

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Chris Jendras 3/26/12  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAA-01-2012-0008

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

William E. Cornell, President  
SEA-3, Inc.  
190 Shattuck Way  
Newington, NH 03801-7868

Total Dollar Amount of Receivable \$ 2,400.00 Due Date: 4/11/12

SEP due? Yes \_\_\_\_\_ No X Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>ST</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

March 22, 2012

**VIA HAND DELIVERY**

Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region I  
5 Post Office Square, Suite 100 (RAA)  
Boston, MA 02109

Re: In the Matter of Sea-3, Inc., 190 Shattuck Way, Newington, N.H.  
Docket Number CAA-01-2012-0008

Dear Ms. Santiago:

Enclosed for filing please find an Expedited Settlement Agreement resolving the above referenced matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Jendras".

Chris Jendras  
Environmental Protection Specialist  
U.S. Environmental Protection Agency  
Region I  
EPCRA, RCRA and Federal Facility Programs Unit

Attachment: Expedited Settlement Agreement



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

March 22, 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Paul Bogan, V.P. of Operations  
Sea-3, Inc.  
190 Shattuck Way  
Newington, NH 03801-7868

Re: Expedited Settlement Agreement Resolving Violations of the Clean Air Act,  
Section 112(r), Docket No. CAA-01-2012-0008

Dear Mr. Bogan,

Enclosed is a fully executed and approved copy of the Expedited Settlement Agreement (ESA) and Certificate of Service in settlement of the above-referenced case, which I have filed with the Regional Hearing Clerk today.

The \$2,400 penalty payment has been received. Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Jendras".

Chris Jendras  
Office of Environmental Stewardship  
EPCRA, RCRA and Federal Facilities Programs Unit

Enclosures: Expedited Settlement Agreement  
Certificate of Service



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

RECEIVED

2012 FEB 23 P 3:08

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO: CAA-01-2012-0008**

**This ESA is issued to: Sea-3, Inc., 190 Shattuck Way, Newington, N.H. 03801  
for violating Section 112(r)(7) of the Clean Air Act.**

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK  
WS

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency (EPA), Region 1, by its duly delegated official, Susan Studlien, Director, Office of Environmental Stewardship, and by Respondent, Sea-3, Inc., pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On June 21, 2011, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

On June 1, 2010, authorized representatives of the EPA conducted a compliance inspection of the subject facility ("Respondent") to determine compliance with the Risk Management Program ("RMP") regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations as noted on the attached "Risk Management Plan Inspection Findings, Alleged Violations And Proposed Penalty Sheet" ("Form"), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations, described in the attached Form for the total penalty amount of \$2,400.

This settlement is subject to the following terms and conditions:

The Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in herein and in the Form, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached Form and has sent a cashier's check, certified check or wire transfer in the amount of \$2,400 in payment of the full penalty amount. Respondent agrees to

submit payment of the penalty within 20 days of receiving a fully executed copy of this Settlement Agreement.

If payment is made by check, make payable to "Treasurer, United States of America," include Docket Number CAA-01-2012-0008, and send to:

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

*check for  
\$ 2400.00 00011748*

*680280 jmd  
2/3/12*

If payment is made by wire transfer, include the Docket Number CAA-01-2012-0008 in Field Tag 6000 and "D 68010727 Environmental Protection Agency" in Field Tag 4200. The wire transfer account is:

Federal Reserve Bank of New York  
33 Liberty Street  
New York NY 10045  
ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33

Respondent must also send a copy of the check or wire transfer receipt by certified mail to:

Chris Jendras  
Environmental Protection Specialist  
Office of Environmental Stewardship (OES05-1)  
U.S. Environmental Protection Agency Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Upon Respondent's submission of the signed original ESA, EPA will take no further civil action against Respondent for the alleged violations of the Act referenced in the Form. EPA does not waive any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed ESA is not returned to the EPA Region 1 office at the above address by the Respondent within 30 days of the date of receipt, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. If you do not sign and return the ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties of up to \$37,500 per day for each violation.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

W. E. Cornell

Date: 2/3/12

Name (print): William E. Cornell

Title (print): President

FOR COMPLAINANT:

Susan Studlien  
Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. EPA Region 1

Date: 03/20/12

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

LeAnn Jensen  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA Region I

Date: 3/21/12

**In the Matter of Sea-3, Inc.**  
**Docket No. CAA-01-2012-0008**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Expedited Settlement Agreement (ESA) was sent to the following persons, in the manner specified, on the date below:

Original and one copy  
hand-delivered:

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square (RAA)  
Boston, MA 02109-3912

Copy of ESA  
by mail

Paul Bogan, V.P. of Operations  
Sea-3, Inc.  
190 Shattuck Way  
Newington, NH 03801-7868

Dated: 3/22/12



Chris Jendras  
U.S. Environmental Protection Agency, Region 1  
Office of Environmental Stewardship  
EPCRA, RCRA and Federal Facility Programs Unit  
5 Post Office Square, Suite 100 (OES05-1)  
Boston, MA 02109-3912  
Tel: (617) 918-1845  
Fax: (617) 918-0845  
Email: jendras.chris@epa.gov