

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Greg Dain 2/22/11
Name of Case Attorney Date

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

Case Docket Number CWA-01-2010-0065, CAA-01-2010-0062, EPCRA-01-2010-0063

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:

H. Krevit & Company
67 Welton St.
New Haven, CT 06534

Total Dollar Amount of Receivable \$ 36,956.00 Due Date: 4-18-11

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1ST \$ _____ on _____
- 2nd \$ _____ on _____
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ 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

RECEIVED

FEB 22 2010

EPA ORC
Office of Regional Hearing Clerk

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND

IN THE MATTER OF:)

H. Krevit & Company, Inc.)
67 Welton Street)
New Haven, CT 06534)
_____)

Docket Nos.:

CAA-01-2010-0062
CWA-01-2010-0065
EPCRA-01-2010-0063

CONSENT AGREEMENT AND FINAL ORDER

1. The Complainant, the United States Environmental Protection Agency-Region 1 ("EPA"), alleges that H. Krevit & Company, Inc. ("Respondent" or "Krevit") violated: 1) Section 312(a) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. § 11022(a), also known as the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA") and the regulations promulgated thereunder at 40 C.F.R. Part 370; 2) Section 112(r) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r), and the regulations promulgated thereunder at 40 C.F.R. Part 68; and 3) Section 311(j) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(j), and the regulations promulgated thereunder at 40 C.F.R. Part 112.

2. EPA and Respondent hereby agree to settle this matter through this Consent Agreement and Final Order ("CAFO") without an administrative complaint being filed, as authorized under 40 C.F.R. § 22.13(b).

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H. Krevit & Company, Inc. CAFO, Docket Nos. CAA-01-2010-0062; CWA-01-2010-0065; EPCRA-01-2010-0063.

3. EPA and Respondent agree that settlement of this matter is in the public interest, and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter.

4. Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and without Respondent admitting or denying any specific issue of fact stated herein, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

STATUTORY AND REGULATORY AUTHORITY

5. This is an administrative action for the assessment of monetary penalties and other relief pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c); Section 113(d) of the CAA, 42 U.S.C. § 7413(d); and Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii). Additionally, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permit, 40 C.F.R. Part 22, control this matter.

CAA Statutory and Regulatory Authority

6. Section 112(r) of the CAA, 42 U.S.C. § 7412(r)(1), was enacted on November 15, 1990, as part of the Clean Air Act Amendments of 1990, and establishes requirements to prevent and minimize the consequences of accidental releases of extremely hazardous substances.

7. In accordance with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), have a general duty to (a) identify hazards which may result from accidental releases of such substances, using appropriate hazard assessment techniques; (b) design and maintain a safe facility, taking such steps as are

necessary to prevent releases; and (c) minimize the consequences of accidental releases that occur. That section of the CAA is referred to as the "General Duty Clause."

8. Section 112(r) of the CAA, 42 U.S.C. § 7412(r), also authorizes EPA to promulgate regulations and programs in order to prevent and minimize the consequences of accidental releases of certain regulated substances. In particular, Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates that EPA promulgate a list of substances that are known to cause, or may reasonably be anticipated to cause, death, injury or serious adverse effects on human health or the environment if accidentally released. Section 112(r)(5) of the CAA, 42 U.S.C. § 7412(r)(5), requires EPA to establish for each regulated substance the threshold quantity over which an accidental release is known to cause, or may reasonably be anticipated to cause, death, injury, or serious adverse effects to human health. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), requires EPA to promulgate requirements for the prevention, detection and correction of accidental releases of regulated substances. One of the requirements of Section 112(r)(7)(B), 42 U.S.C. § 7412(r)(7)(B), is that owners or operators of certain stationary sources prepare and implement a risk management plan ("RMP").

9. The regulations promulgated pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), are found at 40 C.F.R. Part 68.

10. Forty C.F.R. § 68.130 lists the substances regulated under 40 C.F.R. Part 68 and their associated threshold quantities ("RMP chemicals" or "regulated substances") in accordance with the requirements of Section 112(r)(3) and (7) of the CAA, 42 U.S.C. §§ 7412(r)(3) and (7).

11. Under 40 C.F.R. § 68.10, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a covered process must comply with the requirements of 40 C.F.R. Part 68 by no later than the latest of the following dates: (a) June 21, 1999; (b) three years after the date on which a regulated substance is first listed under 40

C.F.R. § 68.130; or (c) the date on which a regulated substance is first present above a threshold quantity in a process.

12. Each process in which a regulated substance is present in more than a threshold quantity (“covered process”) is subject to one of three risk management programs. Program 1 is the least comprehensive, and Program 3 is the most comprehensive.

13. Pursuant to 40 C.F.R. § 68.10(b), a covered process is subject to Program 1 if, among other things, the distance to a toxic or flammable endpoint for a worst-case release assessment is less than the distance to any public receptor. Under 40 C.F.R. § 68.10(d), a covered process is subject to Program 3 if the process does not meet the eligibility requirements for Program 1 and is either in a specified NAICS code or subject to the Occupation Safety and Health Administration (“OSHA”) process safety management (“PSM”) standard at 29 C.F.R. § 1910.119. Forty C.F.R. § 68.10(c) prescribes that a covered process meeting neither Program 1 nor Program 3 eligibility requirements is subject to Program 2.

14. Forty C.F.R. § 68.12(a) mandates that the owner or operator of a stationary source subject to the requirements of 40 C.F.R. Part 68 submit an RMP to EPA. The RMP documents compliance with elements of the risk management program to which the source is subject.

15. Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), renders it unlawful for any person to operate a stationary source subject to the regulations promulgated under the authority of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), in violation of such regulations.

16. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), provide that any person who violates any requirement of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), shall be liable to the United States for a civil penalty in an amount of up to \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996 (“DCIA”), 31 U.S.C. § 3701, *et seq.*, and the Civil Monetary Penalty Inflation Adjustment Rule promulgated

thereunder at 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), is up to \$27,500 per day for violations occurring after January 30, 1997 through March 15, 2004; \$32,500 for violations occurring from March 16, 2004 through January 12, 2009; and \$37,500 for violations occurring after January 12, 2009.

CWA Statutory and Regulatory Authority

17. Section 311(j)(1) of the CWA, 33 U.S.C. § 1321(j)(i), requires the President to, among other things, establish procedures, methods, and equipment and other requirements to prevent discharges of oil from vessels and from onshore and offshore facilities, and to contain any discharges that may occur.

18. The regulations promulgated pursuant to Section 311(j)(1) of the CWA, 33 U.S.C. § 1321(j)(i), are found at 40 C.F.R. Part 112.

19. Pursuant to 40 C.F.R. § 112.1(b), the various requirements of 40 C.F.R. Part 112 apply to owners or operators of non-transportation-related facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using or consuming oil or oil products that, due to their location, could reasonably be expected to discharge oil in harmful quantities (as defined in 40 C.F.R. Part 110) to navigable waters of the United States or adjoining shorelines.

20. Under 40 C.F.R. Part 112.3, the owner or operator of a regulated onshore facility, (i.e., one which, among other things, has in excess of 42,000 gallons of completely buried oil storage capacity and/or in excess of 1,320 gallons of aboveground oil storage capacity), must prepare a Spill Prevention Control and Countermeasure Plan ("SPCC Plan") in writing and in accordance with 40 C.F.R. § 112.7 and any other applicable sections of 40 C.F.R. Part 112.

21. Section 311(b)(6) of the CWA, 33 U.S.C. § 1321(b)(6), provides that any owner, operator or person in charge of any vessel, onshore facility or offshore facility who violates any

regulation issued under Section 311(j) of the CWA, 33 U.S.C. § 1321(j), shall be liable to the United States for a civil penalty in an amount of up to \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996 (“DCIA”), 31 U.S.C. § 3701, *et seq.*, and the Civil Monetary Penalty Inflation Adjustment Rule promulgated thereunder at 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Section 311(j) of the CAA, 33 U.S.C. § 1321(j), is up to \$27,500 per day for violations occurring after January 30, 1997 through March 15, 2004; \$32,500 for violations occurring from March 16, 2004 through January 12, 2009; and \$37,500 for violations occurring after January 12, 2009.

EPCRA Statutory and Regulatory Authority

22. EPCRA was enacted on October 17, 1986, and establishes requirements for Federal, State and local governments and industry regarding emergency planning for, and reporting on, hazardous and toxic chemicals.

23. In accordance with Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), owners and operators of facilities that are required to prepare or have available material safety data sheets (“MSDS”) for hazardous chemicals under the Occupational Safety and Health Act of 1970 and OSHA’s accompanying regulations (“hazardous chemicals” or “hazardous chemicals under OSHA”), must prepare and submit an emergency and hazardous chemical inventory form (“Tier I” or “Tier II” form) to the local emergency planning committee (“LEPC”), State emergency response commission (“SERC”), and local fire department. Tier I or Tier II forms must be submitted annually on or before March 1 and are required to contain information relating to the preceding calendar year. The State of Connecticut requires the use of Tier II forms.

24. The regulations promulgated pursuant to Section 312 of EPCRA, 42 U.S.C. § 11022, are found at 40 C.F.R. Part 370 (“Part 370”).

25. Section 312(b) of EPCRA, 42 U.S.C. § 11022(b), authorizes EPA to establish minimum threshold levels of hazardous chemicals for the purposes of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a). In accordance with Section 312(b) of EPCRA, 42 U.S.C. § 11022(b), 40 C.F.R. § 370.20(b) establishes minimum threshold levels for hazardous chemicals for the purposes of 40 C.F.R. Part 370.

26. Under 40 C.F.R. §§ 370.20 and 370.25, the owner or operator of a facility at which a hazardous chemical is present at any one time exceeding the minimum threshold level, as set forth in 40 C.F.R. § 370.20(b), must prepare and submit a Tier I or Tier II form to the LEPC, SERC and local fire department. Forty C.F.R. § 370.25(a) requires that Tier I or Tier II forms be submitted annually on or before March 1 and contain information relating to the preceding calendar year. Forty C.F.R. § 370.25(c) allows the LEPC, SERC or local fire department to request that a facility submit the more comprehensive Tier II form in lieu of the Tier I form.

27. Pursuant to 40 C.F.R. § 370.5(b), any person other than a governmental entity who violates any requirement of § 370.25 is liable for civil and administrative penalties.

28. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides that any person who violates any requirement of Section 312 of EPCRA, 42 U.S.C. § 11022, shall be liable to the United States for a civil penalty in an amount of up to \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701, *et seq.*, and the Civil Monetary Penalty Inflation Adjustment Rule promulgated thereunder at 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, is up to \$27,500 per day for violations occurring after January 30, 1997 through March 15, 2004; \$32,500 for violations occurring from March 16, 2004 through January 12, 2009; and \$37,500 for violations occurring after January 12, 2009.

GENERAL ALLEGATIONS

29. Respondent is the owner and operator of a commercial bulk chemical blending, packaging and distribution facility (the "Facility"), which also manufactures liquid bleach (sodium hypochlorite) from chlorine and sodium hydroxide. The Facility is located at 67 Welton Street, in New Haven, Connecticut.

30. Respondent is a corporation organized under the laws of the State of Connecticut. As a corporation, Respondent is a "person," as that term is defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e); Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7); and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

31. The Facility is a "stationary source," as that term is defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3.

32. The Facility is an "onshore facility," as that term is defined at Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

33. The Facility is a "facility," as that term is defined at Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 370.66.

34. On December 16, 2008, EPA conducted an inspection at the Facility.

35. At the time of the December 16, 2008, inspection, EPA inspectors observed at the Facility liquid chlorine and hydrochloric acid solution with a 38% concentration ("hydrochloric acid 38%"). Both chemicals are RMP chemicals listed at 40 C.F.R. § 68.130.

36. Other chemicals found at the Facility, such as hydrochloric acid 34%, nitric acid 67%, sulphuric acid, sodium hydroxide, sodium hypochlorite, fluorosilicic acid and phosphoric acid, are, alone or in combination with other chemicals, "extremely hazardous substances" subject to the General Duty Clause of the CAA.

37. Respondent developed and implements a Program 3 RMP for its Facility's liquid chlorine process.

38. During or after the December 16, 2008, inspection, EPA inspectors obtained shipping records, dated May 30, 2008, and September 25, 2008, which showed that Respondent shipped containerized loads of hydrochloric acid 38% (also called muriatic acid 23 degree baume) to Roberts Chemical Company in Pawtucket, Rhode Island. Each shipment was for approximately 46,420 pounds of hydrochloric acid 38%, which exceeds the threshold quantity for that RMP chemical. A bill of lading from Canada reflects that Respondent received a shipment of 46,420 pounds of hydrochloric acid 38% from Canada on September 24, 2008.

39. The hydrochloric acid 38% was stored in a tank. Accordingly, during at least 2008, Respondent stored more than the threshold amount of regulated hydrochloric acid 38% in a "covered process," as that term is defined at 40 C.F.R. § 68.3.

40. As the owner and operator of a stationary source that had more than the threshold amount of a regulated substance in a covered process, Respondent was, at all times relevant to the allegations herein, subject to the requirements of 40 C.F.R. Part 68. In particular, Respondent's storage and processing of hydrochloric acid 38% was subject to the requirements of Program 2, in accordance with the requirements found in 40 C.F.R. § 68.10(a)-(d). The covered process is subject to Program 2 requirements because (1) the distance to a toxic or flammable endpoint for a worst case release of hydrochloric acid 38% is more than the distance to a public receptor, making the process ineligible for Program 1, but (2) the process is not subject to Program 3 requirements because the Facility's hydrochloric acid 38% process is not subject to the OSHA PSM standard, nor is the Facility's hydrochloric acid process contained in the listed delineated NAICS codes.

41. During the December 16, 2008, inspection, EPA inspectors observed at the Facility four chemicals not listed on Respondent's EPCRA Tier II reporting form: diatomaceous earth, sodium bicarbonate, heating oil and diesel fuel.

42. Based on the observations described above, EPA inspectors requested that Respondent review all chemicals handled at the Facility in order to ascertain whether there were any other chemicals that needed to be reported on Respondent's Tier II form.

43. On March 16, 2009, Respondent sent a list of chemicals to EPA via e-mail and attached a revised EPCRA Tier II reporting form. Both that list and the submitted Tier II form included nine chemicals not previously listed on the prior Tier II form: diatomaceous earth; sodium bicarbonate; heating oil (light); diesel fuel; calcium chloride; sodium carbonate; urea; 45% potassium hydroxide, and aluminum sulfate. The quantities listed on the revised Tier II form all exceeded the minimum threshold levels established by 40 C.F.R. § 370.20(b).

44. For the 2008 reporting year, Respondent was an owner or operator of a facility that had a number of hazardous chemicals in excess of the threshold amount for purposes of 40 C.F.R. Part 370 applicability. In particular, the presence of diatomaceous earth, sodium bicarbonate, heating oil (light), diesel fuel, calcium chloride, sodium carbonate, urea, 45% potassium hydroxide and aluminum sulfate subjected the Facility to the requirements of C.F.R. §§ 370.20 and 370.25. Thus, Respondent was required to prepare and submit an EPCRA Tier II reporting form that included diatomaceous earth, sodium bicarbonate, heating oil (light), diesel fuel, calcium chloride, sodium carbonate, urea, 45% potassium hydroxide and aluminum sulfate.

45. During the December 16, 2008, inspection, EPA inspectors also observed one 4,000-gallon and two 275-gallon above-ground bulk oil storage containers/tanks ("ASTs"), which exceeded the threshold for applicability of the SPCC regulations.

46. A release of oil from one of the Facility's ASTs would have the potential to drain to the City of New Haven's stormwater sewer system. In turn, the stormwater sewer system drains to the Quinnipiac River which flows into New Haven Harbor. New Haven Harbor is an inlet on the north side of Long Island Sound, an estuary of the Atlantic Ocean.

47. The Quinnipiac River, New Haven Harbor, Long Island Sound and the Atlantic Ocean are "navigable waters" as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7) and 40 C.F.R. § 110.1, and are therefore subject to the jurisdiction of Section 311 of the CWA, 33 U.S.C. § 1321.

48. At the time of the December 16, 2008, inspection, Respondent failed to have available a written SPCC Plan for the Facility, as required by EPA's regulations at 40 C.F.R. Part 112, promulgated under the authority of Section 311(j)(1) of the CWA, 33 U.S.C. § 1321(j)(i).

49. As a result of the December 16, 2008, inspection, on June 30, 2009, EPA issued a CAA Notice of Violation, Administrative Order and Reporting Requirement, and a CWA Request for Information ("RFI") regarding Respondent's compliance with 40 C.F.R. Part 112.

50. Respondent replied to EPA's RFI on December 7, 2009, which included an SPCC Plan dated November 30, 2009. Respondent's reply also indicated that Respondent has the capacity to store a total of 9,200 gallons of oil aboveground in two 4,000-gallon AST's and four 55-gallon drums.

51. Respondent's Facility is a "non-transport-related" facility within the meaning of Appendix A of 40 C.F.R. Part 112.

52. As the owner or operator of a non-transport-related on-shore facility engaged in the storage of oil, Respondent was subject to 40 C.F.R. Part 112 at all times relevant to the

allegations herein. In particular, Respondent's storage of oil in AST's was subject to the requirement of developing, implementing and having available, an SPCC Plan.

IV. CONSENT AGREEMENT

Conditions of Settlement

53. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO and that this CAFO states a claim upon which relief may be granted against Respondent.

54. Respondent neither admits nor denies the specific factual allegations contained in this CAFO and consents to the assessment of the penalty stated herein.

55. Respondent waives any defenses it might have as to jurisdiction and venue and consents to the terms of this CAFO.

56. Respondent waives its right to a judicial or administrative hearing on any issue of law or fact set forth in this CAFO, waives its right to appeal the Final Order in this matter and consents to the issuance of a Final Order without further adjudication.

57. Respondent certifies that it is currently operating and will operate the Facility described in this CAFO in compliance with the CAA, CWA, and EPCRA, and the federal regulations promulgated thereunder.

Supplemental Environmental Project

58. Respondent shall complete the following Supplemental Environmental Project ("SEP"), which the parties agree is intended to secure significant environmental or public health protection and improvements. Not more than sixty (60) days after the date that this CAFO becomes final as set forth in paragraph 92 below, Respondent shall: 1) purchase directly the equipment listed and described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter "the SEP Equipment"); 2) donate the SEP Equipment to the New Haven

Fire Department (NHFD), New Haven, Connecticut; and 3) assign to the NHFD any warranties and service agreements thereto included in Exhibit A. Respondent has already provided to EPA quotations reflecting the precise SEP Equipment and its cost estimates, as set forth in Exhibit A. The SEP Equipment, including protective suits, and detection, monitoring, and metering equipment, was selected by the NHFD to address specific hazardous and chemical material incident emergency response needs.

59. In the event that any of the equipment specifically identified in Exhibit A is either no longer available for purchase or is unavailable before the deadline by which Respondent must complete the SEP under this CAFO, Respondent shall notify EPA of such circumstances and submit to EPA for its approval, either: (i) a request for an extension of time for providing such equipment to the NHFD; or (ii) a request that EPA approve the purchase of alternative equipment for the NHFD that meets the objectives of the SEP.

60. The total expenditure for the SEP shall be not less than thirty-six thousand, nine hundred fifty-six dollars (\$36,956), in accordance with the specifications set forth in the Exhibit A. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report described below.

61. Respondent hereby certifies that, as of the date of this CAFO, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP under any grant or agreement with any governmental or private entity, as injunctive relief in this or any other case, or in compliance with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

62. Respondent shall submit a SEP Completion Report to EPA within 60 days after all of the SEP Equipment has been delivered to the NHFD. The SEP Completion Report shall

contain the following information: (i) certification from the NHFD and Respondent that the SEP Equipment as specified in Exhibit A was delivered and any warranties or service agreements assigned to the NHFD; and (ii) itemized costs, documented by copies of purchase orders and receipts, canceled checks, or wire transfer records.

63. Respondent agrees that failure to submit the SEP Completion Report shall be deemed a violation of this CAFO and Respondent shall become liable for stipulated penalties pursuant to paragraph 68 below.

64. Respondent shall submit all notices and reports required by this CAFO, by first class

mail, to:

Gregory Dain, Senior Enforcement Counsel
Office of Environmental Stewardship, Mail Code OES-04-2
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109

65. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

66. After receipt of the SEP Completion Report described in paragraph 62 above, EPA will notify the Respondent, in writing: i) identifying any deficiencies in the SEP Completion Report itself and granting Respondent an additional thirty (30) days to correct any deficiencies; or (ii) indicating that the project has been completed satisfactorily; or (iii)

determining that the project has not been completed satisfactorily and seeking stipulated penalties in accordance with paragraph 68 herein.

67. If EPA elects to exercise option (i) above, i.e., if the SEP Completion Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of SEP completion itself, Respondent may object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Completion Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 68 herein.

68. In the event that Respondent fails to comply with any of the terms or provisions of this CAFO relating to the performance of the SEP described in paragraph 58 above and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 60 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- (i) For failure to purchase and deliver to the NHFD any equipment required by the SEP, Respondent shall pay a stipulated penalty to the United States in the amount equal to the cost of the equipment not provided to the NHFD, plus interest and a penalty equal

to 25 percent of the cost of such equipment that was not delivered as required by the SEP;

(ii) If the SEP is completed satisfactorily pursuant to this CAFO, but the Respondent spent less than thirty-six thousand, nine hundred fifty-six dollars (\$36,956), Respondent shall pay a stipulated penalty to the United States in the amount of one dollar, plus accrued interest, for every one dollar less than thirty-six thousand, nine hundred fifty six dollars (\$36,956) expended by Respondent.

(iii) For failure to submit the SEP Completion Report required by paragraph 62, above, Respondent shall pay a stipulated penalty in the amount of \$200 for each day the SEP report is late.

69. The determination of whether the SEP has been satisfactorily completed shall be in the sole discretion of EPA.

70. Stipulated penalties as set forth in paragraph 68 above shall begin to accrue on the day after performance is due and shall continue to accrue through the final day of the completion of the activity.

71. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be as follows: Respondent shall submit a certified or cashier's check payable to the order of the "Treasurer, United States of America." referencing the case name and docket numbers of this action on the face of the check, to:

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

Respondent shall provide copies of the check to:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 1, Suite 100, Mail Code ORA18-1
5 Post Office Square
Boston, MA 02109-3912

and

Gregory Dain
Senior Enforcement Counsel
U.S. Environmental Protection
Agency, Region 1, Suite 100, Mail Code OES042
5 Post Office Square
Boston, MA 02109-3912

Interest and late charges shall be paid as stated in paragraph 80 below.

72. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for alleged violations of the Emergency Planning and Community Right-to-Know Act of 1986, the Clean Water Act and the Clean Air Act."

73. For federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP. Respondent hereby waives any confidentiality right it has under 26 U.S.C. § 6103 with respect to such SEP costs on its tax return and on the information supporting its tax return. This waiver of confidentiality is solely as to EPA and the Department of Justice and solely for the purpose of ensuring the accuracy of Respondent's SEP cost certification.

74. In addition to the SEP described above, Respondent shall investigate the possibility of significantly reducing the use of liquid chlorine in its manufacturing process. Respondent shall undertake such investigation as part of its overall efforts to reduce the risk to the environment and the public from chemicals manufactured and sold by Respondent at the

Facility. Within six (6) months of the effective date of this CAFO as set forth in paragraph 92, below, Respondent shall submit to EPA a status report on its investigation, consisting of non-confidential business information only.

75. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), Section 311(b)(8) of the CWA, 42 U.S.C. § 1321(b)(8), and Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and taking into account the relevant statutory penalty criteria, the facts recounted in this CAFO, the SEP described above, and such other circumstances as justice may require, including, but not limited to, Respondent's cooperation with EPA, EPA has determined that it is fair and proper to assess a civil penalty of twelve thousand, six hundred twenty-six dollars (\$12,626) for the violations alleged in this CAFO. The penalty shall be apportioned in the following manner: one thousand, one hundred twenty-five dollars (\$1,125) for the EPCRA violations; eight thousand, five hundred dollars (\$8,500) for the CAA violations; and three thousand and one dollar (\$3,001) for the CWA violations.

76. Respondent shall pay the total penalty of twelve thousand, six hundred twenty-six dollars (\$12,626) for the violations of the CAA, CWA and EPCRA set forth herein, which must be paid within thirty (30) calendar days after the date this CAFO becomes final as set forth in paragraph 92 below.

77. Respondent shall make a penalty payment in the amount of nine thousand, six hundred twenty-five dollars (\$9,625), reflecting both the CAA and EPCRA penalty amounts, by submitting a certified or cashier's check **payable to the order of the "Treasurer, United States of America," referencing the case name and the CAA and EPCRA docket numbers of this action on the face of the check.** within thirty (30) calendar days after the date this CAFO becomes final as set forth in paragraph 92 below to:

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

Respondent shall provide copies of the check to:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 1, Suite 100, Mail Code ORA18-1
5 Post Office Square
Boston, MA 02109-3912

and

Gregory Dain
Senior Enforcement Counsel
U.S. Environmental Protection
Agency, Region 1, Suite 100, Mail Code OES042
5 Post Office Square
Boston, MA 02109-3912

78. In addition to the penalty payment set forth in paragraph 77 above, Respondent shall make a penalty payment in the amount of three thousand and one dollar (\$3,001) reflecting the CWA penalty amount, by submitting a certified or cashier's check payable to **"Environmental Protection Agency" referencing the case name and CWA docket number of the action and the words "Oil Spill Liability Trust Fund - 311" on the face of the check,** within thirty (30) calendar days after the date this CAFO becomes final as set forth in paragraph 92 below to:

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

Respondent shall provide copies of the check to:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 1, Suite 100, Mail Code ORA18-1
5 Post Office Square
Boston, MA 02109-3912

and

Gregory Dain
Senior Enforcement Counsel
U.S. Environmental Protection
Agency, Region 1, Suite 100, Mail Code OES042
5 Post Office Square
Boston, MA 02109-3912

79. 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.

80. In the event that the civil penalty amount, or any portion thereof, relating to the EPCRA violations (which shall be deemed to be twelve percent (12%) of any payment amounts due under paragraph 77, above, i.e. the CAA and EPCRA check), or any stipulated penalty pursuant to paragraph 68, above, is not paid when due without demand, the penalty plus accrued interest shall be payable with additional interest from the original due date to the date of payment, at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. §901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. §901.9(d). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

81. In the event that the civil penalty amount, or any portion thereof, relating to the CAA violations (which shall be deemed to be eighty-eight percent (88%) of any payment

amounts due under paragraph 77, above, i.e. the CAA and EPCRA check) is not paid when due without demand, pursuant to §113(d)(5) of the CAA Respondent will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid when due. In that event, interest will accrue from the due date at the "underpayment rate" established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys fees and collection costs. In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

82. In the event that the civil penalty amount relating to the CWA violation is not paid when due without demand, pursuant to Section 311(b)(6)(H) of the Act, 33 U.S.C. § 1321(b)(6)(H), Respondent shall be subject to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the date of this CAFO. The rate of interest assessed shall be at the rate set forth in 31 C.F.R. § 901.9(d), promulgated under 31 U.S.C. § 3717. Any person who fails to pay on a timely basis the amount of an assessed penalty shall be required to pay in addition to such amount and interest, attorney's fees, costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

83. The civil penalty under this CAFO, and any interest, nonpayment penalties and charges described in this CAFO, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state or local law.

84. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 325(c) of EPCRA, Section 311(b)(6) of the CWA, and Section 113(d) of the CAA for the violations alleged in this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state or local law. EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

85. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law. In any subsequent administrative or judicial proceeding initiated by EPA or the United States for injunctive relief, civil penalties, or other appropriate relief relating to Respondent's Facility or Respondent's violations, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by EPA or the United States in the subsequent proceeding were or should have been brought in the instant case,

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

Sam Silverman, acting for
Susan Studien, Director
Office of Environmental Stewardship
U.S. EPA, Region 1

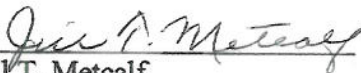
Date: 12-28-10

FINAL ORDER

90. EPA has provided a thirty (30) day opportunity for public notice and comment on the CWA terms and conditions of this CAFO, pursuant to Section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), and has not received any public comments.

91. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c); Section 113(d) of the CAA, 42 U.S.C. § 7413(d); and Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii), and the delegated authority of the undersigned, and in accordance with 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order.

92. The Respondent is ordered to comply with the terms of the above Consent Agreement, which will become final thirty (30) days from the date it is signed by the Regional Judicial Officer unless a petition to set aside the order is filed by a commenter pursuant to Section 309(g)(4)(C) of the CWA, 33 U.S.C. 1319(g)(4)(C), and 40 C.F.R. Part 22.


Jill T. Metcalf
Acting Regional Judicial Officer

Date: February 17, 2011

Supplemental Environmental Program Equipment

Exhibit "A"

Summary of Environmental & Public Health Benefits of Respondent's Supplemental Environmental Program

The SEP Equipment was selected by the NHFD to address specific hazardous and chemical material incident emergency response needs of NHFD in an effort to further protect the environment, the public health and the safety of its responders during its emergency responses. Included in the SEP Equipment are four next generation fully encapsulated vapor protective suits, for which NHFD personnel are one of the few in the immediate New Haven Area to be trained to use, enabling NHFD to more safely and successfully secure potential chemical leaks and affect any rescues in a safer and more protective manner for the environment, the responders and the surrounding public. Also included are specifically selected detection, monitoring and metering equipment essential for hazardous materials emergency responders to be able to control and stabilize these situations and fully evaluate the potential risks associated therewith, prior to putting any of its personnel and the public in harm's way. NHFD tailored its selection of metering and monitoring equipment for the SEP to a tiered response system. Basic meters were included for use by first responders allowing them to make a rapid assessment, isolate and deny entry, control the incident from a safe distance and call for additional resources. The more advanced metering and monitoring technology selected by NHFD is designed for use by the higher trained and more skilled reinforcements who follow the first responders. The SEP metering, monitoring and detection technology will enable the NHFD to establish zones, facilitate risk/ benefit analysis, determine levels of protective clothing, and determine the success of any mitigation and decontamination efforts. The SEP Equipment selected by NHFD, will provide essential equipment for it to provide a faster, safer and more environmental protective response service to the City of New Haven, which is an environmental justice community. The SEP Equipment will allow the NHFD to make reasonable and safe estimates on how to better and more safely handle and manage the material in question, ensuring the environment, public health and responder's safety is protected.

Supplemental Environmental Program Equipment
Quotation Lists

1. Hi-Tech Fire & Safety, Inc. - Quote #3039 - Date 11/3/10 - \$20,429.64
2. Hi-Tech Fire & Safety, Inc. - Quote #3052 - Date 11/9/10 - \$1,122.66
3. Hi-Tech Fire & Safety, Inc. - Quote #3054 - Date 11/10/10 - \$1,311.63
4. Hi-Tech Fire & Safety, Inc. - Quote #3046 - Date 11/5/10 - \$2,367.36
5. BullEx Digital Safety - Quote #21325 - Date 11/16/10 - \$2,200.00
6. Hagemeyer - Contract #RQ-06-814063-10A - Date 10/27/10 - \$9,525.00

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/3/2010

Quote No. 3039

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No. Terms Salesperson FOB Job Quotation for:
 Net 30 CJB dest 101103-Pac7000

Qty	Part No.	Description	Unit Price	Total
11	8321031	Draeger Pac 7000 CO: - 0 to 1990 ppm - Alarm 1: 35 ppm - Alarm 2: 50 ppm - Not life limited - Sensor can be replaced when needed - Sensor has a 5-year warranty - Datalogging capability of 5 days with information recorded every minute	419.16	4,610.76
4	8318973	Pac 7000 HCN (Hydrogen Cyanide) Single Gas Monitor (XXS), 0 to 50 ppm; Provides: Full Range Concentration Readout Datalogger Standard Alarm 1: 2.5 ppm Alarm 2: 4.5 ppm	441.00	1,764.00
1	8317410	Pac 7000 Bump Test Station (Gas cylinder to be procured separately)	469.56	469.56
15	4543822	Leather Carrying Case for PAC 3000, 5000, & 7000	28.56	428.40
1	4520128	Carbon Monoxide Calibration Gas, 100 ppm: - Balance: N2 - 103 Liters - 1000 psi - Max. Shelf Life: 36 months	116.76	116.76

Total

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/3/2010

Quote No. 3039

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	dest	101103-Pac7000

Qty	Part No.	Description	Unit Price	Total
1	4594962	Hydrogen Cyanide Calibration Gas Cylinder (Toxic)- 10 ppm; 58 Liters, 500 psi, shelf life = 12 months, Nitrogen Balance	315.00	315.00
2	4543751	X-am 5000 Multi-Gas Monitor, with XXS Draeger Sensors; includes: O2 Electrochemical Sensor (2 year warranty) Dual CO/H2S Electrochemical Sensor (2 year warranty) Combustible Gas Cat Ex Sensor (2 year warranty) Choose 1 additional XXS Electrochemical Sensor (installed - 2 year warranty) NiMH Battery NiMH Battery Charger Datalogger Belt Clip User Manual 2 year Warranty on Instrument	1,037.40	2,074.80
2	4543767	HCN XXS Installed Sensor: Meas Range: 0 to 50 ppm Resolution: 1 ppm Warranty: 1 Year (Replacement P/N: 6810887)	239.40	478.80

Total

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/3/2010
 Quote No. 3039

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	dest	101103-Pac7000

Qty	Part No.	Description	Unit Price	Total
2	4543760	Confined Space Entry Set for X-am 1/2/5000 Pump; includes: - Molded Case with Pump - 15 feet (5 meters) Tygon Tubing - Float Probe - Spare Filter	390.60	781.20
2	8318779	Battery Charger Vehicle Mounting Kit for X-am 2000/5000 - Use with Charge Cradle (8318639) and Vehicle Adapter 12vdc Power Supply (4530057)	0.00	0.00
2	4530057	12Vdc Charger Plug for Vehicle (single module)	0.00	0.00
2	8319131	Bump/Calibration Station for X-am 2000/5000 (with regulator, without gas cylinder)	420.00	840.00
2	4594655	Calibration/Bump Gas; 50% LEL Methane, 100 ppm Carbon Monoxide, 25 ppm Hydrogen Sulfide, 17% Oxygen, N2 Balance, 58L, 12 month shelf life, 500 psi	225.96	451.92
2	4594962	Hydrogen Cyanide Calibration Gas Cylinder (Toxic)- 10 ppm; 58 Liters, 500 psi, shelf life = 12 months, Nitrogen Balance	309.96	619.92
2	4552189	X-AM 7000 STANDARD 4-GAS METER X-am 7000 with pump, EX, O2, and 6.0amp battery pack 5 year warranty on CO/O2 sensors, Ex sensor has a 2 year warranty.	2,888.76	5,777.52

Total

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/3/2010

Quote No. 3039

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	dest	101103-Pac7000

Qty	Part No.	Description	Unit Price	Total
2	4595409	[III] Chlorine (CL2) XS Installed Sensor for PAC III Monitor	393.96	787.92
2	8318169	Vehicle Mounting Kit (Requires 4530057 Power Supply and 8316487 Module)	67.20	134.40
2	4552324	12 VDC Adapter for vehicle charging (90 degree connector)	20.16	40.32
2	4511262	Sample Probe, Clear Plastic - 12"	34.02	68.04
1	8318909	Bump Test Station, X-am 7000 (w/o gas cylinder)	444.36	444.36
1	4594655	Calibration/Bump Gas; 50% LEL Methane, 100 ppm Carbon Monoxide, 25 ppm Hydrogen Sulfide, 17% Oxygen, N2 Balance, 58L, 12 month shelf life, 500 psi	225.96	225.96
<p>PLEASE NOTE: Hi-Tech to Provide: In service training for all Meters and Calibration systems. Hi-Tech to Service, Maintenance, and Calibrate meters every 3 months during the life of these Meters.</p>				

Total \$20,429.64

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/9/2010

Quote No. 3052

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	dest	101110-NHASH

Qty	Part No.	Description	Unit Price	Total
2	8101735	[Haz I] HazMat Simultest Set I (inorganic gases) for detection of: Acid Gases (e.g., Hydrochloric Acid) Basic Gases (e.g., Ammonia) Carbon Monoxide Hydrocyanic Acid Nitrous Gases (e.g., Nitrogen Dioxide)	63.00	126.00
2	8101736	[Haz II] Hazmat Simultest Set II (inorganic gases) for detection of: Carbon Dioxide, Chlorine Hydrogen Sulfide Phosgene Sulfur Dioxide	63.00	126.00
2	8101770	[Haz III] HazMat Simultest Set III (organic vapors) for detection of: Alcohols (e.g., Methanol) Aliphatic Hydrocarbons (e.g., n-Hexane) Aromatics (e.g., Toluene) Chlorinated Hydrocarbons (e.g., Perchloroethylene) Ketones (e.g., Acetone)	63.00	126.00

Total

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/9/2010

Quote No. 3052

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	dest	101110-NHASH

Qty	Part No.	Description	Unit Price	Total
1	8103310	Clan Lab Simultaneous Test Set, for detection of: Phosphine Phosgene Ammonia Hydrochloric Acid Iodine	78.96	78.96
1	8103381	Acetone 40/a (5 tests per box) 40-800 ppm	27.30	27.30
1	8101941	Ammonia 5/b	57.96	57.96
1	6728561	Benzene 0.5/a Short Term Tube; 0.5 - 10 ppm (10 per box)	63.00	63.00
1	8101811	Carbon dioxide 100/a 100-3,000 ppm	54.60	54.60
1	CH24301	Chlorine 0.2/a Short Term Tube; 0.2 - 30 ppm (10 per box; price quoted is per box)	52.92	52.92
2	6728961	Ethylene Oxide 1/a Short-Term Tube (5 tests per box); 1 - 15 ppm	68.88	137.76
1	6728041	Hydrogen sulfide, 10ppm Maximum	56.28	56.28
1	8101961	Hydrogen Sulfide 2/b Short Term Tube;1 - 60 ppm (10 tests per box; price quoted is per box)	52.92	52.92

Total

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/9/2010

Quote No. 3052

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	dest	101110-NHASH

Qty	Part No.	Description	Unit Price	Total
1	CH20001	Natural Gas Test Short Term Tube; Qualitative (5 Tests per Box)	52.92	52.92
1	CH28401	Polytest Short-Term Tube; Qualitative (10 per box; price quoted is per box)	52.08	52.08
1	6728541	Trichloroethylene 2/a Short Term Tube; 2 - 250 ppm (10 tests per box)	57.96	57.96

Total \$1,122.66

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/10/2010

Quote No. 3054

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	origin	111010-CMS

Qty	Part No.	Description	Unit Price	Total
1	6406470	Acetone CMS Chip, 40.0 - 600 ppm	77.28	77.28
1	6406020	Ammonia CMS Chip, 10.0 - 150 ppm	53.73	53.73
1	6406280	Benzene CMS Chip, 10.0 - 250 ppm	153.72	153.72
2	8101811	Carbon dioxide 100/a 100-3,000 ppm	54.60	109.20
1	6406120	Nitrogen Dioxide CMS Chip, 0.5- - 25.0 ppm	53.76	53.76
1	6406110	Sulfur Dioxide CMS Chip, 0.40 - 10.0 ppm	53.76	53.76
1	6406560	Styrene CMS Chip, 2.0 - 40.0 ppm	77.28	77.28
1	6406180	Sulfur Dioxide CMS Chip, 5.0 - 150 ppm	64.68	64.68
1	6406250	Toluene CMS Chip, 10.0 - 300 ppm	68.88	68.88
1	6406230	Vinyl Chloride CMS Chip, 10.0 - 250 ppm	63.00	63.00
1	6406010	Chlorine CMS Chip, 0.20 - 10.0 ppm	52.92	52.92
1	6406140	Hydrochloric Acid CMS Chip, 20.0 - 500 ppm	69.72	69.72
1	6406540	Formaldehyde CMS Chip, 0.20 - 5.0 ppm	77.28	77.28
1	6406070	Carbon Dioxide CMS Chip, 1000 - 25000 ppm	52.08	52.08

Total

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/10/2010

Quote No. 3054

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB	origin	111010-CMS

Qty	Part No.	Description	Unit Price	Total
1	6406060	Nitrous Gases CMS Chip (NO + NO2), 0.50 - 15.0 ppm	52.08	52.08
1	6406320	Trichloroethylene CMS Chip, 5.0 - 100 ppm	64.68	64.68
1	6406040	Perchloroethylene CMS Chip, 5.0 - 150 ppm	64.68	64.68
5	6406290	CMS Training Chip	20.58	102.90
	NYS HIRE Cont...	New York State HIRE Contract No. PC63954 (Group 38232)		0.00

Total \$1,311.63

Hi-Tech Fire & Safety, Inc.
 158 Allen Boulevard - Suite A
 Farmingdale, NY 11735
 631-777-5170
 Fax: 631-777-5171



Quotation

Date 11/5/2010

Quote No. 3046

City of New Haven
 Fire Department Headquarters
 952 Grand Avenue
 P.O. Box 374
 New Haven, CT 06510

Cust. P.O. No.	Terms	Salesperson	FOB	Job Quotation for:
	Net 30	CJB		110510-Tubes

Qty	Part No.	Description	Unit Price	Total
2	6728181	Hydrochloric Acid 50/a Short Term Tube; 50 - 5000 ppm (10 per box; price quoted is per box)	66.36	132.72
1	CH25701	Hydrocyanic Acid 2/a Short-Term Tube; 2 - 150 ppm (SEI Certified) (10 per box; price quoted is per box)	58.80	58.80
1	6728041	Hydrogen sulfide, 0.5-15ppm	56.28	56.28
1	8101961	Hydrogen Sulfide 2/b Short Term Tube;1 - 60 ppm (10 tests per box; price quoted is per box)	52.92	52.92
1	CH30001	Nitrogen Dioxide 0.5/c (SEI Certified) Short-Term Tube; 0.5 - 25 ppm (10 per box)	52.92	52.92
2	8101501	Perchloroethylene 2/a Short-Term Tube; 2 - 300 ppm (10 per box; price quoted is per box)	57.96	115.92
3	8101691	Petroleum Hydrocarbons 10/a 10-300 ppm	78.96	236.88
3	6730201	Petroleum Hydrocarbons 100/a Short Term Tube; 100 - 2,500 ppm (10 per box)	51.24	153.72
1	CH28301	Phosgene 0.25/c Short Term Tube; 0.25 - 15 ppm (10 per box)	78.96	78.96
1	CH31101	Phosphine 0.1/a	57.96	57.96

Total



20 Corporate Circle
Albany, NY 12203
Ph. 518-689-2023
Fx. 518-689-2034

Quote

Quote Number: 21325
Date: 11/16/2010
Sales Person: Matt Monroe
Valid Until: 12/16/2010
Terms: Net 30

Bill To:	Ship To:	Contact:
City of New Haven Fire Department	City of New Haven Fire Department	Matt Marcarelli 203-946-6215

Quantity	Part Number	Product	Unit Price	Ext. Price
1	HAZ04GT	GasTrainer Package GasTrainer Instructor Unit GasTrainer Student Unit Three (3) GasSource Emitters One Year Warranty User Manual	\$2,200.00	\$2,200.00

Grand Total

Subtotal:	\$2,200.00
Currency: U.S. Dollar	Tax: \$0.00
Tax Rate: 0.00%	Shipping & Handling: \$0.00
Shipping Provider:	Total: \$2,200.00

Warranty Terms: The warranty covers all defects in material or workmanship for a period of one year from date of purchase unless otherwise specified. The warranty does not cover damage caused by accident, neglect, or misuse by the client or its agents, servants or employees. Standard warranty excludes batteries and battery packs which have a 90 day warranty.

Payment Terms: A penalty of 1.5% per month will be charged on any invoices not paid within 30 days. Customers are responsible for all duties, taxes, and customs charges. All payments must be in US Dollars. BullEx Inc. is not responsible for any currency exchange differences. All orders will be invoiced and/or charged on the day in which the order is shipped. Terms on BullEx, Inc. quotes supersede any terms and conditions on a customer purchase order. Customer agrees to fully comply with U.S. Export Administration Regulations and all other U.S. laws and regulations concerning exports and re-exports to foreign countries.



Remit to Address:
 Hagemeyer NA,
 PO Box 404753,
 Atlanta GA 30384-4753

Terms: NET 30

U.S. COMMUNITIES



GOVERNMENT PURCHASERS SERVING YOUR AGENCY

CONTRACT # RQ-06-814063-10A

US Communities Quotation
TRELLCHEM VPS FLASH SUITS

Date:	10/27/2010
Order #	
Order Date:	
Promise Date:	
HAG REF #:	
Unit Price	Unit Extended

MSRP	Qty	Part #	Description	Unit Price	Unit	Extended
\$2,895.00	4	47652009X	TRELLCHEM VPS FLASH SUIT with sock, VP1 visor. Provides maximum protection against hazardous chemicals in liquid, vapor, gaseous and solid form, including warfare agents as well as a flash-over. Designed to carry the breathing apparatus inside the suit. Trellchem® VPS-Flash is fully certified to NPFA 1991-2005 with Optional Chemical Flash Fire & Liquefied Gas. (2) XL & (2) XXL	\$2,381.25	ea	\$9,525.00
<p>THIS PRICING APPLIES TO REGISTERED US COMMUNITIES PARTICIPANTS ONLY. www.uscommunities.org</p> <p>SHIPPING WITHIN CONTINENTAL US INCLUDED IN PRICING</p>						
<p>Contact John McLoughlin Ph 866 506 9361 Fx 800 332 4364 jmcloughlin@hagemeyer.com</p> <p>Prices subject to change without notice unless otherwise stated. No Federal, State or Municipal taxes included unless definitely specified. All orders subject to credit department approval. F.O.B. shipping point unless otherwise noted.</p>						
<p>Sub Total</p>						\$9,525.00
<p>Tax</p>						
<p>Total</p>						\$9,525.00

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY, REGION 1
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	Docket No. CAA-01-2010-0062
H. Krevit & Company, Inc.)	CWA-01-2010-0065
)	EPCRA-01-2010-0063
Respondent.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been distributed on the date indicated below, and in the following manner:

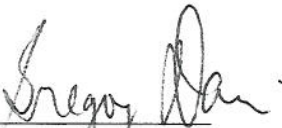
Original and One Copy,
Hand Delivered:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square
Suite 100
Boston, MA 02109

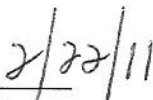
Copy by Certified Mail, Return
Receipt Requested, and by E-mail:

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Gregory Dain



Date