

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Amanda J. Helwig 3/25/10
Name of Case Attorney Date

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

Case Docket Number EPCRA-01-2009-0049

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:

The Sousa Corporation
1045 New Britain Ave.
West Hartford, CT 06110

Total Dollar Amount of Receivable \$ 8014.00 Due Date: 4/25/10

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
BEFORE THE ADMINISTRATOR

2010 MAR 25 A 8:45

In the Matter of:)
)
THE SOUSA CORPORATION)
1045 New Britain Ave.)
West Hartford, CT 06110)
)
Respondent)
_____)

Docket No. EPCRA-01-2009-0049

CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency (“EPA”) issued an Administrative Complaint and Notice of Opportunity for Hearing to The Sousa Corporation (“Respondent”). EPA and Respondent (“the Parties”) agree that settlement of this cause of action is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving the enforcement action commenced by the filing of the Complaint. The Parties agree to settle the action through the issuance of this CAFO, pursuant to 40 C.F.R. § 22.18(b) of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination, or Suspension of Permits,” 40 C.F.R. Part 22.

NOW, THEREFORE, before the taking of any testimony, upon the pleading, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), 42 U.S.C. § 11045, and the regulations promulgated thereunder, found at 40 C.F.R. Part 370.

2. The Complaint alleges that Respondent violated regulations concerning the submission of chemical inventory forms (Tier II), for the hazardous chemicals anhydrous ammonia and quench oil at Respondent’s facility in West Hartford, Connecticut in quantities equal to or greater than the minimum threshold levels for these chemicals set forth at 40 C.F.R. § 370.20(b).

3. The provisions of this CAFO shall apply to and be binding on the Parties, their officers, directors, agents, servants, employees, successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual and legal allegations contained in the Complaint, consents to the terms of this Consent Agreement and Final Order.

5. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

II. TERMS OF SETTLEMENT

6. Respondent has demonstrated to the satisfaction of EPA that it has complied with the reporting requirement that formed the basis of Count I in the Complaint.

7. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), EPA has determined that, based on the nature of the violations, Respondent's cooperative attitude, and other relevant factors, an appropriate civil penalty to settle this action is in the amount of eight thousand fourteen dollars (\$8,014).

8. Respondent consents to the issuance of the CAFO hereinafter recited and consents for purposes of settlement to the payment of the civil penalty cited in paragraph 7.

9. Within thirty (30) days of the effective date of the Final Order, Respondent shall submit a bank, cashier's or certified check, payable to "Treasurer, United States of America," in the amount of \$8,014. This check shall be sent to:

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

Respondent shall note the case name and respective docket numbers ("In the Matter of The Sousa Corporation," EPA Docket No. EPCRA-01-2009-0049) on the check and in accompanying cover letters and shall provide copies of the checks and letters to:

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

and

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

10. 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. In the event that any partial payment of the civil penalty, plus interest thereon, 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).

11. The civil penalty provided for herein is a penalty within the meaning of 26 U.S.C. § 162(f) and is not tax deductible for purposes of federal, state or local law.

12. All penalties, interest, and charges payable pursuant to this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

13. Respondent shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO.

14. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 325 of EPCRA for the violations of EPCRA alleged in the Complaint. Compliance

with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations.

15. This CAFO in no way relieves The Sousa Corporation or its employees of any criminal liability. Nothing in the CAFO shall be construed to limit the authority of the United States to undertake any action against The Sousa Corporation in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

16. Each undersigned representative of the Parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

17. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.

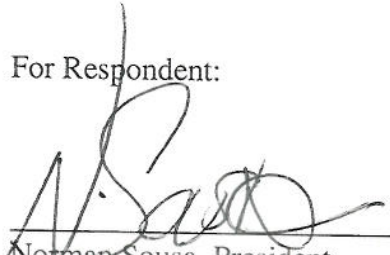
For Complainant:



Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

Date: 3/19/10

For Respondent:




Norman Sousa, President
The Sousa Corporation

Date: 1/13/10

III. FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

Date: March 24, 2010



Jill T. Metcalf
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region I