

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

FILED

Jan 26, 2024

11:49 am

U.S. EPA REGION 5  
HEARING CLERK

**In the Matter of:** ) **Docket No. EPCRA-05-2024-0004**  
)  
**Accelerated Assemblies** ) **Proceeding to Assess a Civil Penalty**  
**Elk Grove Village, Illinois** ) **Under Section 325(c) of the Emergency**  
) **Planning and Community Right-to-Know**  
**Respondent.** ) **Act of 1986, 42 U.S.C. § 11045(c)**  
\_\_\_\_\_ )

**Consent Agreement and Final Order**

1. This is an administrative action commenced and concluded under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is Accelerated Assemblies, Inc. a corporation doing business in the State of Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO,

and to the terms of this CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

9. Respondent certifies that it is complying with Section 313 of EPCRA, 42 U.S.C. § 11023.

**Statutory and Regulatory Background**

10. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.22 and 372.30 require the owner or operator of a facility that has 10 or more full-time employees; is covered by certain Standard Industrial Classification (SIC) codes; meets one of the criteria set forth in 40 C.F.R. § 372.22(b)(1)-(3); and manufactured, processed or otherwise used a toxic chemical in an amount exceeding an applicable threshold quantity of that chemical listed under Section 313(f) of EPCRA and 40 C.F.R. § 372.28, during the calendar year, to complete and submit a toxic chemical release inventory form (Form R) to the Administrator of EPA and to the state in which the subject facility is located by July 1 for each toxic chemical manufactured, processed or otherwise used in quantities exceeding the established threshold during the preceding calendar year.

11. As set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.28, the reporting threshold amount for Lead manufactured, processed or otherwise used at a facility is 100 pounds for calendar years including and subsequent to 2001.

12. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorizes the Administrator of

EPA to assess a civil penalty of up to \$25,000 per day for each violation of Section 313 of EPCRA. The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 note (1990), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required federal agencies to issue regulations adjusting for inflation the maximum civil penalties that may be assessed pursuant to each agency's statutes. EPA may assess a civil penalty of up to \$67,544 per day for each violation of Section 313 of EPCRA that occurred after November 2, 2015, where penalties are assessed on or after January 6, 2023, pursuant to Section 325(c)(1) and (3) of EPCRA, 42 U.S.C. § 11045(c)(1) and (3), and 40 C.F.R. Part 19.

### **Factual Allegations and Alleged Violations**

13. Respondent is a "person" as that term is defined at Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

14. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 725 Nicholas Blvd., Elk Grove Village, Illinois (facility).

15. At all times relevant to this CAFO, Respondent had "10 or more full-time employees," as defined at 40 C.F.R. § 372.3, and was an employer at the facility.

16. Respondent's facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person.

17. Respondent's facility is a "facility" as that term is defined at Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

18. The facility has a SIC code of 3629, a covered SIC code as defined at Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.22.

**Counts 1, 2 and 3**

19. During calendar years 2018, 2021, and 2022 Respondent's facility otherwise used, as that term is defined at 40 C.F.R. § 372.3, Lead, a chemical category or CAS No. listed under 40 C.F.R. § 372.65, in the amounts of 145, 804, and 736 pounds which is greater than 100 pounds from 40 C.F.R. § 372.28, the threshold for reporting, as set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.28.

20. Respondent was required to submit to the Administrator of EPA and to Illinois a Form R for Lead for calendar year 2018 by July 1, 2019.

21. Respondent did not submit to the Administrator of EPA and to Illinois a Form R for Lead for calendar year 2018 by July 1, 2019.

22. Respondent submitted Form R for Lead to the Administrator of EPA and to Illinois on May 22, 2020, for calendar year 2018.

23. Respondent was required to submit to the Administrator of EPA and to Illinois a Form R for Lead for calendar year 2021 by July 1, 2022.

24. Respondent did not submit to the Administrator of EPA and to Illinois a Form R for Lead for calendar year 2021 by July 1, 2022.

25. Respondent submitted Form R for Lead to the Administrator of EPA and to Illinois on August 4, 2023 for calendar year 2021.

26. Respondent was required to submit to the Administrator of EPA and to Illinois a Form R for Lead for calendar year 2022 by July 3, 2023.

27. Respondent did not submit to the Administrator of EPA and to Illinois a Form R for Lead for calendar year 2022 by July 1, 2023.

28. Respondent submitted Form R for Lead to the Administrator of EPA and to Illinois

on August 4, 2023 for calendar year 2022.

29. Respondent's failure to submit timely a Form R for Lead to the Administrator of EPA and to Illinois for calendar years 2018, 2021 and 2022 violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

**Civil Penalty**

30. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, Complainant determined that an appropriate civil penalty to settle this action is \$20,679. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, and any other matters as justice may require. Complainant also considered EPA's Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) and Section 6607 of the Pollution Prevention Act (1990) (amended) (April 12, 2001).

31. Within 30 days after the effective date of this CAFO, Respondent must pay a \$20,679 civil penalty for the EPCRA violations by Automated Clearinghouse (ACH) funds transfer, payable to "Treasurer, United States of America," and sent to:

US Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 –checking

In the comment area of the electronic funds transfer, state Accelerated Assemblies and the docket number of this CAFO.

32. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following email addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Carol Staniec (LCP-17J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[staniec.carol@epa.gov](mailto:staniec.carol@epa.gov)  
[R5LEECAB@epa.gov](mailto:R5LEECAB@epa.gov)

Robert H. Smith (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[smith.roberth@epa.gov](mailto:smith.roberth@epa.gov)

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

34. If Respondent does not pay timely 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.

35. 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 pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

36. The parties consent to service of this CAFO by e-mail at the following valid e-mail

addresses: [smith.roberth@epa.gov](mailto:smith.roberth@epa.gov) (for Complainant), and [eboyd@thompsoncoburn.com](mailto:eboyd@thompsoncoburn.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

37. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal administrative civil penalties under Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), for the violations alleged in this CAFO.

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

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

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

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

42. 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.

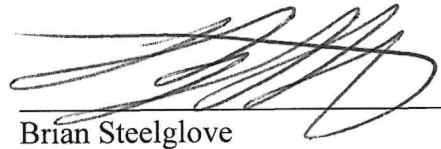
43. Each party agrees to bear its own costs and attorneys fees in this action.

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

**In the Matter of:**  
**Accelerated Assemblies**  
**Docket No. EPCRA-05-2024-0004**

**Accelerated Assemblies, Respondent**

1-4-2024  
Date

  
\_\_\_\_\_  
Brian Steelglove  
President



**In the Matter of:  
Accelerated Assemblies  
Docket No. EPCRA-05-2024-0004**

**United States Environmental Protection Agency, Complainant**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

**In the Matter of:  
Accelerated Assemblies  
Docket No. EPCRA-05-2024-0004**

**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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5