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U.S. EPA, REGION IX
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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

IN RE:)	DOCKET NO. CAA-09-2008-0041
)	
CONTINENTAL FIBERGLASS, INC.)	
Adelanto, California)	CONSENT AGREEMENT AND
)	FINAL ORDER
RESPONDENT)	
_____)	

I. CONSENT AGREEMENT

Complainant, the Director of the Air Division, United States Environmental Protection Agency (“EPA”), Region IX, and Respondent, Continental Fiberglass, Inc. (“Continental Fiberglass” or “Respondent”), agree to settle this civil administrative action brought under the Clean Air Act (the “Act”) and consent to the entry of this Consent Agreement and Final Order (“CAFO”).

A. AUTHORITY AND PARTIES

1. Complainant initiated this civil administrative proceeding for the assessment of a civil administrative penalty under section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the

Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22 by issuing a Complaint and Notice of Opportunity for Hearing (“the Complaint”) against Respondent on September 29, 2008.

2. The Complaint alleges that Respondent violated the Act’s provisions regarding the emissions of hazardous air pollutants (“HAPs”), specifically, the requirements set forth at section 112 of the Act, 42 U.S.C. §7412, and EPA’s National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Reinforced Plastic Composites Production, 40 C.F.R. Part 63, Subpart WWWW, §§ 63.5780-63.5935. 68 Fed. Reg. 19375. The Complaint also alleges that Respondent violated the Act’s provisions regarding Title V of the Act, which requires major stationary sources of air pollution to obtain an operating permit that includes emissions limitations and such other conditions as necessary to assure compliance with applicable requirements of the Act, 42 U.S.C. §§ 7661a-7661f, and EPA’s implementing regulations for Title V at 40 C.F.R. Part 70.

3. Complainant and Respondent have agreed to resolve this civil administrative proceeding arising under the Act by executing this CAFO.

B. RESPONDENT’S ADMISSIONS

4. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations and the other allegations contained in the Complaint; (iii) consents to any and all conditions specified in this CAFO, including the assessment of the civil administrative penalty under Section I.C of this CAFO; (iv) waives any right to contest the allegations contained in this CAFO; and (v) waives the right to appeal the proposed final order contained in this CAFO.

C. CIVIL ADMINISTRATIVE PENALTY

5. Respondent hereby consents to the assessment of a civil penalty in the amount of TWELVE THOUSAND DOLLARS (\$12,000), plus interest, within the deadlines specified in Appendix A of this CAFO. Respondent shall pay this penalty in four equal quarterly installments of \$3,056.46 according to the terms of this CAFO and Appendix A. Each payment shall be made by cashier's or certified check payable to the "Treasurer, United States of America," and shall be sent by certified mail, return receipt requested, to the following address:

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

Each payment shall be accompanied by a transmittal letter identifying the case name, the case docket number, and this CAFO. Concurrent with delivery of each payment, Respondent shall send a copy of the check and transmittal letter to the following addresses:

Regional Hearing Clerk
Office of Regional Counsel (ORC-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Kingsley Adeduro
Air Division (AIR-5)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Kara Christenson
Office of Regional Counsel (ORC-2)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Payment of the civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.

6. If Respondent fails to timely pay any portion of the penalty within the deadlines specified in Appendix A of this CAFO, then the entire remaining balance of the penalty shall become immediately due and Respondent shall immediately pay to EPA the entire remaining balance of the penalty. In addition, failure to pay the civil administrative penalty within the deadlines specified in Appendix A of this CAFO may lead to any or all of the following actions:

a. The debt being referred to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.

b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.

c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.

d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13, interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty as specified in paragraph 5. Interest will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the

Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred, and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.

D. ENFORCEMENT RESPONSE

7. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Source Civil Penalty Policy for the purposes of determining Respondent's "full compliance history" as provided in section 113(e) of the Act, 42 U.S.C. § 7413(e).

E. RETENTION OF RIGHTS

8. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in the Complaint. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in the Complaint or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in the Complaint.

9. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

H. ATTORNEYS' FEES AND COSTS

10. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

I. EFFECTIVE DATE

11. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the final order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

J. BINDING EFFECT

12. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.

13. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

FOR CONTINENTAL FIBERGLASS, INC.:

10/3/08
DATE

William D. Lohman
By: WILLIAM H. LOHMAN
Title: PRESIDENT
Address: CONTINENTAL FIBERGLASS, INC.
17031 MUSKRAT AVE.
ADELANTO, CA 92301

FOR COMPLAINANT EPA REGION IX:

11.26.08
DATE

AKR for D. Jordan
Deborah Jordan
Director
Air Division
United States Environmental
Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

APPENDIX A

INSTALLMENT PAYMENT AND INTEREST SCHEDULE
DOCKET NO. CAA-09-2008-41

Payments will be 4 equal installments of \$3056.46, per the following schedule:

1st installment of \$3056.46, postmarked no later than January 15, 2009

2nd installment of \$3056.46, postmarked no later than April 15, 2009

3rd installment of \$3056.46, postmarked no later than July 15, 2009

4th installment of \$3056.46, postmarked no later than October 15, 2009

Total Repaid: \$12225.84

Total Interest Paid: \$225.84

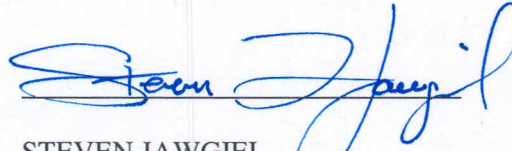
Payment	Principal	Interest	Cumulative Principal	Cumulative Interest	Principal Balance
1	\$2966.46	\$90.00	\$2966.46	\$90.00	\$9033.54
2	\$2988.71	\$67.75	\$5955.17	\$157.75	\$6044.83
3	\$3011.12	\$45.34	\$8966.29	\$203.09	\$3033.71
4	\$3033.71	\$22.75	\$12000.00	\$225.84	\$0.00
TOTALS	\$12000.00	\$225.84			

EPA Region IX and Continental Fiberglass, Inc., having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2008-0041 be entered, and Respondent Continental Fiberglass, Inc., shall pay a civil administrative penalty in the amount of \$12,000, plus interest, in accordance with the terms set forth in the CAFO.

12/01/08

DATE



STEVEN JAWGIEL
Regional Judicial Officer
United States Environmental
Protection Agency, Region IX

CERTIFICATE OF SERVICE

I hereby certify that on 12/2/08 the original copy of the foregoing CONSENT AGREEMENT AND FINAL ORDER was filed with the Regional Hearing Clerk, Region IX and that a copy was sent via U.S. Mail to:

William H. Lohman
President
Continental Fiberglass, Inc.
17031 Muskrat Avenue
Adelanto, CA 92307

John Rantz
Benton & Associates
4630 50th Street, Suite 614
Lubbock, TX 79414

Date: 12/2/08



Danielle Carr
Office of Regional Counsel
U.S. EPA, Region IX