



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

4APT-PTSB

APR 10 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William A. Goodwin
Vice President of Finance and
Administration
Continental Eagle
201 Gin Shop Hill Road
Prattville, AL 36067-1000

SUBJ: Continental Eagle
Consent Agreement and Final Order
Docket Number: TSCA-04-2007-2724(b)

Dear Mr. Goodwin:

Enclosed is a copy of the Consent Agreement and Final Order (CAFO), in this matter that has been filed with the Regional Hearing Clerk and served on the parties as required by 40 C.F.R. §22.6

The total amount of the civil penalty (\$24,664), plus interest, is to be paid in twelve consecutive monthly installments of \$2,056.00, commencing thirty (30) days of the effective date of this CAFO. Please note the penalty payment provisions on pages 3 and 4 of the CAFO. The cashier's or certified check should be made payable to the Treasurer, United States of America on or before the due date and sent to the following lockbox address:

U.S. EPA
Cincinnati Accounting Operations
Mellon lockbox 371099M
Pittsburgh, PA 15251-7099

Wire transfers may be made to the following address:

Mellon Bank
SWIFT address = MELNUS3P
ABA 043000261
Account 9109125
22 Morrow Drive
Pittsburgh, PA 15235

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

The check should reference the name of the Respondent and the docket number of this case. At the time payment is made, a copy of the check should be sent to the addressees listed on page 4 of the CAFO.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. If you have any questions with regard to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the Notice.

If you have any questions, please call Mary Summers of the EPA Region 4 staff at (404) 562-8997.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Benante".

Joanne Benante
Chief
Pesticides and Toxic
Substances Branch

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)
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)
CONTINENTAL EAGLE,)
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Respondent.)
_____)

Docket Number: *TSCA-04-2007-2724(b)*

RECEIVED
EPA REGION IV
2007 APR 10 PM 12:47
HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2615(a), and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is *Continental Eagle, 201 Gin Shop Hill Road, Prattville, Alabama, hereinafter, ("Respondent")*.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. §22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. §22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The Administrator of EPA promulgated rules in 40 C.F.R. Part 761, pursuant to Section 6(e) of TSCA, 15 U.S.C. §2605. Failure to comply with any such rule constitutes a violation of Section 15 of TSCA, 15 U.S.C. §2614. Any person who violates Section 15 of TSCA may be assessed a penalty of up to \$27,500 for each such violation, in accordance with Section 16(a) of TSCA, 15 U.S.C. §2615(a). For a violation occurring after March 15, 2004, a penalty of up to \$32,500 may be assessed pursuant to 40 C.F.R. Part 19. Each day a violation continues may constitute a separate violation.

4. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. §2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to EPA Region 4 by EPA Delegation 12-2-A, dated May 11, 1994.

III. Factual Allegations

5. Respondent is a manufacturer of metal parts for cotton gins operating in the State of Alabama and falls within the definition of "person" pursuant to 40 C.F.R. §761.3.

6. On September 19, 2006, an inspection was conducted at Respondent's facility at 201 Gin Shop Hill Road, Prattville, Alabama. The following violations were detected during this inspection.

7. Respondent had three General Electric (GE) Pyranol Capacitors, that were not used in a restricted-access area. They were located in the middle of the manufacturing floor area over top of workstations. Respondent violated 40 C.F.R. §761.30(l)(ii).

8. Respondent failed to mark these six GE Capacitors with the TSCA PCB label as required, violating 40 C.F.R. §761.40(a)(3).

9. Respondent had three GE Capacitors, stored for disposal, for over one year from the date they were removed from service, violating 40 C.F.R. §761.65(a)(1).

10. Respondent had PCBs and PCB Items (capacitors and light ballasts) projected for disposal, without ever developing and maintaining annual records and the written annual document logs for calendar years 2006, 2005, 2004, 2003 and prior years, violating 40 C.F.R. §761.180(a)(1) & (2).

11. Respondent failed to inspect their PCB Capacitors stored for disposal, for leaks or spills once every thirty days, violating 40 C.F.R. §761.65(c)(5).

12. Respondent had over 35 light ballasts containing PCBs that were not properly disposed of, violating 40 C.F.R. §761.50(b)(2)(ii) and 40 C.F.R. §761.60(b)(6)(iii).

IV. Consent Agreement

13. For the purposes of this CAFO, Respondent admits the jurisdictional allegation set out above but neither admits nor denies the factual allegation set out above.

14. Respondent waives its right to a hearing on the allegation contained herein.

15. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

16. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of TSCA.

17. Compliance with this CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or pursue criminal enforcement.

18. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

V. Final Order

19. Respondent is assessed a civil penalty of Twenty-Four Thousand, Six Hundred, Sixty-Four Dollars (\$24,664.00), plus interest, which is to be paid in twelve consecutive monthly installments of \$2,056.00, commencing thirty (30) days of the effective date of this CAFO.

22. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to "Treasurer, United States of America," to the following address:

U.S. Environmental Protection Agency
Cincinnati Accounting Operations
Mellon lockbox 371099M
Pittsburgh, PA 15251-7099.

The check shall reference on its face the name and the Docket Number of the CAFO.

Wire transfer of U.S. dollars must be wired to the following address:

Mellon Bank
SWIFT address = MELNUS3P
ABA 043000261
Account 9109125
22 Morrow Drive
Pittsburgh, PA 15235

23. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960;

Mary Summers
PCB & Chemical Products Management Section
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960; and

Saundi Wilson
Office of Environmental Accountability
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

24. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

25. 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 cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principle amount not paid within 90 days of the due date.

26. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

27. This CAFO shall be binding upon the Respondent, its successors and assigns.

28. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Mary Summers
PCB & Chemical Products Management Section
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303
(404) 562-8997

29. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

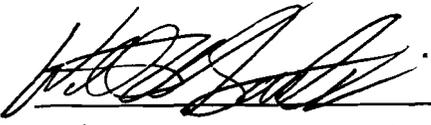
Remainder of page intentionally left blank.

VI. Effective Date

30. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

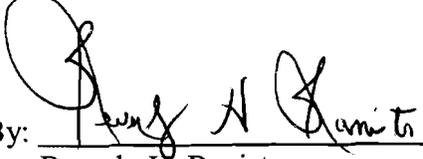
RESPONDENT: Continental Eagle
DOCKET NUMBER: TSCA-04-2007-2724

By:  Date: 3/21/07

Name: William A. Goodwin (Typed or Printed)

Title: Vice President of Finance (Typed or Printed)

COMPLAINANT: U.S. Environmental Protection Agency

By:  Date: 4/2/07

Beverly H. Banister
Director
Air, Pesticides & Toxics
Management Division
Region 4

APPROVED AND SO ORDERED this 9th day of April, 2007.

By: 
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, at Continental Eagle, Docket No. TSCA-04-2007-2724(b) on the parties listed below in the manner indicated:

Mary Summers (Via EPA's Internal Mail)
US EPA, Region 4
Air Division

Alan Dion (Via EPA's Internal Mail)
US EPA, Region 4
Office of Environmental Accountability

William A. Goodwin (Via Certified, Return Receipt Requested)
Vice President of Finance and
Administration
201 Gin Shop Hill Road
Prattville, AL 36067-1000

Date: 4-10-07

Patricia A. Bullock, Regional Hearing Clerk
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi Wilson on 4/6/07
(Name) (Date)

in the OEPA, OATGL at (404) 562-9504
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree
USAO COLLECTS

Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree
DOJ COLLECTS

Oversight Billing - Cost Package required:
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Continental Eagle
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 24,664
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: TSCA 04 2007 - 2724(6)

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: _____

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number is: _____ Date _____

If you have any questions, please call: _____ of the Financial Management Section at: _____

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- | | |
|--|------------------------------|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD) |
| | 3. Designated Program Office |

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- | | |
|---------------------------|------------------------------|
| 1. Originating Office | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD) |