

**UNITED STATES  
 ENVIRONMENTAL PROTECTION AGENCY  
 REGION III  
 1650 Arch Street  
 Philadelphia, Pennsylvania 19103**

<b>In the matter of:</b>	)	
	)	
<b>Baldwin Hardware Corporation</b>	)	<b>Docket No. RCRA-03-2015-0243</b>
<b>19701 Da Vinci</b>	)	
<b>Lake Forest, CA 92610</b>	)	
	)	
<b>and</b>	)	
	)	<b>Proceeding Under</b>
<b>SBD Property Holdings, LLC</b>	)	<b>Section 3008(a) and (g) of the</b>
<b>6161 East 75th Street</b>	)	<b>Resource Conservation and</b>
<b>Indianapolis, IN 46250,</b>	)	<b>Recovery Act, as amended,</b>
	)	<b>42 U.S.C. § 6928(a) and (g)</b>
<b>RESPONDENTS.</b>	)	
	)	
<b>841 East Wyomissing Boulevard</b>	)	
<b>Reading, PA 19611</b>	)	
	)	
<b>FACILITY.</b>	)	

REGIONAL HEARING CLERK  
 EPA REGION III PHILA. PA  
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**CONSENT AGREEMENT**

**I. PRELIMINARY STATEMENT**

1. Pursuant Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. § 6928(a) and (g), the Director of the Land and Chemicals Division for the United States Environmental Protection Agency, Region III (“EPA”), initiated this administrative proceeding for the assessment of civil penalties against Baldwin Hardware Corporation (“Baldwin”) and SBD Property Holdings, LLC (“SBD”) (collectively, “Respondents”), by issuance of a Complaint and Notice of Opportunity to Request a Hearing (“Complaint”) filed with the Regional Hearing Clerk on September 30, 2015. The Complaint, incorporated herein by reference, alleges that Respondents violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and requirements of the federally-authorized Pennsylvania Hazardous Waste Management Regulations (“PaHWR”) at their former door, bathroom and lighting hardware manufacturing facility located at 841 Wyomissing Boulevard, Reading, PA 19611 (the “Facility”). This Consent Agreement and the accompanying Final Order, collectively, the “CAFO,” resolve the violations alleged in the Complaint against Respondents.

2. For the purpose of this proceeding, Respondents admit the jurisdictional allegations set forth in the Complaint and herein.

3. Except as provided in paragraph 2, above, Respondents neither admit nor deny the specific factual allegations contained in the Complaint and herein.
4. For the purpose of this proceeding, Respondents consent to the issuance of this CAFO and agree to comply with the terms of this CAFO.
5. For the purpose of this proceeding, Respondents consent to the payment of a civil penalty in the amount and in the manner set forth in this CAFO.
6. For the purpose of this proceeding, Respondents expressly waive their rights to contest the allegations in the Complaint and herein, and their rights to appeal the Final Order accompanying this Consent Agreement.
7. Respondents and EPA shall each bear their own costs and attorney fees.

## **II. FINDINGS OF FACT**

8. EPA incorporates by reference all factual allegations contained in the Complaint.

## **III. CONCLUSIONS OF LAW**

9. EPA incorporates by reference all legal conclusions contained in the Complaint.

## **IV. SETTLEMENT RECITATION**

10. In settlement of the violations alleged in the Complaint, Respondents consent to the assessment of a civil penalty of FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$420,000), which Respondents agree to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon receipt by Respondents of a true and correct copy of the fully-executed and filed CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondents must pay the civil penalty no later than thirty (30) calendar days after the date on which a fully-executed copy of this CAFO is mailed or hand-delivered to Respondents.

11. The aforesaid settlement amount is based upon Complainant's consideration of a number of factors, including the penalty criteria set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 *RCRA Civil Penalty Policy*, as revised in June, 2003, which reflect the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the November 16, 2009 Memorandum by EPA Office of Civil Enforcement, Waste and Chemical

Enforcement Division Director Rosemarie A. Kelly, entitled *Adjusted Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule*.

12. Payment of the civil penalty set forth in Paragraph 10, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 13 through 16, below, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondents shall reference Respondents' name and address, and the EPA Docket Number of this Consent Agreement, *i.e.*, RCRA-03-2015-0243;
- b. All checks shall be made payable to “**United States Treasury**;”
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

Customer service contact: 513-487-2091

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
Government Lockbox 979077  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

Contact: 314-418-1818

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD  
26 W. M.L. King Drive  
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

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

Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737

US Treasury Contact Information  
Joseph Schmid: 202-874-7026  
Remittance Express (REX): 1-866-234-5681

- h. On-Line Payment Option: [WWW.PAY.GOV/paygov/](http://WWW.PAY.GOV/paygov/)

Enter sfo 1.1 in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

or by contacting Craig Steffen at 513-487-2091

- j. At the time of each payment, Respondent shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

Ms. Lydia Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029;

and

Natalie Katz, Sr. Assistant Regional Counsel (3RC30)  
Eric Greenwood, Enforcement Officer (3LC70)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

13. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.

14. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

15. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

16. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

17. The Respondents agree not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

**V. CERTIFICATION**

18. Respondents certify to Complainant by their signature hereto, to the best of Respondents' knowledge and belief, that Respondents are in compliance with all relevant provisions of the current, authorized revised PaHWR and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, for which violations are alleged in this Consent Agreement.

**VI. OTHER APPLICABLE LAWS**

19. Nothing in this CAFO shall relieve Respondents of their obligations to comply with all applicable Federal, State, and local laws and regulations.

**VII. RESERVATION OF RIGHTS**

20. This CAFO resolves only EPA's civil claims for penalties against Respondents for the specific violations alleged in the Complaint and herein. EPA reserves the right to commence action against any person, including Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the regulations promulgated thereunder, and any other Federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

**VIII. FULL AND FINAL SATISFACTION**

21. This settlement shall constitute full and final satisfaction of all civil claims for penalties which EPA may have against Respondents under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and requirements of the PaHWR for the specific violations alleged in the Complaint and herein. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the Federal laws and regulations administered by EPA.

**IX. PARTIES BOUND**

22. This CAFO shall apply to and be binding upon the EPA, Respondents, and the officers, directors, successors, and assigns of Respondents. By his or her signature below, the person signing this Consent Agreement on behalf of each Respondent is acknowledging that he or she is fully authorized by Respondents to execute this Consent Agreement and to legally bind that Respondent to the terms and conditions of this CAFO.

**X. EFFECTIVE DATE**

23. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**XI. ENTIRE AGREEMENT**

24. This CAFO constitutes the entire agreement and understanding of the Parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed herein.

For Respondent Baldwin Hardware Corporation:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

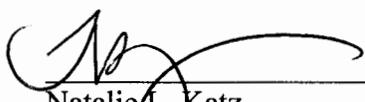
For Respondent SBD Property Holdings, LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

For EPA:

10/22/2015  
Date

  
\_\_\_\_\_  
Natalie L. Katz  
Senior Assistant Regional Counsel  
Office of Regional Counsel

**X. EFFECTIVE DATE**

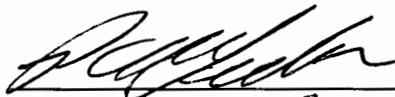
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For Respondent Baldwin Hardware Corporation:

10/21/15  
Date

  
Name: PHILLIP GAEBLER  
Title: VP BI/GSM

For Respondent SBD Property Holdings, LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

For EPA:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Natalie L. Katz  
Senior Assistant Regional Counsel  
Office of Regional Counsel

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For Respondent Baldwin Hardware Corporation:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

For Respondent SBD Property Holdings, LLC

10/21/15  
Date

  
Name: DEBI J. GEYER  
Title: VICE PRESIDENT EHS

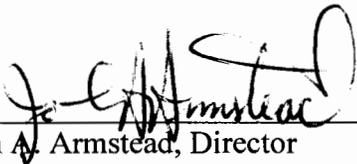
For EPA:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Natalie L. Katz  
Senior Assistant Regional Counsel  
Office of Regional Counsel

Accordingly, I hereby recommend that the Regional Administrator or his designee issue the Final Order attached hereto.

10.22.15  
Date

  
\_\_\_\_\_  
John A. Armstead, Director  
Land and Chemicals Division



The effective date of the attached Consent Agreement and this Final Order is the date on which the Final Order is filed with the Regional Hearing Clerk.

Oct. 26, 2015  
Date:

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA, Region III

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

In the matter of: )

Baldwin Hardware Corporation )  
19701 Da Vinci )  
Lake Forest, CA 92610 )

and )

SBD Property Holdings, LLC )  
6161 East 75th Street )  
Indianapolis, IN 46250, )

RESPONDENTS. )

841 East Wyomissing Boulevard )  
Reading, PA 19611 )

FACILITY. )

Docket No. RCRA-03-2015-0243

Proceeding Under  
Section 3008(a) and (g) of the  
Resource Conservation and  
Recovery Act, as amended,  
42 U.S.C. § 6928(a) and (g)

REGIONAL HEARING OFFICE  
EPA REGION III, PHILA. PA

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CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by UPS Next Day Delivery, a copy of the fully-executed Consent Agreement and Final Order to the addressee(s) listed below:

David Lumley, CEO  
Baldwin Hardware Corporation  
19701 Da Vinci  
Lake Forest, CA 92610

Scott Stoner and the CEO  
SBD Property Holdings, LLC, and  
Stanley Security Solutions  
6161 East 75th Street  
Indianapolis, IN 46250

Justin Boswell, President  
Corporation Service Company for  
Baldwin Hardware Corporation  
1000 Stanley Drive  
New Britain, CT 06053-1675

Counsel for the Parties:  
Stephen Axtell  
Thompson Hine  
Austin Landing I - Suite 400  
10050 Innovation Drive  
Dayton, OH 45342-4934

Jim Skaggs  
EHS Corporate Director  
EHS, Maintenance & Purchasing  
Spectrum Brands  
2600 N. Hwy 91  
Denison, Texas 75020

The original and one copy of this Consent Agreement and Final Order were hand-delivered to, and filed with, the Regional Hearing Clerk, U.S. EPA Region III.

Dated: 10/26/2015

  
\_\_\_\_\_  
Natalie Katz (3RC30)  
Senior Assistant Regional Counsel  
EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103