

DT-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 1562 3648

Terry Wright, Director of Manufacturing
Austin Powder Company
P.O. Box 317
MacArthur, Ohio 45651

Austin Powder Company, Docket No. TscA-05-2008-0002

Dear Mr. Wright:

I have enclosed one original signed copy of a fully executed Amended Consent Agreement and Final Order in resolution of the above case. This document was filed on January 17, 2008 with the Regional Hearing Clerk.

Thank you for your cooperation in resolving this matter.

Sincerely,

R. Terence Bonace
Enforcement Officer
Pesticides and Toxics Compliance Section

Enclosures

cc: Marcy Tony, Regional Judicial Officer (w/Encl.) C-14J
Ann Coyle, C-14J
Erik Volck, Cincinnati Finance (MWD)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V
2008 JAN 17 PM 2:54

In the Matter of:)

Austin Powder Company)
McArthur, Ohio)

Respondent.)
_____)

) Docket No.: TSCA-05-2008-0002

) Proceeding to Assess a Civil Penalty
) under Section 16(a) of the Toxic
) Substances Control Act,
) 15 U.S.C. § 2615(a)
)

Amended Consent Agreement

Paragraphs 43 and 44 of the Consent Agreement are amended to read:

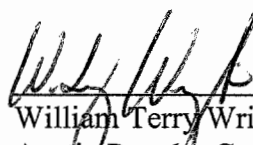
43. Respondent must complete the SEP as follows: within 60 days of the effective date of this amended Consent Agreement and Final Order, purchase twelve sets of National Fire Protection Association-approved personal protective equipment, including a helmet with shield, Nomex hood, coat, bunker pants, boots and gloves, and donate that equipment to the Zaleski, Ohio, fire department.

44. Respondent must spend at least \$16,800 to purchase the equipment.

Austin Powder Company, Respondent

12/19/07

Date




William Terry Wright, Director of Manufacturing
Austin Powder Company

United States Environmental Protection Agency, Complainant

1/10/08

Date



Margaret M. Guerriero, Director
Land and Chemicals Division

In the Matter of: Austin Powder Company
Docket No. TSCA-05-2008-0002

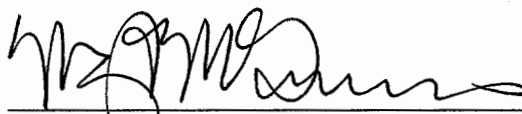
FINAL ORDER

This Amended Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. IT IS SO ORDERED.

Date

1/15/08

for



Mary A. Gade
Regional Administrator
United States Environmental Protection Agency
Region 5

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V

2008 JAN 17 PM 2:54

CERTIFICATION OF SERVICE

I, R. Terence Bonace, certify that I filed the original, signed copy of the Amended Consent Agreement and Final Order, docket number TSCA-05-2008-0002, with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (E-13J), Chicago, Illinois 60604, and I mailed by certified mail, Receipt No. 7001 0320 0006 1562 3655, a copy of the original to Respondent:

Terry Wright, Director of Manufacturing
Austin Powder Company
P.O. Box 317
MacArthur, Ohio 45651

And forwarded copies, via intra-office mail, to:

Marcy Toney, Regional Judicial Officer (C-14J)
Ann Coyle, Associate Regional Counsel (C-14J)
Erik Volck, Cincinnati Finance (MWD)

On the 17 day of January, 2008.



R. Terence Bonace
U.S. Environmental Protection Agency
Region 5