



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of	)	U.S. EPA Docket No.:
	)	CERCLA-EPCRA-03-2019-0081
Ellwood National Crankshaft)	
One Front Street)	
Irvine, Pennsylvania 16329,	)	U.S. EPA-REGION 3-RHC
	)	FILED-5JUN2019AM8:02
Respondent,)	
	)	Proceedings Pursuant to Sections 103 and
Ellwood National Crankshaft	)	109 of the Comprehensive Environmental
One Front Street	)	Response, Compensation and Liability
Irvine, Pennsylvania 16329,	)	Act, 42 U.S.C. §§ 9603 and 9609, and
	)	Sections 304 and 325 of the Emergency
Facility.	)	Planning and Community Right-to-Know
	)	Act, 42 U.S.C. §§ 11004 and 11045
)	
)	

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the President of the United States by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9609, as re-delegated to the Administrator of the U.S. Environmental Protection Agency (“EPA”), and under the authority vested in the Administrator of EPA by Section 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045, and under the authority provided by the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits” (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (“Part 22”). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Enforcement and Compliance Assurance Division, EPA Region III (“Complainant”).

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as “CA/FO”) as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(7) and (8).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. §§ 22.4(b) and 22.18(b)(3).
3. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Consent Agreement.
4. With the exception of Paragraph 3, above, for the purpose of this proceeding, Respondent neither admits nor denies the factual allegations or conclusions of law set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

FACTUAL ALLEGATIONS

5. Ellwood National Crankshaft ("Respondent") is a Pennsylvania corporation, with its principal place of business located at One Front Street, Irvine, Pennsylvania, 16329.
6. As a corporation, Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
7. At all times relevant to this CA/FO, Respondent has been in charge of the engine crankshaft manufacturing facility located at One Front Street, Irvine, Pennsylvania ("Facility"), within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and has been the owner or operator of the Facility, within the meaning of Section 304 of EPCRA, 42 U.S.C. § 11004.
8. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
9. On April 19, 2017, EPA conducted an inspection of the Facility to determine Respondent's compliance with Section 103 of CERCLA and Sections 302-312 of EPCRA. During the inspection, EPA gathered information relevant to Respondent's compliance with Section 103 of CERCLA and Sections 302-312 of EPCRA. During the inspection and in the aftermath of the inspection, Respondent submitted information to EPA regarding its compliance with CERCLA and EPCRA.
10. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of the EPA to publish a list of substances designated as hazardous substances, which, when released into the environment may present substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

11. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances (“EHSs”) and to promulgate regulations establishing that quantity of any EHS the release of which shall be required to be reported under Section 304(a) through (c) of EPCRA, 42 U.S.C. § 11004(a) through (c), (“Reportable Quantity” or “RQ”). The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.

12. The State Emergency Response Commission (“SERC”) for the Facility is, and at all times relevant to this CA/FO has been, the Pennsylvania Emergency Management Agency, located at 1310 Elmerton Avenue, Harrisburg, Pennsylvania 17110-9364.

13. The Local Emergency Planning Committee (“LEPC”) for the Facility is, and at all times relevant to this CA/FO has been, the Warren County Emergency Management Department, located at 100 Dillon Drive, Youngsville, Pennsylvania 16371.

14. On or about June 16, 2016, beginning at approximately 8:20 PM, approximately 139 pounds of anhydrous ammonia, Chemical Abstracts Service (“CAS”) Registry No. 7664-41-7, was released from the Facility (the “2016 Release”). The 2016 Release lasted until approximately 11:00 AM on June 17, 2016.

15. The Facility became aware of the 2016 Release during the morning of July 18, 2016, upon performing calculations required under its Clean Air Act Title V operating permit. At approximately 2:00 PM on July 18, 2016, the Facility contacted a contractor to inquire about procedures for reporting an accidental release; the contractor responded at some point prior to 10:00 AM on July 19, 2016.

16. At approximately 12:00 PM on July 19, 2016, the Facility notified the LEPC of the 2016 Release and at approximately 2:00 PM on July 19, 2016, the Facility notified the NRC of the 2016 Release.

17. On or about October 3, 2018, beginning at approximately 7:30 PM, and ending at approximately 6:00 AM on October 4, 2018, approximately 160 pounds of anhydrous ammonia was released from the Facility (“2018 Release”).

18. At approximately 3:00 PM on October 5, 2018, the Facility notified the LEPC of the 2018 Release and at approximately 9:51 AM on October 10, 2018, the Facility notified the NRC of the 2018 Release.

COUNT I (SECTION 103(a) OF CERCLA, 2016 RELEASE)

19. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

20. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, a person in charge of a facility to immediately notify the National Response Center (“NRC”) established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to or greater than the RQ.

21. Anhydrous ammonia is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of 100 pounds, as listed in 40 C.F.R. § 302.4.

22. The 2016 Release from the Facility constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

23. The 2016 Release was not a “federally permitted release” as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

24. Respondent knew or should have known about the 2016 Release at some point in the morning of July 18, 2016, and certainly no later than 2:00 PM on July 18, 2016.

25. Respondent did not notify the NRC of the 2016 Release until approximately 2:00 PM on July 19, 2016.

26. Respondent failed to immediately notify the NRC of the 2016 Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.

27. Respondent’s failure to immediately notify the NRC of the 2016 Release is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Respondent is, therefore, subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT II (304(a) AND (b) OF EPCRA, SERC, 2016 RELEASE)

28. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

29. Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored to notify the SERC and LEPC immediately following a release of a hazardous substance or an EHS in a quantity equal to or exceeding the RQ for the hazardous substance or EHS. The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.

30. The chemical anhydrous ammonia is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, and an EHS as defined under Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), and 40 C.F.R. § 355.61, with an RQ of 100 pounds, as listed in 40 C.F.R. Part 355, Appendices A and B, and 40 C.F.R. § 302.4.

31. The 2016 Release required immediate notification to the SERC pursuant to Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and 40 C.F.R. Part 355, Subpart C.

32. The Respondent never notified the SERC of the 2016 Release.

33. Respondent failed to immediately notify the SERC of the 2016 Release of anhydrous ammonia as soon as Respondent knew that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

34. Respondent's failure to notify the SERC immediately of the 2016 Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

COUNT III (SECTION 304(a) AND (b) OF EPCRA, LEPC, 2016 RELEASE)

35. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

36. The 2016 Release required immediate notification to the LEPC pursuant to Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and 40 C.F.R. Part 355, Subpart C.

37. Respondent did not notify the LEPC of the 2016 Release until approximately 12:00 PM on July 19, 2016.

38. Respondent failed to immediately notify the LEPC of the 2016 Release of anhydrous ammonia as soon as Respondent knew that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

39. Respondent's failure to notify the LEPC immediately of the 2016 Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

COUNT IV (SECTION 304(c) OF EPCRA, SERC, 2016 RELEASE)

40. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

41. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that, after a release that is reportable under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), the owner or operator of the facility must provide a written follow-up report regarding the release to the SERC as soon as practicable.

42. The 2016 Release constitutes a release of a hazardous substance, which is also an EHS, in a quantity equal to or exceeding its RQ requiring immediate notification to the SERC pursuant to Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C, and consequently, requiring submission of a written follow-up report to the SERC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C.

43. Respondent did not provide a written follow-up report regarding the 2016 Release to the SERC, as required by Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C.

44. Respondent's failure to submit a written follow-up report to the SERC for the 2016 Release is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

COUNT V (SECTION 103(a) OF CERCLA, 2018 RELEASE)

45. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

46. The 2018 Release from the Facility constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

47. The 2018 Release was not a "federally permitted release" as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

48. Respondent knew or should have known about the 2018 Release at some point in the morning of October 4, 2018.

49. Respondent did not notify the NRC of the 2018 Release until approximately 9:51 AM on October 10, 2018.

50. Respondent failed to immediately notify the NRC of the 2018 Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.

51. Respondent's failure to immediately notify the NRC of the 2018 Release is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Respondent is, therefore, subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT VI (SECTION 304(a) AND (b) OF EPCRA, SERC, 2018 RELEASE)

52. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

53. The 2018 Release required immediate notification to the SERC pursuant to Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and 40 C.F.R. Part 355, Subpart C.

54. The Respondent did not notify the SERC of the 2018 Release until approximately 5:35 PM on October 5, 2018.

55. Respondent failed to immediately notify the SERC of the 2018 Release of anhydrous ammonia as soon as Respondent knew that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

56. Respondent's failure to notify the SERC immediately of the 2018 Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

COUNT VII (VIOLATION OF SECTION 304(a) AND (b) OF EPCRA, LEPC, 2018 RELEASE)

57. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

58. The 2018 Release required immediate notification to the LEPC pursuant to Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and 40 C.F.R. Part 355, Subpart C.

59. Respondent did not notify the LEPC of the 2018 Release until approximately 5:00 PM on October 5, 2018.

60. Respondent failed to immediately notify the LEPC of the 2018 Release of anhydrous ammonia as soon as Respondent knew that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

61. Respondent's failure to notify the LEPC immediately of the 2018 Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

COUNT VIII (SECTION 304(c) OF EPCRA, SERC, 2018 RELEASE)

62. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

63. The 2018 Release constitutes a release of a hazardous substance, which is also an EHS, in a quantity equal to or exceeding its RQ requiring immediate notification to the SERC pursuant to Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C, and consequently, requiring submission of a written follow-up report to the SERC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C.

64. Respondent did not provide a written follow-up report regarding the 2018 Release to the SERC, as required by Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C.

65. Respondent's failure to submit a written follow-up report to the SERC for the 2018 Release is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

COUNT IX (SECTION 304(c) OF EPCRA, LEPC, 2018 RELEASE)

66. The allegations in each of the preceding paragraphs are incorporated by reference herein as though fully set forth at length.

67. The 2018 Release constitutes a release of a hazardous substance, which is also an EHS, in a quantity equal to or exceeding its RQ requiring immediate notification to the LEPC pursuant to Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C, and consequently, requiring submission of a written follow-up report to the LEPC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C.

68. Respondent did not provide written follow-up notice regarding the 2018 Release to the LEPC, as required by Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C.

69. Respondent's failure to submit a written follow-up report to the LEPC for the 2018 Release is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

SETTLEMENT

70. In full and final settlement and resolution of all allegations referenced in the foregoing findings of fact and conclusions of law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of Section 103 of CERCLA, 42 U.S.C. § 9603, in the amount of \$17,646.00 ("CERCLA civil penalty"), and Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), set forth above, in the amount of \$65,288.00 ("EPCRA civil penalty"), for a total penalty of \$82,934.00.

71. Respondent consents to the issuance of this Consent Agreement, and consents for

purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

PAYMENT TERMS

72. The CERCLA and EPCRA civil penalties shall become due and payable on the date on which a copy of the CAFO is mailed or hand-delivered to Respondent. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondent shall pay the CERCLA civil penalty of \$17,646.00 and the EPCRA civil penalty of \$65,288.00 no later than thirty (30) days after the effective date of the Final Order by either cashier's check, certified check, or electronic wire transfer, as set forth in the following paragraphs.

73. Payment of the CERCLA civil penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, CERCLA-EPCRA-03-2019-0081;
- b. All checks shall be made payable to **EPA-Hazardous Substances Superfund**;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000
Contact: Craig Steffen (513-487-2091)

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

U.S. EPA
Government Lockbox 979076
1005 Convention Plaza
SL-MO-C2GL
St. Louis, MO 63101
Contact: 314-418-1028

- 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 No. = 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
Contact: Randolph Maxwell at 202-874-3720 or REX, 1-866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

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

- i. Additional payment guidance is available at:

<https://www.epa.gov/financial/makepayment>

74. Payment of the **EPCRA civil penalty** shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, CERCLA-EPCRA-03-2019-0081;
- 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 to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Craig Steffen (513-487-2091)

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

U.S. EPA
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2GL
St. Louis, MO 63101
Contact: 314-418-1028

- 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 No. = 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
Contact: Randolph Maxwell at 202-874-3720 or REX, 1-866-234-5681

h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

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

i. Additional payment guidance is available at:

<https://www.epa.gov/financial/makepayment>

75. Respondent shall submit copies of the check, or verification of wire transfer or ACH, to:

Daniel Isales (3RC60)
U.S. EPA, Region III
701 Mapes Road
Fort Meade, MD 27055-5350
Isales.daniel@epa.gov

76. The CERCLA civil penalty and EPCRA civil penalty stated herein are based upon Complainant's consideration of a number of factors, including, but not limited to, the following: the nature, circumstances, extent and gravity of the violation, and with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit (if any) resulting from the violation, and such matters as justice may require. The penalty is consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act* (September 30, 1999).

77. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest 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. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

78. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this fully executed CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties 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).

79. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 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 Final Due

Date and an additional \$15.00 for each subsequent thirty (30) day period the penalties remain unpaid.

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

81. Failure by the Respondent to pay the CERCLA civil penalty and the EPCRA civil penalty assessed by the Final Order in full by the Final Due Date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

82. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045.

83. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

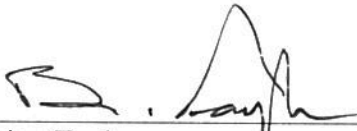
84. This CA/FO resolves only those civil claims which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

85. Each party to this action shall bear its own costs and attorney's fees.

EFFECTIVE DATE

86. 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 along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

FOR ELLWOOD NATIONAL CRANKSHAFT:

A handwritten signature in black ink, appearing to read "B. Taylor", written over a horizontal line.


Brian Taylor
President, Ellwood National Crankshaft

4-26-2019
DATE

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

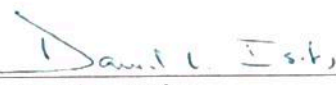
After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: MAY 29 2019

By: 
Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: 5/29/19

By: 
Daniel L. Isales
Assistant Regional Counsel
U.S. EPA – Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of	)	U.S. EPA Docket No.:
	)	CERCLA-EPCRA-03-2019-0081
Ellwood National Crankshaft)	
One Front Street)	
Irvine, Pennsylvania 16329,)	
)	
Respondent.)	
)	
Ellwood National Crankshaft	)	Proceedings Pursuant to Sections 103 and
One Front Street	)	109 of the Comprehensive Environmental
Irvine, Pennsylvania 16329,	)	Response, Compensation and Liability
	)	Act, 42 U.S.C. §§ 9603 and 9609, and
	)	Sections 304 and 325 of the Emergency
Facility.	)	Planning and Community Right-to-Know
	)	Act, 42 U.S.C. §§ 11004 and 11045

U.S. EPA-REGION 3-RHC
FILED-5JUN2019AM8:03

FINAL ORDER

Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Ellwood National Crankshaft, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 223.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.


Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Emergency Response, Compensation and Liability Act*, the statutory factors set forth in Section 109 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045.

NOW, THEREFORE, PURSUANT TO Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **EIGHTY TWO THOUSAND NINE HUNDRED THIRTY FOUR DOLLARS**

(\$82,934.00), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

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

June 4, 2019
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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)	Sections 304 and 325 of the Emergency
Facility.)	Planning and Community Right-to-Know
)	Act, 42 U.S.C. §§ 11004 and 11045
)	
)	

CERTIFICATE OF SERVICE

I certify that on JUN 05 2019, the original and one (1) copy of foregoing **Consent Agreement and Final Order**, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via **Certified Mail, Return Receipt Requested, Postage Prepaid**, to:

Gregory D. Timmons
V.P. Legal, General Counsel and Secretary
Ellwood Group, Inc.
600 Commercial Avenue
Ellwood City, PA 16117

Copy served via **Hand Delivery or Inter-Office Mail** to:

Daniel L. Isales (3RC50)
U.S. EPA, Region III
701 Mapes Road
Fort Meade, MD 20755-5350

Dated: JUN 05 2019 Berwin Esposito
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 7017 2620 0000 9142 5745