

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
BEFORE THE ADMINISTRATOR

RECEIVED

2009 OCT 22 P 5: 11

In the Matter of: )

JELLIFF CORPORATION )  
354 Pequot Ave. )  
Southport, CT 06890 )

Respondent )

Docket No. EPCRA-01-2009-0096

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

**CONSENT AGREEMENT AND FINAL ORDER**

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint herein against Respondent, C.O. Jelliff Corporation, doing business as Jelliff Corporation ("Respondent"), the Parties herein; and

Complainant and Respondent having agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order without further litigation is the most appropriate means of resolving this matter.

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 of seventeen thousand six hundred ten dollars (\$17,100), 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 extremely hazardous substance anhydrous ammonia and the hazardous substance fuel oil stored at Respondent's facility in Southport, Connecticut in quantities equal to or greater than the chemical-specific minimum threshold for this chemical set forth at 40 C.F.R. §370.20 (b).

3. The provisions of this Consent Agreement and Final Order 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 hereby certifies that it has complied with the reporting requirement that formed the basis of Count I of the Complaint.

7. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. §11045(c), and taking into account the nature of the violation, Respondent's cooperative attitude, and other relevant factors, EPA has

determined that an appropriate civil penalty to settle this action is in the amount of eleven thousand one hundred fifteen dollars (\$11,115).

8. Respondent consents to the issuance of the Consent Agreement and Final Order hereinafter recited and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

9. Within thirty (30) days of the effective date of the Final Order, Respondent shall submit a cashier's or certified check, to the order of the "Treasurer, United States of America," in the amount of eleven thousand one hundred fifteen dollars (\$11,115), to:

US 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:

Regional Hearing Clerk (RAA)  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

and

Amelia Welt Katzen  
Senior Enforcement Counsel (SEL)  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

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

12. Respondent shall bear its own costs and attorneys' fees in connection with the action resolved by this Consent Agreement and Final Order.

13. This Consent Agreement and Final Order 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 Consent Agreement and Final Order 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.


14. This Consent Agreement and Final Order in no way relieves Respondent or its employees of any criminal liability. Nothing in the Consent Agreement and Final Order shall be

construed to limit the authority of the United States to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

15. 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.

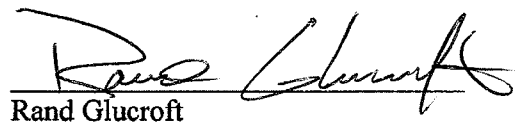
16. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this Consent Agreement and Final Order is filed with the Regional Hearing Clerk.

For Complainant:

  
\_\_\_\_\_  
Joel Blumstein, Manager  
Legal Enforcement Office  
Office of Environmental Stewardship  
U.S. Environmental Protection  
Agency, Region I

Date: 10/22/09

For Respondent:

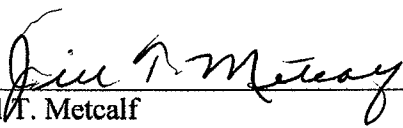
  
\_\_\_\_\_  
Rand Glucroft  
Vice President, Finance and Administration  
C.O. Jelliff Corporation

Date: 10/21/2009

**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.

Date: Oct. 22, 2009

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

\_\_\_\_\_ )  
In the Matter of: )

Jelliff Corporation )

Respondent. )  
\_\_\_\_\_ )

) Docket No. EPCRA-01-2009-0096

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and One Copy,  
Hand Delivered:

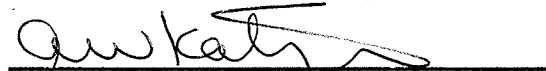
Regional Hearing Clerk (RAA)  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100  
Boston, MA 02114

Copy, Certified Mail, Return  
Receipt Requested:

Geoffrey Wheeler, President  
Jelliff Corporation  
354 Pequot Ave.  
Southport, CT 06890

Dated:

10/22/09



Amelia Welt Katzen  
Senior Enforcement Counsel (SEL)  
U.S. Environment Protection Agency, Region 1  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Judy Lao for Amelia Katzen  
Name of Case Attorney

10/22/09  
Date

in the ORC (RAA) at 918-1454  
Office & Mail Code Phone number

Case Docket Number EPCRA-01-2009-0096

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:

Jeliff Corporation  
354 Pequot Ave.  
Southport, CT 06890

Total Dollar Amount of Receivable \$ 11,115.00      Due Date: 11/23/09

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 \_\_\_\_\_