



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 09 2007

REPLY TO THE ATTENTION OF:
DT-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0005 8931 9455

Thomas Daggett
Daggett Law Firm
Suite 4950, Chicago Title Tower
161 North Clark St.
Chicago, IL 60601

Consent Agreement and Final Order, Docket No. EPRCA-05-2007-0012

Dear Mr. Daggett:

I have enclosed an original signed copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on July 9, 2007 with the Regional Hearing Clerk.

The civil penalty in the amount of \$5,700 is to be paid in the manner prescribed in paragraphs 9 and 10. Please be certain that the number **BD 2750744E024** and the docket number are written on both the transmittal letter and on the check. The payment is due by August 8, 2007.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Bonace".

Terry Bonace
Pesticides and Toxics Compliance Section

Enclosures

cc: Marcy Toney, Regional Judicial Officer/C-14J (w/Encl.)
Susan Tennenbaum, ORC/C-14J (w/Encl.)
Eric Volic, Cincinnati Finance/MWD (w/Encl.)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. EPCRA-05-2007-0012
)	
ONEAC Corporation)	Proceeding to Assess a Civil Penalty Under
Libertyville, Illinois,)	Section 325(c) of the Emergency Planning
)	and Community Right-to-Know Act
)	1986, 42 U.S.C. § 11045(c)
Respondent.)	
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Consent Agreement and Final Order

Preliminary Statement

1. Complainant, the Chief of the Pesticides and Toxics Branch, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c).

2. On April 13, 2007, U.S. EPA filed the Complaint in this action against Respondent ONEAC Corporation (ONEAC). The Complaint alleges that in 2005 Respondent processed lead at its Libertyville, Illinois facility in quantities exceeding the threshold for reporting under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and that Respondent violated Section 313 of EPCRA and 40 C.F.R. Part 372 by failing to submit Toxic Chemical Release Inventory Reporting Forms (Form R) for lead by July 1, 2006 for calendar year 2005. Respondent reached settlement with U.S. EPA prior to filing an Answer and requesting a hearing under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and 40 C.F.R. § 22.15.

Stipulations

3. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.

4. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

5. Respondent certifies that it is complying fully with EPCRA.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

7. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

8. In consideration of Respondent's cooperation during the settlement process, its good faith efforts to comply with EPCRA, and the speed and completeness with which it has come into compliance, U.S. EPA agrees to mitigate the proposed penalty of \$8,086 to \$5,700.

9. Within 30 days after the effective date of this CAFO, Respondent must pay the \$5700 civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," by regular U.S. postal service to:

U.S. EPA, Region 5
P.O. Box 371531
Pittsburgh, PA 15251 – 7531

The check must note the case title of this matter: Oneac Corp., the docket number of this case (EPCRA-0502997-0012) and the billing document number.

10. A transmittal letter, stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Terence Bonace (DT-8J)
Pesticides and Toxics Enforcement Section
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Susan Tennenbaum (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

11. This civil penalty is not deductible for federal tax purposes.
12. If Respondent does not pay the civil penalty timely, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
13. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

14. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.
15. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

16. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws, and regulations.

17. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 313 of EPCRA.

18. The terms of this CAFO bind Respondent and its successors, and assigns.

19. Each person signing this agreement certifies that he or she has the authority to sign this agreement for the party whom he or she represents and to bind that party to its terms.

20. Each party agrees to bear its own costs and attorney's fees in this action.

21. This CAFO constitutes the entire agreement between the parties.

ONEAC Corporation, Respondent

JUNE 7, 2007
Date

Dennis Limestall
Dennis Limestall
Vice President Manufacturing
ONEAC Corporation

United States Environmental Protection Agency, Complainant

6/24/07
Date

for Anthony Restarini
for Mardi Klevs, Chief
Pesticides and Toxics Branch
Waste, Pesticides and Toxics Division

June 28, 2007
Date

Margaret M. Guerriero
Margaret M. Guerriero, Director
Waste, Pesticides and Toxics Division

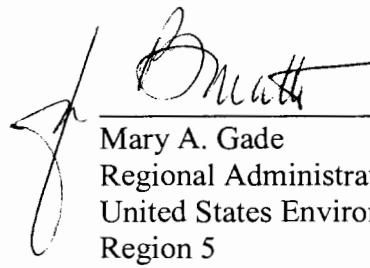
**In the Matter of:
ONEAC Corporation
Docket No. EPCRA-05-2007-0012**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

7-5-07

Date



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

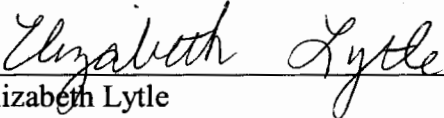
CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving ONEAC Corporation, was filed on July 9, 2007, with the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and that I mailed by Certified Mail, Receipt No. 7001 0320 0005 8931 9455, a copy of the original to the Respondents:

Thomas Daggett
Daggett Law Firm
Suite 4950, Chicago Title Tower
161 North Clark St.
Chicago, IL 60601

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Susan Tennenbaum, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD (w/Encl.)



Elizabeth Lytle
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No. EPRCA-05-2007-0012