3.

4 9. “Person” means, *inter alia*, any individual, firm, company, corporation, joint venture,  
5 partnership, sole proprietorship, association, or any other business entity; and any State or  
6 political subdivision thereof. 40 C.F.R. § 704.3.

7 10. “Import for commercial purposes” means to import with the purpose of obtaining an  
8 immediate or eventual commercial advantage for the importer, and includes the importation of  
9 any amount of a chemical substance or mixture. 40 C.F.R. § 704.3

10 11. “Manufacture for commercial purposes” means to manufacture, produce, or import with  
11 the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer,  
12 and includes, *inter alia*, the manufacture of any amount of a chemical substance or mixture for  
13 commercial distribution, including test marketing, or for use by the manufacturer, including use  
14 for product research and development, or as an intermediate. 40 C.F.R. § 704.3.

15 12. “Site” means a contiguous property unit. More than one manufacturing plant may be  
16 located on a single site. The “site” for a person who imports a chemical substance described in  
17 §711.5 is the U.S. site of the operating unit within the person's organization that is directly  
18 responsible for importing the chemical substance. 40 C.F.R. § 711.3.

19 13. “Principal reporting year” means the latest complete calendar year preceding the  
20 submission period. 40 C.F.R. § 711.3.

21 14. 40 C.F.R. § 711.20 provides that all information reported to EPA in response to the  
22 requirements of this part must be submitted during an applicable submission period. The 2016  
23 CDR submission period is from June 1, 2016 to October 31, 2016.

1 15. 40 C.F.R. § 711.15 provides that, for the submission periods subsequent to the 2012  
2 submission period, any person who must report under this part, as described in § 711.8, must  
3 submit the information described in this section for each chemical substance described in § 711.5  
4 that the person manufactured (including imported) for commercial purposes in an amount of  
5 25,000 lbs (11,340 kgs) or more at any one site during any calendar year since the principal  
6 reporting year. Therefore, for the 2016 submission period, a subject person must report for  
7 calendar years 2012, 2013, 2014 and 2015 because 2015 was the last principal reporting year.  
8

9 16. 40 C.F.R. § 711.15(a) provides that any person who reports information to EPA must do  
10 so using the e-CDR web reporting tool provided by EPA at the address set forth in §711.35 and  
11 must submit a separate Form U for each site for which the person is required to report.  
12

13 17. TSCA Section 15(3)(B), 15 U.S.C. § 2614(3)(B), states that it unlawful for any person to  
14 fail or refuse to submit reports, notices or other information required by TSCA or a rule  
15 thereunder.  
16

17 18. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the Civil Monetary Penalty Inflation  
18 Adjustment Rule at 40 C.F.R. Part 19, which implements the Federal Civil Penalties Inflation  
19 Adjustment Act of 1990, Pub. L. 101-410, authorize civil penalties not to exceed \$41,056 per  
20 day for each violation of Section 15 of TSCA that occurred after December 23, 2020.  
21

### 22 **III. ALLEGATIONS**

23 19. At all times relevant to this CAFO, Respondent was a “person” as that term is defined at  
24 40 C.F.R. § 704.3.

25 20. At all times relevant to this CAFO, Respondent operated a “site,” as defined at 40 C.F.R.  
26 § 711.3, located at 42306 Remington Avenue, Temecula, CA 92590 (“Temecula Site”).  
27

28 21. During calendar years 2014 and 2015, Respondent “import[ed] for commercial

1 purposes,” as defined at 40 C.F.R. § 704.3, more than 25,000 lbs of cyanuric acid (CAS#: 108-  
2 80-5) to the Temecula Site.

3 22. Cyanuric acid (CAS#: 108-80-5) is a chemical substance that was in the Master Inventory  
4 File at the beginning of the 2016 CDR submission period, as described by 40 C.F.R. § 711.5.

5 23. Pursuant to 40 C.F.R. §§ 711.8, 711.15 and 711.20, between June 1, 2016 and October 1,  
6 2016, Respondent was required to submit a Form U to EPA reporting the chemical substance,  
7 cyanuric acid (CAS#: 108-80-5), imported for commercial purposes to the Temecula Site during  
8 calendars year 2014 and 2015.

9 24. Between June 1, 2016 and October 1, 2016, Respondent failed to submit a Form U to  
10 EPA reporting the chemical substance, cyanuric acid (CAS#: 108-80-5), imported for  
11 commercial purposes to the Temecula Site during calendars year 2014 and 2015.

12 25. Respondent’s failure to timely submit a Form U to EPA reporting the chemical substance,  
13 cyanuric acid (CAS#: 108-80-5), imported for commercial purposes to the Temecula Site during  
14 the 2016 CDR submission period, constitutes one violation of 40 C.F.R. §§ 711.8, 711.15 and  
15 711.20, and TSCA Section 15(3)(B).

#### 16 **IV. RESPONDENT’S ADMISSIONS**

17 26. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,  
18 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over  
19 Respondent; (ii) neither admit nor deny the specific factual allegations contained in Section III of  
20 this CAFO; (iii) consents to the terms of this CAFO, including the assessment of the civil  
21 administrative penalty under Section V of this CAFO; (iv) waives any right to contest the  
22 allegations contained in Section III of this CAFO; and (v) waives the right to appeal the proposed  
23 Final Order contained in this CAFO.

1 **V. CIVIL ADMINISTRATIVE PENALTY**

2 27. Respondent agrees to the assessment of a penalty in the amount of TWENTY-THREE  
3 THOUSAND, FOUR HUNDRED FIFTY-THREE DOLLARS (\$23,453) as final settlement of  
4 the civil claims against Respondent arising under the TSCA as alleged in Section III of this  
5 CAFO.  
6

7 28. Respondent shall pay the assessed penalty no later than thirty (30) days after the effective  
8 date of the CAFO. The assessed penalty shall be paid by certified or cashier's check, payable to  
9 "Treasurer, United States of America," or paid by one of the other methods listed below and sent  
10 as follows:  
11

12 Regular Mail:  
13 U.S. Environmental Protection Agency  
14 Fines and Penalties  
15 Cincinnati Finance Center  
16 PO Box 979077  
17 St. Louis, MO 63197-9000

18 Wire Transfers:  
19 Wire transfers must be sent directly to the Federal Reserve Bank in New York  
20 City with the following information:  
21 Federal Reserve Bank of New York  
22 ABA = 021030004  
23 Account = 68010727  
24 SWIFT address = FRNYUS33  
25 33 Liberty Street  
26 New York, NY 10045  
27 Field Tag 4200 of the Fedwire message should read "D 68010727  
28 Environmental Protection Agency"

29 Overnight Mail:  
30 U.S. Bank  
31 1005 Convention Plaza  
32 Mail Station SL-MO-C2GL  
33 ATTN Box 979077  
34 St. Louis, MO 63101

35 ACH (also known as REX or remittance express):

1 US Treasury REX/Cashlink ACH Receiver ABA = 051036706  
2 Account Number: 310006, Environmental Protection Agency  
3 CTX Format Transaction Code 22 - checking  
4 Physical location of US Treasury Facility  
5 5700 Rivertech Court  
6 Riverdale, MD 20737  
7 Remittance Express (REX) 1-866-234-5681

8 On Line Payment:

9 This payment option can be accessed from the information below:

10 [www.pay.gov](http://www.pay.gov)

11 Enter "sfo1.1" in the search field

12 Open form and complete required fields

13 If clarification regarding a particular method of payment remittance is needed,  
14 contact the EPA Cincinnati Finance Center at 513-487-2091

15 29. Concurrently, a copy of the check or notification that the payment has been made by one  
16 of the other methods listed above, including proof of the date payment was made, shall be  
17 emailed with a transmittal letter indicating Respondent's name, the case title, and the docket  
18 number to the following addressees:

19 Regional Hearing Clerk  
20 [R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov)

21 Aisha Kennedy  
22 [Kennedy.Aisha@epa.gov](mailto:Kennedy.Aisha@epa.gov)

23 30. Payment of the above civil administrative penalty shall not be used by Respondent or any  
24 other person as a tax deduction from Respondent's federal, state, or local taxes.

25 31. If Respondent fails to pay the assessed civil administrative penalty specified in Paragraph  
26 27 by the deadline specified in Paragraph 28, then Respondent shall pay to EPA a stipulated  
27 penalty of \$1,000 per day in addition to the assessed penalty. Stipulated penalties shall accrue  
28 until such time as the assessed penalty and all accrued stipulated penalties are paid and shall  
become due and payable upon written request by EPA. In addition, failure to pay the civil  
administrative penalty by the deadline specified in Paragraph 28 may lead to any or all of the

1 following actions:

2 a. The debt being referred to a credit reporting agency, a collection agency, or to the  
3 Department of Justice for filing of a collection action in the appropriate United States District  
4 Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity,  
5 amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to  
6 review.  
7

8 b. The debt being collected by administrative offset (i.e., the withholding of money payable  
9 by the United States to, or held by the United States for, a person to satisfy the debt the  
10 person owes the Government), which includes, but is not limited to, referral to the Internal  
11 Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.  
12

13 c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend  
14 or disqualify Respondent from doing business with EPA or engaging in programs EPA  
15 sponsors or funds. 40 C.F.R. § 13.17.  
16

17 d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13, interest,  
18 penalties charges, and administrative costs will be assessed against the outstanding amount  
19 that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty  
20 by the deadline specified in Paragraph 31. Interest will be assessed at an annual rate that is  
21 equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax  
22 and loan account rate) as prescribed and published by the Secretary of the Treasury in the  
23 Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R.  
24

25 § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40

26 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue  
27 debt will be based on either actual or average cost incurred, and will include both direct and  
28

1 indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another  
2 department or agency (e.g., the Department of Justice, the Internal Revenue Service), that  
3 department or agency may assess its own administrative costs, in addition to EPA's  
4 administrative costs, for handling and collecting Respondent's overdue debt.  
5

## 6 **VI. RESPONDENT'S CERTIFICATION**

7 32. In executing this CAFO, Respondent certifies that it is now fully in compliance with the  
8 40 C.F.R. Part 711.

## 9 **VII. RETENTION OF RIGHTS**

10 33. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability  
11 for federal civil penalties for the violations and facts specifically alleged in Section III of this  
12 CAFO. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability  
13 for violations of any provision of any federal, state, or local law, statute, regulation, rule,  
14 ordinance, or permit not specifically alleged in Section III of this CAFO; or (ii) any criminal  
15 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it  
16 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address  
17 any violation of this CAFO or any violation not specifically alleged in Section III of this CAFO.  
18 This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply  
19 with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.  
20  
21  
22

## 23 **VIII. ATTORNEYS' FEES AND COSTS**

24 34. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this  
25 proceeding.

## 26 **IX. EFFECTIVE DATE**

27 35. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective  
28



1 **FINAL ORDER**

2 Complainant and Respondent, having entered into the foregoing Consent Agreement,

3 IT IS HEREBY ORDERED that this CAFO (Docket No. TSCA-09-2021-0062) be  
4 entered, and that Respondent shall pay a civil administrative penalty in the amount of TWENTY-  
5 THREE THOUSAND, FOUR HUNDRED FIFTY-THREE DOLLARS (\$23,453) and comply  
6 with the terms and conditions set forth in the Consent Agreement. This Consent Agreement and  
7 Final Order shall become effective upon filing.  
8

9  
10 September 23, 2021

11 DATE



12 BEATRICE WONG  
13 Regional Judicial Officer  
14 U.S. Environmental Protection Agency,  
15 Region 9  
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**CERTIFICATE OF SERVICE**

This is to certify that a Consent Agreement and Final Order in the matter of *Oreq Corporation* (TSCA-09-2021-0062) was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent to the following parties:

FOR RESPONDENT:            Via Electronic Mail

Jess Hetzner, President  
Oreq Corporation  
42306 Remington Avenue  
Temecula, CA 92590  
jess@oreqcorp.com

FOR COMPLAINANT:        Via Electronic Mail

Brian Riedel  
Assistant Regional Counsel  
U.S. EPA, Region IX  
Riedel.Brian@epa.gov

Date: \_\_\_\_\_

\_\_\_\_\_  
Steven Armsey  
Regional Hearing Clerk  
EPA - Region IX