

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for William Chin
Name of Case Attorney

6/11/10
Date

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

Case Docket Number TSCA-01-2009-0101

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:

PropSys Inc.
55 Lisbon St.
Suite 2100
Lewiston, ME 04240

Total Dollar Amount of Receivable \$ _____ Due Date: _____

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1ST \$ _____ on _____

2nd \$ _____ on _____

3rd \$ _____ on _____

4th \$ _____ on _____

5th \$ _____ 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

RECEIVED
JUN 10 2010
EPA ORC
Office of Regional Hearing Clerk

In the Matter of:)	
)	
PropSys Inc.)	Docket No.
55 Lisbon Street)	TSCA-01-2009-0101
Suite 2100)	
Lewiston, Maine 04240)	
)	
Respondent)	CONSENT AGREEMENT
)	AND FINAL ORDER
)	
Proceeding under Section 16(a) of the)	
Toxic Substances Control Act,)	
42 U.S.C. § 2615(a).)	

CONSENT AGREEMENT

1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and in accordance with 40 C.F.R. § 22.18 of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

I. INTRODUCTION

2. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, initiated this proceeding against Respondent, PropSys Inc.. (“PropSys”), by issuing a Complaint and Notice of Opportunity for Hearing (“Complaint”), pursuant to Section 16(a) of TSCA, on September 23, 2009.

3. The complete factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint.

II. TERMS OF SETTLEMENT

4. The provisions of this CAFO shall apply to and be binding on Respondent, its officers, directors, successors and assigns in their capacity as such.

5. Respondent agrees that EPA has jurisdiction over the subject matter alleged in the Complaint, and hereby waives any defenses it might have as to jurisdiction and venue.

6. Respondent acknowledges that it has been informed of their right to request a hearing in this proceeding, and hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

7. Respondent hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

8. Without admitting or denying the facts and violations alleged in the Complaint, Respondent consents to the terms and the issuance of this CAFO, and consents, for the purposes of settlement, to the payment of the civil penalty as set forth in this CAFO.

9. Respondent certifies by the signing of this CAFO that it is presently in compliance with Section 409 of TSCA, 15 U.S.C. § 2689, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (“the Act”), 42 U.S.C. § 4851 *et seq.*, and the federal regulations promulgated thereunder, entitled “Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property,” as set forth at 40 C.F.R. Part 745, Subpart F.

10. After consideration of the nature of the violations alleged in the Complaint and other relevant factors, Complainant has determined that it is fair and proper that Respondent pays a civil penalty in the amount of \$39,162 (plus interest) in settlement of this matter.

Penalty Payment

11. Respondent shall pay the civil penalty set forth in this CAFO in accordance with the following schedule:

a. \$19,581 shall be due by no later than thirty (30) days after the effective date of this CAFO; and

b. \$19,973 (\$19,581 + \$392 in interest) shall be due by no later than January 12, 2011.

12. This CAFO shall be effective on the date it is filed with the Regional Hearing Clerk.

13. Respondent shall make each penalty payment by submitting a bank, cashier's or certified check, payable to the order of the "Treasurer, United States of America," to:

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

Respondent shall note the case name ("In the Matter of: PropSys Inc.") and the docket number ("TSCA-01-2009-0101") of this action on the payment check and in an accompanying cover letter, and shall provide copies of the check and letter to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100

Mail Code: ORA18-1
Boston, MA 02109-3912

and:

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912

14. 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 as well as a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on the civil penalty if it is not paid as set forth in Paragraph 11 above. 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). If payment is not made in accordance with the schedule set forth in Paragraph 11, a charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees in accordance with 31 C.F.R. § 901.9(c). In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after final payment is due in accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day that payment is due.

15. The civil penalty described in Paragraph 10, and any interest, non-payment penalties, and/or other charges as described in Paragraph 14, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

Additional Provisions

16. Compliance with this CAFO, including payment of any penalties, interest, and/or other charges, shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and does not waive, suspend, or modify the responsibility of Respondent to comply with such laws and regulations.

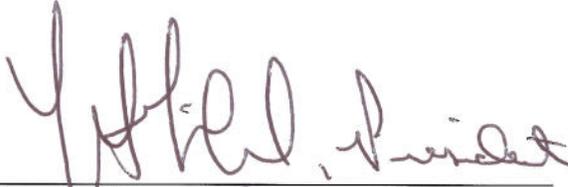
17. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA for the specific violations alleged in this CAFO. Nothing in this CAFO shall prevent EPA from taking any necessary action to address conditions at Respondent's facility/facilities that may present an imminent and substantial endangerment to public health or the environment. Nor shall this CAFO be construed to, nor is it intended to operate in any way to, resolve any criminal liability or any other civil liability of Respondent.

18. Except as described in Paragraph 14, each party shall bear its own costs and fees in this proceeding.

19. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED PARTY enters into this CAFO for *In the Matter of: PropSys Inc.*,
Docket No. TSCA-01-2009-0101.

For PropSys Inc.:


Name: Lee F Griswold
Title: President
Company: PropSys, Inc.

5/26/10
Date

THE UNDERSIGNED PARTY enters into this CAFO for *In the Matter of: PropSys Inc.*, Docket No. TSCA-01-2009-0101.

For U.S. EPA, Region 1:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

6/8/10

Date

FINAL ORDER

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



Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region 1



Date