



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 10 2009

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7001 0320 0006 0189 3925

Mr. James Hawkins
Kenall Manufacturing Company
940 Lakeside Drive
Gurnee, Illinois 60031

Consent Agreement and Final Order, Docket No. EPCRA-05-2009-0021

Dear Mr. Hawkins:

Enclosed is a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on September 10, 2009 with the Regional Hearing Clerk.

The civil penalty in the amount of \$8,938 is to be paid in the manner described in paragraphs 12 and 13. Please be certain that the number **BD 2750944E031** and the docket number are written on both the transmittal letter and on the check. Payment is due by October 10, 2009 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Terence Bonace".

Terence Bonace
Pesticides and Toxics Compliance Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. EPCRA-05-2009-0021
)	
Kenall Manufacturing Company)	Proceeding to Assess a Civil Penalty
d/b/a Subtronics Assembly Corporation)	Under Section 325(c) of the Emergency
Gurnee, Illinois,)	Planning and Community Right-to-Know
)	Act of 1986, 42 U.S.C. § 11045(c)
Respondent.)	
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Consent Agreement and Final Order

Preliminary Statement

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

1. Complainant, the Director of the Land and Chemicals Division, Region 5, United States Environmental Protection Agency (EPA) initiated this administrative action seeking a civil penalty under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c).
2. On June 29, 2009, EPA filed the Complaint in this action against the Respondent, the Kenall Manufacturing Company, doing business as the Subtronics Assembly Corporation, Gurnee, Illinois.
3. The Complaint alleges that during calendar years 2003 and 2006, Respondent processed lead at its Gurnee, Illinois facility in quantities exceeding the threshold for reporting under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and that Respondent violated Section 313 of EPCRA and 40 C.F.R. Part 372 by failing to submit Toxic Chemical Release Inventory Reporting Forms (Form R) to EPA and the State of Illinois for lead by July 1, 2004 for calendar year 2003 and by July 1, 2007 for calendar year 2006.
4. On August 11, 2009 Respondent filed a motion with the Regional Judicial Officer requesting an extension of the 30 day deadline to file an answer to the Complaint.

5. On August 18, 2009, the Regional Judicial Officer granted Respondent's motion for an extension of time to file an answer until September 10, 2009.

6. Respondent has declined to file an Answer or request a hearing under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and 40 C.F.R. § 22.15.

Stipulations

7. Respondent admits all of the jurisdictional and factual allegations in the Complaint.

8. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

9. Respondent certifies that it is currently in full compliance with EPCRA.

10. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms and conditions of this CAFO.

11. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalties

In consideration of Respondent's good faith, cooperation and other factors as justice may require, EPA agrees that an appropriate civil penalty to resolve this matter is Eight Thousand, Nine Hundred and Thirty Eight Dollars and No Cents (\$8,938).

12. Within 30 days after the effective date of this CAFO, Respondent must pay the \$8,938 civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

[for checks sent by regular U.S. Postal Service mail]

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

[for checks sent by express mail]

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
Contact: Natalie Pearson
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note Respondent's name, Kenall Manufacturing Company, d/b/a Subtronics Assembly Corporation; the docket number of this CAFO; and the billing document number.

13. A transmittal letter, stating Respondent's name, complete address, Kenall Manufacturing Company d/b/a Subtronics Assembly Corporation, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Terence Bonace (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

John P. Steketee (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

14. This civil penalty is not deductible for federal tax purposes.

15. If Respondent does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

16. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than thirty (30) past due. In addition, Respondent must pay a six percent (6%) per year penalty on any principal amount ninety (90) days past due.

General Provisions

17. This CAFO resolves only Respondent's liability for federal civil penalties for the specific violations alleged in the Complaint.

18. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

19. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state, and local laws.

20. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for Section 313 of EPCRA.

21. The terms of this CAFO bind Respondent, its successors, and assigns.

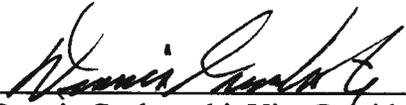
22. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

23. Each party agrees to bear its own costs and attorney's fees in this action.

24. This CAFO constitutes the entire agreement between the parties.

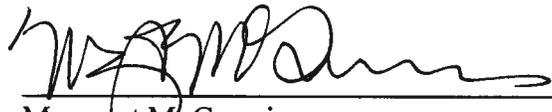
**Kenall Manufacturing Company, d/b/a Subtronics Assembly Corporation,
Gurnee, Illinois, Respondent**

8-24-2009
Date


Dennis Gackowski, Vice President of Operations
Kenall Manufacturing Company, d/b/a Subtronics
Assembly Corporation,
Gurnee, Illinois

United States Environmental Protection Agency, Region 5, Complainant

Sept. 3, 2009
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

**In the Matter of:
Kenall Manufacturing Company,
d/b/a Subtronics Assembly Corporation, Gurnee, Illinois
Docket No. EPCRA-05-2009-0021**

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Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

9-4-09

Date



Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency,
Region 5

CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Kenall Manufacturing Company d/b/a Subtronics Assembly Corporation, was filed on September 10, 2009, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that I mailed, by Certified Mail, Receipt No. 7001 0320 0006 0189 3925, a copy of the original to the Respondents:

Mr. James Hawkins
Kenall Manufacturing Company
940 Lakeside Drive
Gurnee, Illinois 60031

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REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
John P. Steketee, Counsel for Complainant ORC/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown, PTCS (LC-8J)
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Docket No. EPCRA-05-2009-0021