



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 20 2008

4APT-PTSB

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jarred O. Taylor II  
Maynard, Cooper & Gale, P.C.  
1901 6<sup>th</sup> Avenue North  
Suite 2400  
Birmingham, Alabama 35203

SUBJ: Sloss Industries Corporation  
Consent Agreement and Final Order  
Docket No.: TSCA-04-2008-2520(b)

Dear Mr. Taylor:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter that has been filed with the Regional Hearing Clerk and served as required in the Consolidated Rules of Practice, 40 CFR § 22.6. Please make note of the provisions in Section V of the CAFO, with respect to payment of the assessed penalty, which is due within 30 days from the effective date of the CAFO.

Also enclosed, please find a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by EPA.

If you have any questions, please contact Marlene J. Tucker of the EPA Region 4 staff at (404) 562-9536.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeneanne M. Gettle".

Jeneanne M. Gettle  
Chief  
Pesticides and Toxic  
Substances Branch

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

RECEIVED  
EPA REGION 4  
2008 MAY 20 PM 2:00  
HEARINGS DIVISION

IN THE MATTER OF: )  
)  
)  
)  
Sloss Industries Corporation ) Docket Number: TSCA-04-2008-2520(b)  
)  
)  
Respondent. )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action**

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified in 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is Sloss Industries Corporation (hereinafter, "Respondent").

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18, and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

## **II. Preliminary Statements**

3. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, it is unlawful for any person to: (1) fail or refuse to comply with any rule or order promulgated pursuant to Section 4, 5 or 8 of TSCA, 15 U.S.C. §§ 2603, 2604, 2607; (2) use for commercial purposes a chemical substance or mixture that the person knew or had reason to know was manufactured, imported, processed, or distributed in commerce in violation of TSCA Section 5, 15 U.S.C. § 2604; (3) fail to maintain records, submit reports or information, or permit access to or allow copying of records as required by TSCA; or (4) refuse to permit entry or inspection as authorized by Section 11 of TSCA, 15 U.S.C. § 2610. Any person who violates a provision of Section 15 of TSCA may be assessed a penalty of up to \$27,500 for each such violation, in accordance with Section 16(a) of TSCA and 40 C.F.R. Part 19. For a violation occurring after March 15, 2004, a penalty of up to \$32,500 may be assessed. Each day a violation continues may constitute a separate violation.

4. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to EPA Region 4 by EPA Delegation 12-2-A, dated May 11, 1994.

5. Complainant will file the original non-confidential CAFO with the Regional Hearing Clerk and a copy will be mailed to the Respondent. To determine the confidential business information (CBI) that was deleted [CBI deleted] from this CAFO, Complainant or Respondent should refer to the EPA's Show Cause Letter that contains CBI dated November 20, 2007.

## **III. Specific Allegations**

6. On August 15, 2006, an authorized agent of EPA Region 4 conducted an inspection at Respondent's manufacturing facility pursuant to Section 11(a) of TSCA, 15 U.S.C. § 2610(a).

7. Respondent has been a chemical manufacturer and is located at 3500 35<sup>th</sup> Avenue, Birmingham, AL 35207.

8. Respondent has been an importer as that term is defined in 40 C.F.R. § 712.3.

9. Respondent imported chemical substances that were subject to TSCA Section 8(a).

10. In 2005, Respondent manufactured for commercial use [CBI deleted] pounds of [CBI deleted] hereinafter referred to as Chemical AA.

11. Chemical AA is subject to the reporting requirements of Section 8(a) of TSCA, 15 U.S.C. § 2607(a).

12. Complainant asserts that Respondent violated Section 8(a) of TSCA and 40 C.F.R. § 710.32(c)(7) by failing to submit an accurate Inventory Update Reporting (IUR) Report for Chemical AA to EPA in 2006.

13. In 2005, Respondent manufactured for commercial purpose at least 25,000 pounds of [CBI deleted] hereinafter referred to as Chemical B.

14. Chemical B is subject to the reporting requirements of Section 8(a) of TSCA, 15 U.S.C. § 2607.

15. Complainant asserts that Respondent violated Section 8(a) of TSCA and 40 C.F.R. § 710.32(c)(7) by failing to submit an IUR Report for Chemical B to EPA in 2006.

#### **IV. Consent Agreement**

16. For the purposes of this CAFO, Respondent admits to the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

17. Respondent waives its right to a hearing on the allegations contained herein.

18. Respondent waives its right to appeal the final order, accompanying this consent agreement as set forth in Section V.

19. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

20. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of TSCA.

21. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16(a) of TSCA, for the specific violations alleged herein. Except as specifically provided in this CAFO, EPA reserves all other civil and criminal enforcement authorities, including the authority to address imminent hazards. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is Respondent's responsibility to comply with said laws and regulations.

22. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

#### **V. Final Order**

23. Pursuant to 15 U.S.C. § 2615(a), TSCA Section 16(a), Respondent shall pay a civil penalty of *Twenty Nine Thousand Five Hundred Ninety Five Dollars (\$29,595)*, which shall be paid within thirty (30) days of the effective date of this CAFO.

24. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to "Treasurer, United States of America," to the following address by U. S.

Postal Service:

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

**The check shall reference on its face the name and the  
Docket Number of the CAFO.  
[In the Matter of Sloss Industries Corporation, Docket No. TSCA-04-2008-2520(b)]**

25. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960;

Laila Hudda  
PCBs and Chemical Products  
Management Section  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960;

and

Saundi Wilson  
Office of Environmental Accountability  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960.

26. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

27. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of

overdue debts. In addition, a late payment penalty charge shall be applied on any principle amount not paid within 90 days of the due date.

28. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

29. This CAFO shall be binding upon the Respondent, its successors and assigns.

30. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Laila Hudda  
PCBs and Chemical Products  
Management Section  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-9007.

31. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

**REMAINDER OF PAGE LEFT INTENTIONALLY BLANK**

**VI. Effective Date**

32. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk. Complainant agrees to notify Respondent of this filing, and to provide to Respondent a copy of the stamped as filed CAFO.

**AGREED AND CONSENTED TO: Sloss Industries Corporation.**  
[TSCA-04-2008-2520(b)]

By: Chuck Stewart Date: 3/31/08  
Name: CHUCK STEWART (Typed or Printed)  
Title: PRESIDENT (Typed or Printed)

**United States Environmental Protection Agency**

By: Carol G. Kemperfor Date: 5/12/08  
Director  
Air, Pesticides and Toxics  
Management Division  
Region 4

**APPROVED AND SO ORDERED** this 20<sup>th</sup> day of May, 2008

By: Susan B. Schub  
Susan B. Schub  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, **In the Matter of Sloss Industries Corporation, Docket No. TSCA-04-2008-2520(b)** to the addressees listed below:

Jarred O. Taylor II  
Maynard, Cooper & Gale, P.C.  
1901 6<sup>th</sup> Avenue North  
Suite 2400  
Birmingham, Alabama 35203

(Certified mail Return Receipt  
Requested)

Laila Hudda  
PCBs and Chemical Products  
Management Section  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

(via EPA's internal mail)

Marlene J. Tucker  
Office of Environmental Accountability  
U.S. EPA Region 4  
61 Forsyth St., SW  
Atlanta, GA 30303-8960

(via EPA's internal mail)

Date: 5-20-08



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511

**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi J Wilson on 5-19-08  
(Name) (Date)

in the OEH at (404) 562-9504  
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree  
DOJ COLLECTS

Oversight Billing - Cost Package required:  
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Gloss Industries Corp  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 29,595  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: TSCA 04 2008 2520(b)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

**TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- |  |   |
|--|---|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)<br>3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- |  |   |
|--|---|
| 1. Originating Office<br>2. Regional Hearing Clerk | 3. Designated Program Office<br>4. Regional Counsel (EAD) |
|--|---|