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11
12 UNITED STATES
13 ENVIRONMENTAL PROTECTION AGENCY
14 REGION IX
15 75 HAWTHORNE STREET
16 SAN FRANCISCO, CA 94105
17

18 In the matter of:)	Docket No. TSCA-09-2025-0074
)	CONSENT AGREEMENT
20 Connell Bros. Co. LLC)	and
)	FINAL ORDER PURSUANT TO
22 Respondent.)	SECTIONS 22.13 AND 22.18
23 _____)	

24
25
26 **I. CONSENT AGREEMENT**

27 The United States Environmental Protection Agency ("EPA") and Connell Bros. Co. LLC
28 ("Respondent") agree to settle this matter and consent to the entry of this Consent Agreement
29 and Final Order ("CAFO"). This CAFO simultaneously initiates and concludes this proceeding in
30 accordance with 40 C.F.R. §§22.13(b) and 22.18(b).

31 **A. AUTHORITY AND PARTIES**

32 1. This administrative proceeding for the assessment of a civil administrative penalty
33 is initiated pursuant to section 16(a) of the Toxic Substances Control Act ("TSCA" or "the Act"), 15
34 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing the Administrative
35 Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R.

1 Part 22.

2 2. Complainant is the Manager of the Toxics Section of the Enforcement and
3 Compliance Assurance Division, EPA Region IX, who has been duly delegated to commence and
4 settle an enforcement action in this matter.

5 3. Respondent is Connell Bros. Co. LLC ("Connell"), a California limited liability
6 company with a principal address in San Francisco, California.

7 **B. APPLICABLE STATUTORY AND REGULATORY AUTHORITIES**

8 4. Section 8(b) of TSCA, 15 U.S.C. § 2607(b), requires the EPA to compile, keep
9 current, and publish a list of each chemical substance that is manufactured or processed, including
10 imports, in the United States for uses under TSCA. The list is commonly known as the "TSCA
11 Inventory" but is also referred to as the TSCA "Master Inventory File" as defined in 40 C.F.R. §
12 711.3.

13 5. Sections 15(1) of TSCA, 15 U.S.C. § 2614(1), states that it is unlawful for any person
14 to fail or refuse to comply with any requirement prescribed by or rule promulgated under TSCA
15 subchapter I, inclusive of section 4 of TSCA, 15 U.S.C. § 2603. Section 15(3) of TSCA, 15 U.S.C. §
16 2614(3), states that it is unlawful for any person to fail or refuse to (A) establish or maintain
17 records, (B) submit reports, notices, or other information, or (C) permit access to or allow copying
18 of records as required by TSCA or a rule thereunder.

19 6. Pursuant to Section 4 of TSCA, 15 U.S.C. § 2603, EPA has promulgated regulations
20 governing the testing of chemical substances at 40 C.F.R. Part 799.

21 7. Pursuant to Section 4 of TSCA and 40 C.F.R. Part 799, manufacturers, importers or
22 processors of a chemical subject to a test rule must either submit to the EPA a letter of intent to

1 test or apply to and obtain from the EPA an exemption from testing.

2 8. Pursuant to 40 C.F.R. § 799.5087(e), a manufacturer, importer or processor will be
3 considered in violation of the test rule as of one day after the date by which they are required to
4 comply with a final test rule promulgated at 40 C.F.R. § 799.5087.

5 9. Pursuant to 40 C.F.R. § 799.17, any person who fails or refuses to comply with any
6 aspect of a test rule under 40 C.F.R. Part 799 is in violation of Section 15 of TSCA, 15 U.S.C. § 2614.

7 10. Any person who violates a provision of Section 15 of TSCA shall be liable to the
8 United States for a civil penalty in an amount not to exceed \$49,772 for each such violation that
9 occurred after November 2, 2015, where penalties are assessed on or after January 8, 2025.
10 Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Civil Monetary Penalty Inflation
11 Adjustment Rule, 40 C.F.R. Part 19. Each day such a violation continues shall constitute a separate
12 violation. Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

13 **C. COMPLAINANT'S ALLEGATIONS**

14 Complainant alleges:

15 11. Respondent is a "manufacturer" within the meaning of 40 C.F.R. § 711.3.
16 "Manufacturer" means a person who manufactures a chemical substance and "manufacture"
17 means to manufacture, produce, or import, for commercial purposes. 40 C.F.R. § 711.3.

18 12. In 2020, Respondent imported for commercial purposes a chemical substance
19 identified by CASRN 6381-77-7. At all times relevant to this matter, the chemical substance,
20 CASRN 6381-77-7, was subject to a test rule promulgated pursuant to Section 4 of TSCA, and 40
21 C.F.R. Part 799, and in particular at 40 C.F.R. § 799.5087. Based on the dates that Respondent
22 imported this chemical substance, CASRN 6381-77-7, Respondent was required to submit to the

1 EPA a letter of intent to test or a request for an exemption from testing on or before Respondent's
2 first import. Respondent imported the chemical substance, CASRN 6381-77-7, but failed to file an
3 exemption application.

4 13. By importing the chemical substance, CASRN 6381-77-7, in 2020 without submitting
5 a letter of intent to test or exemption from testing, Respondent was not in compliance
6 with Section 4 of TSCA, and 40 C.F.R. Part 799, and in particular 40 C.F.R. § 799.5087.

7 14. Pursuant to Section 15(3) of TSCA, Respondent's failure to submit an exemption
8 application for the 2020 import of this chemical substance (CASRN 6381-77-7), as required by 40
9 C.F.R. Part 799, constitutes a violation of Section 15(3) of TSCA, 15 U.S.C. § 2614(3).

10 **D. STIPULATIONS**

11 15. In accordance with 40 C.F.R. § 22.18(b)(2), and for the purpose of this proceeding,
12 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over
13 Respondent; **(ii) neither admits nor denies** the specific factual allegations contained in Section I.C
14 of this CAFO; (iii) consent to any and all conditions specified in this CAFO, (iv) agree to pay, and
15 consents to the assessment of, the civil administrative penalty under Section I.E of this CAFO;
16 (v) waive any right to contest the allegations contained in Section I.C of this CAFO; and (vi) waives
17 the right to appeal the proposed final order contained in this CAFO. By signing this consent
18 agreement, Respondent waives any rights or defenses that Respondent has or may have for this
19 matter to be resolved in federal court, including but not limited to any right to a jury trial, and
20 waives any right to challenge the lawfulness of the final order accompanying the consent
21 agreement.
22

1 **E. CIVIL ADMINISTRATIVE PENALTY**

2 16. Respondent consents to the assessment of a civil administrative penalty in the
3 amount of **TWENTY-EIGHT THOUSAND AND THIRTY-NINE DOLLARS (\$28,039)** as final settlement
4 and complete satisfaction of the civil claims against Respondent arising from the facts alleged in
5 Section I.C of the CAFO and under the Act.

6 a. Respondent shall pay the civil penalty within thirty (30) days of the effective date of this
7 CAFO by one of the methods listed below:

8 i. Respondent may pay online through the Department of the Treasury website at
9 www.pay.gov. In the Search Public Form field, enter SFO 1.1, click EPA
10 Miscellaneous Payments - Cincinnati Finance Division, and complete the SFO Form
11 Number 1.1.

12
13 ii. Respondent may pay by remitting a certified or cashier's check, including the name
14 and docket number of this case, for the amount, payable to "Treasurer, United
15 States of America," and sent as follows:

16
17 Regular Mail:

18 U.S. Environmental Protection Agency
19 PO Box 979077
20 St. Louis, MO 63197-9000

21
22 Overnight/Signed Receipt Confirmation Mail:

23 U.S. Environmental Protection Agency
24 ATTN Box 979077
25 1005 Convention Plaza
26 Mail Station SL-MO-C2GL
27 St. Louis, MO 63101

28
29 iii. Respondent may also pay the civil penalty using any method, or combination of
30 methods, provided on the following website:

31
32 <http://www2.epa.gov/financial/additional-instructions-making-payments-epa>

33
34 If clarification regarding a particular method of payment remittance is needed,
35 contact the EPA's Cincinnati Finance Division at (513) 487-2091.

36
37 b. Respondent shall identify payment with the name and docket number of this case; and

1 c. Within 24 hours of payment, Respondent shall provide EPA with proof of payment ("proof
2 of payment" means, as applicable, a copy of the check, confirmation of credit card or debit
3 card payment, confirmation of wire or automated clearinghouse transfer, and any other
4 information required to demonstrate that payment has been made according to EPA
5 requirements, in the amount due, and identified with the name and docket number of this
6 case), including proof of the date payment was made, along with a transmittal letter,
7 indicating Respondent's names, the case title, and docket number, to the following
8 addresses:

9 Regional Hearing Clerk
10 U.S. EPA, Region IX
11 r9HearingClerk@epa.gov
12

13 Savannah Merritt
14 Enforcement Division (ENF 2-2)
15 U.S. Environmental Protection Agency, Region IX
16 75 Hawthorne Street
17 San Francisco, CA 94105
18 Merritt.Savannah.L@epa.gov
19
20

21 17. If Respondent fails to pay the civil administrative penalty assessed above by its due
22 date, Respondent shall pay to EPA a stipulated penalty in the amount of **FIVE HUNDRED DOLLARS**
23 **(\$500)** for each day that payment is late in addition to the unpaid balance of the penalty assessed
24 above. Upon EPA's written demand, this stipulated penalty shall immediately become due and
25 payable.

26 18. If Respondent fails to pay the penalty assessed by this CAFO in full by its due date,
27 the entire unpaid balance and accrued interest shall become immediately due and owing.
28 Respondent's tax identification numbers may be used for collecting or reporting any delinquent

1 monetary obligation arising from this CAFO (see 31 U.S.C. § 7701). If payment is not received
2 within thirty (30) calendar days, interest, penalty and administrative costs will accrue from the
3 effective date of this CAFO as described at 40 CFR §13.11. In addition, if this matter is referred to
4 another department or agency (e.g., the Department of Justice, the Internal Revenue Service),
5 that department or agency may assess its own administrative costs, in addition to EPA's
6 administrative costs, for handling and collecting Respondent's overdue debt. Respondent's failure
7 to pay in full the civil administrative penalty by its due date also may also lead to any or all of the
8 following actions:

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

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

17 c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; (ii)
18 suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA
19 sponsors or funds; (iii) convert the method of payment under a grant or contract from an
20 advanced payment to a reimbursement method; or (iv) revoke a grantee's or contractor's letter-
21 of-credit. 40 C.F.R. §§ 13.17.

1 **F. CERTIFICATION OF COMPLIANCE**

2 19. In executing this CAFO, Respondent certifies that the information it has supplied
3 concerning this matter was at the time of submission, and is at the time of signature to this CAFO,
4 truthful, accurate, and complete; and that Respondent has corrected the violation alleged in Section
5 I.C of this CAFO. Under 18 U.S.C. § 1001, submitting false or misleading information can result in
6 significant penalties, including the possibility of fines and imprisonment for knowing submission of
7 such information.

8 **G. RETENTION OF RIGHTS, BINDING EFFECT, ETC.**

9 20. This Consent Agreement constitutes the entire agreement between the
10 Respondent and EPA. Full payment of the civil penalty and any applicable interest charges or late
11 fees or penalties as set forth in this CAFO shall constitute full settlement and satisfaction of civil
12 penalty liability against Respondent for the violation alleged in Section I.C of this CAFO.

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

1 22. Except as set forth in Paragraph 18 above, EPA and Respondent shall each bear its
2 own attorneys' fees, costs, and disbursements in this action.

3 23. For the purposes of state and federal income taxation, Respondent shall not claim a
4 deduction for any civil penalty payment made pursuant to this CAFO.

5 24. This CAFO constitutes an enforcement action for purposes of considering
6 Respondent's compliance history in any subsequent enforcement action. This CAFO will be
7 available to the public and does not contain any confidential business information. Respondent
8 further consents to accept electronic service of the fully executed CAFO, by electronic mail, to the
9 following address: yaprak.gonlusen@caldic.com with a copy to: s.el-idrissi@caldic.com.
10 Respondent understands that these e-mail addresses may be made public when the CAFO and
11 Certificate of Service are filed and uploaded to a searchable database.

12 25. This CAFO constitutes an enforcement action for purposes of considering
13 Respondent's compliance history in any subsequent enforcement action. This CAFO will be
14 available to the public and does not contain any confidential business information.

15 26. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), the effective date of this
16 CAFO shall be the date on which the accompanying Final Order, having been signed by the
17 Regional Judicial Officer, is filed.

18 27. The provisions of this CAFO shall be binding on Respondent and on Respondent's
19 officers, directors, employees, agents, servants, authorized representatives, successors, and
20 assigns.

21 28. The undersigned representatives of each party to this Consent Agreement certify
22 that each is duly authorized by the party whom he or she represents to enter into the terms and

1 conditions of this Consent Agreement and Final Order and bind that party to it.

2
3 **CONNELL BROS. CO. LLC:**

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9 Date: 23/4/25 By: 
10 Knud Mohr
11 Manager

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13
14
15
16
17 Date: 23/4/25 By: 
18 Pierre Chanteclair
19 Manager

20
21
22
23
24 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:**

25
26
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29 Date: 4/30/2025 By: **MATTHEW SALAZAR** Digitally signed by
30 MATT SALAZAR Date: 2025.04.30
31 Manager, Toxics Section 10:46:29 -07'00'
32 Enforcement and Compliance Assurance Division
33 U.S. Environmental Protection Agency, Region IX
34
35

1 **II. FINAL ORDER**

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3 IT IS HEREBY ORDERED that this Consent Agreement and Final Order in Connell Bros. Co
4 LLC, Docket No. TSCA-09 -2025-0074 be entered and that Respondent shall pay a civil
5 administrative penalty in the amount of **TWENTY-EIGHT THOUSAND AND THIRTY-NINE DOLLARS**
6 **(\$28,039)** in accordance with the terms set forth in the Consent Agreement and Final Order.
7
8
9

10 **STEVEN**
11 **JAWGIEL**

Digitally signed by
STEVEN JAWGIEL
Date: 2025.04.30
14:13:20 -07'00'

12 Steven Jawgiel
13 Regional Judicial Officer
14 U.S. EPA, Region IX

DATE

CERTIFICATE OF SERVICE

I hereby certify the attached Consent Agreement and Final Order in the matter of Connell Bros. Co. LLC, Docket No. TSCA-09-2025-0074 has been filed by the Regional Hearing Clerk, and was served on the following parties via email as indicated below:

Respondent:

Knud Mohr, Manager
Pierre Chanteclair, Manager
Connell Bros. Co. LLC
345 California Street, 27th Floor
San Francisco, CA
ATTN: Yaprak Gonlusen, Legal Director: yaprak.gonlusen@caldic.com

with a copy to: Samera El Idrissi, General Counsel, s.el-idrissi@caldic.com

Complainant:

Margaret Alkon
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
Alkon.Margaret@epa.gov

Dated at San Francisco, California, this April 30, 2025

Grace Elam
Regional Hearing Clerk
U.S. EPA, Region IX
75 Hawthorne Street, 12th Floor (ORC)
San Francisco, CA 94105