



6. This final order does not waive, extinguish or otherwise affect Respondent ATI's obligations to comply with all applicable provisions of the federal Clean Air Act (CAA), 42 U.S.C. §§ 7401-7671q, and regulations promulgated thereunder.
7. This final order is effective upon filing with the Regional Hearing Clerk.

## II. CIVIL PENALTY

1. A civil penalty in the amount of seven thousand five hundred dollars (\$7,500) is assessed against Respondent Air Technology, Inc. (ATI).
2. Payment by Respondent ATI of the civil penalty amount set forth in Paragraph 1 immediately above shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:
  - a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, CAA-03-2011-0044;
  - b. All checks shall be made payable to **United States Treasury**;
  - c. All payments made by check and sent by regular mail shall be addressed to:

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

Contact: Eric Volck (513-487-2105)

d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA, Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

Contact: (314-418-1028)

e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD  
26 W. M.L. King Drive  
Cincinnati, OH 45268-0001

f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York  
ABA = 021030004  
Account No. = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:  
D 68010727 Environmental Protection Agency

g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737  
Contact: John Schmid (202-874-7026) or REX (1-866-234-5681)

h. On-Line Payment Option:

[WWW.PAY.GOV/PAYGOV](http://WWW.PAY.GOV/PAYGOV)

Enter sfo 1.1 in the search field. Open and complete the form.

i. Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment.htm](http://www.epa.gov/ocfo/finservices/make_a_payment.htm)

j. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

James M. Baker  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code: 3RC10)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code: 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

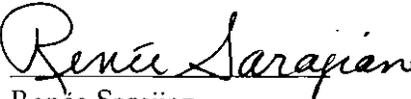
3. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

4. Interest on the civil penalty assessed in this Final Order will begin to accrue on the date that a true and correct copy of this Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

5. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

6. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent for more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

Date: 2/24/11

  
Renée Sarajian  
Regional Judicial Officer



4. EPA and the U.S. Department of Justice have made a joint determination that this administrative penalty action is appropriate and that, as a consequence, the 12-month time limitation of Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), is waived.

### III. GENERAL PROVISIONS

1. This proceeding is governed by the Consolidated Rules, 40 C.F.R. Part 22. As provided in 40 C.F.R. Part 22, § 22.18(b)(1), EPA encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of the CAA and applicable regulations. 40 C.F.R. § 22.13 provides that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and final order. In the event a settlement is reached, the provisions of 40 C.F.R. Part 22, § 22.18(b)(2) and (3), and (c), govern the process of effectuating the settlement and concluding the proceeding.

2. Any and all terms and conditions of this settlement are recorded herein.

3. For the purpose of this proceeding, Respondent ATI admits the jurisdictional allegations set forth in this consent agreement.

4. The factual allegations and legal conclusions of the NON are incorporated by reference into this consent agreement. However, for the purpose of this proceeding, except as otherwise provided in Paragraph 3 herein, Respondent ATI neither admits nor denies the factual allegations and legal conclusions of the NON.

5. For the purpose of concluding this proceeding with respect to Respondent ATI, Respondent ATI waives any right to contest the allegations of the NON and this consent agreement and accompanying proposed final order and any right to appeal the proposed final order. Respondent ATI consents to the issuance of the proposed final order.

6. The parties agree to bear their own costs and attorneys fees.

### IV. SETTLEMENT

1. The civil penalty noted below for the above-referenced CAA violation was determined in accordance with 1) Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and 2) EPA's Clean Air Act Stationary Source Civil Penalty Policy, dated October 25, 1991 (CAA penalty policy), as modified, including Appendix III thereto (for violations of 40 C.F.R. Part 61, Subpart M), as revised May 5, 1992. Relevant modifications to the CAA penalty policy since its issuance on October 25, 1991 include modifications, dated May 9, 1997 and September 21, 2004 to implement the above-referenced Civil Monetary Penalty Inflation Rule (40 C.F.R. Part 19), pursuant to the Debt

Collection Improvement Act of 1996 (inflation modifications). These inflation modifications essentially increased penalty policy amounts by 10% and 17.23%, respectively.

2. To develop the CAA penalty, EPA took into account the CAA penalty policy, as supplemented and modified, and the particular facts and circumstances of this case.

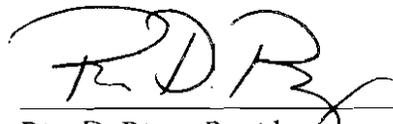
3. For the purpose of this proceeding, Respondent ATI consents to the assessment of a civil penalty of seven thousand five hundred dollars (\$7,500) against it for the CAA violation alleged in the NON and incorporated into this consent agreement. Respondent ATI agrees to pay the full amount of this civil penalty in accordance with the proposed final order accompanying this consent agreement.

4. Full payment of the civil penalty provided for herein shall only resolve Respondent ATI's civil penalty liability for the violation alleged in the NON. Nothing in this consent agreement is intended to, or shall be construed to, operate in any way to resolve any criminal liability of Respondent. Nothing in this consent agreement shall be construed to limit the authority of EPA to undertake action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health or welfare, or the environment.

5. Respondent ATI certifies that, as of the time of its execution of this consent agreement, it is in compliance with all applicable requirements of 40 C.F.R. Part 61, Subpart M. On and after the date of Respondent ATI's execution of this consent agreement, Respondent ATI shall maintain compliance with all applicable requirements of 40 C.F.R. Part 61, Subpart M.

6. The undersigned representative of Respondent ATI certifies that he/she is fully authorized by that Respondent to execute this consent agreement and to legally bind that Respondent to its terms and conditions.

Date: 11/23/10

  
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Rita D. Rigas, President  
Air Technology, Inc.

Date: 2/8/11

  
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Abraham Ferdas, Director  
Land and Chemicals Division  
U.S. EPA - Region III