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EPA--REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)	
)	
IPC - Industrial Plating Corporation)	Docket No. CERCLA/EPCRA10-2010-0112
)	
Seattle, Washington)	CONSENT AGREEMENT AND FINAL
)	ORDER
)	
Respondent.)	
)	
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I. AUTHORITY

1.1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045. The Administrator has delegated the authority to issue the Final Order contained in Part V of this CAFO to the Regional Administrator of EPA Region 10, who in turn has redelegated this authority to the Regional Judicial Officer.

1.2. Pursuant to Section 109 of CERCLA and Section 325 of EPCRA, and in accordance with § 22.13(b) of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. § 22.13(b), EPA hereby issues and IPC - Industrial Plating Corporation (“Respondent”) hereby agrees to issuance of the Final Order contained in Part V of this CAFO.

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. § 22.13(b), issuance of this CAFO commences this proceeding, which will conclude when the Final Order contained in Part V of this CAFO becomes effective.

2.2. Respondent operated a facility in Seattle, Washington located at 2411 South 6th Avenue (“the Facility”).

2.3. The Facility operated as a commercial surface coating facility, including a process to coat titanium fan blades for commercial jet engines.

2.4. A concise statement of the factual basis for alleging violations of CERCLA and EPCRA, together with specific references to the provisions of the Acts and implementing regulations Respondent is alleged to have violated, appears in Part III of this CAFO.

III. ALLEGATIONS

3.1. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires the person in charge of a facility to immediately notify the National Response Center (NRC) as soon as he or she has knowledge of a release of a hazardous substance from such facility in an amount equal to or

greater than the reportable quality (RQ).

3.2. Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), require that if a facility at which hazardous chemicals are produced, used, or stored releases a reportable quantity (RQ) of an extremely hazardous substance and the release requires, or occurred in a manner that would require, notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), the owner or operator of the facility must immediately notify the State Emergency Response Commission (SERC) of any state likely to be affected by the release and the Local Emergency Planning Committee (LEPC) for any area likely to be affected by the release.

3.3. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c) and implementing regulations at 40 C.F.R. § 355.40 require the owner and operator who has had a release that is reportable under EPCRA § 304(a) to provide, as soon as practicable, a follow-up written notice (or notices) to the SERC and LEPC updating the information required under Section 304(b) of EPCRA.

3.4. Under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), “person” means, among other things, any corporation.

3.5. Under Section 101(94) of CERCLA, 42 U.S.C. § 9601(9), “facility” means, among other things, any building, structure, installation, storage container, equipment, or any site or area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located.

3.6. Under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), “facility” means all buildings, equipment, structures, and other stationary items that are located on a single site or on

4.11. Should Respondent fail to make any payment of the penalty assessed by this CAFO in full by its due date, Respondent shall also be responsible for payment of the following amounts:

(a) Interest. Any unpaid portion of the assessed penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the Final Order contained herein, provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order contained herein.

(b) Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid if any portion of the assessed penalty is more than 30 days past due.

(c) Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the assessed penalty that is more than 90 days past due, which nonpayment penalty shall be calculated as of the date the underlying penalty first becomes past due.

4.12. Except as provided in Paragraph 4.15., below, nothing in the CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

4.13. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

4.14. Respondent represents that it is duly authorized to execute this CAFO and that the party signing this CAFO on its behalf is duly authorized to bind Respondent to the terms of this CAFO

4.15. Compliance with all the terms and conditions of this CAFO shall result in full settlement and satisfaction of all claims for penalties alleged in Section III above.

STIPULATED AND AGREED:

FOR IPC - INDUSTRIAL PLATING CORPORATION



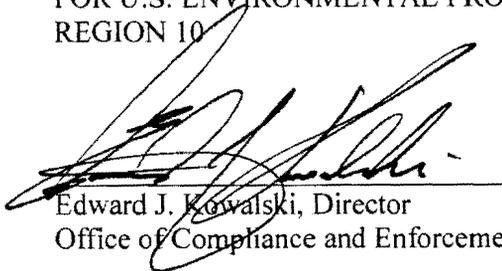
Signature

Dated: 03/29/2010

Print Name: MARC WISLEN

Title: PRESIDENT

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10



Edward J. Kowalski, Director
Office of Compliance and Enforcement

Dated: 4/16/2010

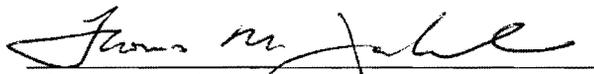
V. FINAL ORDER

5.1. The terms of the foregoing Consent Agreement are hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the terms of settlement contained in the Consent Agreement.

5.2. This CAFO constitutes a full and final settlement by EPA of all claims for administrative or judicial penalties pursuant to CERCLA and EPCRA for the particular violations alleged in Part III, above. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of federal, state, or local law.

This Final Order shall become effective upon filing.

SO ORDERED this 15th day of April, 2010.


Thomas M. Jahnke
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

ATTACHMENT A - Payment Schedule for Industrial Plating Corporation 10 Quarterly Payments

Payment Due Date	Remaining Principal	Principal Payment	<u>interest@ 3%</u>	Total Payment Due
Settlement Amount	60,000.00			
Payment at Settlement	54,000.00	6,000.00		6,000.00
Payment #2 30-Jun-10	48,000.00	6,000.00	405.00	6,405.00
Payment #3 30-Sep-10	42,000.00	6,000.00	360.00	6,360.00
Payment #4 31-Dec-10	36,000.00	6,000.00	315.00	6,315.00
Payment #5 31-Mar-11	30,000.00	6,000.00	270.00	6,270.00
Payment #6 30-Jun-11	24,000.00	6,000.00	225.00	6,225.00
Payment #7 30-Sep-11	18,000.00	6,000.00	180.00	6,180.00
Payment #8 31-Dec-11	12,000.00	6,000.00	135.00	6,135.00
Payment #9 31-Mar-12	6,000.00	6,000.00	90.00	6,090.00
Payment #10 30-Jun-12	0.00	6,000.00	45.00	6,045.00
Totals		60,000.00	2,025.00	62,025.00

CONSENT AGREEMENT AND FINAL ORDER

EPA DOCKET NUMBER CERCLA/EPCRA-10-2010-0112

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: IPC - Industrial Plating Corporation, DOCKET NO.: CERCLA/EPCRA-10-2010-0112** was filed with the Regional Hearing Clerk on April 16, 2010.

On April 16, 2010 the undersigned certifies that a true and correct copy of the document was delivered to:

Robert Hartman, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on April 16, 2010, to:

Mr. Marc Wislen
IPC-Industrial Plating Corporation
2411 South 6th Avenue
Seattle, WA 98134

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail on April 16, 2010, to:

Douglas S. Morrison
Environmental Law Northwest
17371 NE 67th Court, Suite 208
Redmond, WA 98052

DATED this 16th day of April 2010.



Carol Kennedy
Regional Hearings Clerk
Region 10