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U.S. EPA REGION 1
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of Electronic Products Industries LLC, Respondent.	Docket Nos. CAA-01-2024-0023, EPCRA-01-2024-0024 **CONSENT AGREEMENT AND FINAL ORDER**

CONSENT AGREEMENT

The United States Environmental Protection Agency ("EPA"), Region 1 ("Complainant"), alleges that Electronic Products Industries LLC ("Respondent") violated Section 112(r)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r)(1), and Section 313 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11023, and the federal regulations promulgated thereunder.

Complainant and Respondent (together, the "Parties") agree that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order ("CAFO") without further litigation is the most appropriate means of resolving this matter. Pursuant to 40 C.F.R. § 22.13(b) of EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), set out at 40 C.F.R. Part 22, Complainant and Respondent agree to simultaneously commence and settle this action by the issuance of this CAFO.

Therefore, before any hearing, and without adjudication of any issue of fact or law, the Parties agree to comply with the terms of this CAFO as follows:

I. STATUTORY AND REGULATORY AUTHORITY

A. CAA Section 112(r)(1)

1. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), states that the purpose of

Section 112(r) of the CAA and its implementing regulations is "to prevent the accidental release and to minimize the consequences of any such release" of an "extremely hazardous substance."

2. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to (a) identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques; (b) design and maintain a safe facility taking such steps as are necessary to prevent releases; and (c) minimize the consequences of accidental releases which do occur. This section of the CAA is referred to as the "General Duty Clause" ("GDC").

3. Section 112(r)(8) of the CAA, 42 U.S.C. § 7412(r)(8), requires EPA to develop and disseminate information on how to conduct hazard assessments. According to EPA's Guidance for Implementation of the GDC CAA Section 112(r)(1), dated May 2000 ("EPA GDC Guidance"), available at https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf, facilities subject to the GDC should identify hazards that may result from hazardous releases by determining: (a) the intrinsic hazards of the chemicals used in the processes; (b) the risks of accidental releases from the processes through possible release scenarios; and (c) the potential effect of these releases on the public and the environment. The document that contains this analysis is often referred to as a process hazard review ("PHR").

4. The term "extremely hazardous substance" means an extremely hazardous substance as defined by Section 112(r)(1) of the CAA, including any chemical which may, as a result of short-term exposures associated with releases to the air, cause death, injury, or property

damage due to its toxicity, reactivity, flammability, or corrosivity.[1] The term includes, but is not limited to, regulated substances listed in Section 112(r)(3) of the CAA and in 40 C.F.R. § 68.130.

5. The extremely hazardous substances listed pursuant to Section 112(r)(3) of the CAA and in 40 C.F.R. § 68.130 include, among others, anhydrous ammonia.

6. The term "accidental release" is defined by Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

7. The term "stationary source" is defined by Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), in pertinent part, as any buildings, structures, equipment, installations, or substance-emitting stationary activities, located on one or more contiguous properties under the control of the same person, from which an accidental release may occur.

8. Sections 113(a) and (d) of the CAA, 42 U.S.C. § 7413(a) and (d), the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended through 2016 ("FCPIAA"), and the FCPIAA's implementing regulations as promulgated and updated by EPA at 40 C.F.R. Part 19 (most recently at 88 Fed. Reg. 89309, 89312 (Dec. 27, 2023)), together provide for the assessment of civil administrative penalties of up to $57,617 per day for violations of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r), that occur after November 2, 2015 and are assessed on or after December 27, 2023.

B. <u>EPCRA Section 313</u>

9. Pursuant to Sections 313 and 328 of EPCRA, 42 U.S.C. §§ 11023 and 11048, EPA promulgated Toxic Chemical Release Reporting: Community Right-to-Know regulations at 40 C.F.R. Part 372.

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[1] *See* Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Sen. Report No. 228, 101st Congress, 1st Session at 211 (1989).

10. Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), requires owners or operators of a facility subject to the requirements of Section 313(b) of EPCRA to submit annually, on or before July 1 of each year, a Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 (hereinafter, "TRI Form R"), for each toxic chemical listed under 40 C.F.R. § 372.65 that was manufactured, processed, or otherwise used during the preceding calendar year in quantities exceeding the toxic chemical thresholds established under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25 and 372.28. If an owner or operator determines that the alternative reporting threshold specified in 40 C.F.R. § 372.27 applies, the owner or operator may instead submit an alternative threshold certification statement that contains the information required under 40 C.F.R. § 372.95 ("TRI Form A"). Each TRI Form R or Form A (hereinafter, referred to together as "TRI Forms") must be submitted to EPA and a designated state authority.

11. Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. §§ 372.22 and 372.30 provide that owners or operators of facilities that have 10 or more full-time employees; that are in a Standard Industrial Classification ("SIC") code or North American Industry Classification System ("NAICS") code set forth in 40 C.F.R. § 372.23; and that manufactured, processed, or otherwise used a toxic chemical listed under 40 C.F.R. § 372.65 in a quantity exceeding the established threshold during a calendar year, must submit TRI Forms to EPA and the state authority for each of these substances for that year.

12. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), the FCPIAA as amended through 2016, and the FCPIAA's implementing regulations as promulgated and updated by EPA at 40 C.F.R. Part 19 (most recently at 88 Fed. Reg. 89309, 89312 (Dec. 27, 2023)), together authorize the assessment of civil administrative penalties of up to $69,733 for each violation of Section 313 of EPCRA that occurs after November 2, 2015 and is assessed on or after December

27, 2023. Pursuant to Section 325(c)(3) of EPCRA, 42 U.S.C. § 11045(c)(3), each day that an EPCRA Section 313 violation continues constitutes a separate violation.

II. GENERAL ALLEGATIONS

13. Respondent operates a facility that produces glass-to-metal seals and high-temperature co-fired ceramics for use in semiconductor products at 85 Parker Street in Newburyport, Massachusetts (the "Facility").

14. The Facility is located just over half a mile from a residential neighborhood; just under three-quarters of a mile from a charter school; just over three-quarters of a mile from a church and a skating rink; less than one mile from an elementary school and a fire station; a mile from a high school, and just over a mile and a quarter from hospitals and downtown Newburyport, Massachusetts, with its businesses, restaurants, and hotels.

15. Respondent uses anhydrous ammonia in its manufacturing process to supply a nitrogen and hydrogen atmosphere to several of its ovens. The anhydrous ammonia is stored in a tank outside the Facility and is piped inside to be thermally "cracked" into hydrogen and nitrogen in two ammonia dissociators for use in the Facility's ovens.

16. Respondent is a limited liability company organized under the laws of the Commonwealth of Massachusetts.

17. Respondent's primary SIC code is 3741—Electroplating, Plating, Polishing, Anodizing, and Coloring and Respondent's primary NAICS code is 334419—Other Electronic Component Manufacturing.

18. Respondent is a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and 40 C.F.R. § 370.66.

19. The Facility is a building or structure from which an accidental release may occur and is therefore a "stationary source" as that term is defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

20. Respondent is the "owner or operator" of the Facility within the meaning of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

21. Beginning no later than March 1, 2019, the Facility has stored and handled anhydrous ammonia in its outdoor ammonia storage tank, piping, and indoor equipment.

22. Anhydrous ammonia is an "extremely hazardous substance" within the meaning of the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. §7412(r)(1). Anhydrous ammonia is corrosive to the skin, eyes, and lungs, and is flammable at certain concentrations in the air. Exposure to 300 parts per million ("ppm") is immediately dangerous to life and health.

23. The unanticipated emission of anhydrous ammonia into the ambient air from the Facility would constitute an "accidental release," as that term is defined by Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A).

24. Accordingly, Respondent operates a stationary source that stores and handles anhydrous ammonia, an extremely hazardous substance, and is subject to the CAA's General Duty Clause at Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

25. Respondent operates a "facility," as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. §§ 370.66 and 372.3.

26. The Facility has more than 10 "full-time employees," as defined by 40 C.F.R. § 372.3.

27. The Facility is classified in SIC and NAICS codes set forth in 40 C.F.R. § 372.23.

28. During calendar years 2019 through 2021, the Facility "otherwise used" anhydrous ammonia each year in quantities greater than 10,000 pounds.

29. The EPCRA TRI reporting threshold set out at 40 C.F.R. § 372.25 for a facility that otherwise uses anhydrous ammonia is 10,000 pounds per year.

30. Accordingly, the requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, apply to Respondent at the Facility.

31. At all times relevant to the violations alleged in this Complaint, Respondent was required, pursuant to OSHA and the regulations promulgated thereunder, to prepare or have available onsite an SDS for anhydrous ammonia.

32. An EPA representative initially contacted Respondent on January 4, 2023, to request information about Respondent's compliance with EPCRA Section 313. Respondent provided a response to EPA on February 3, 2023.

33. On February 9, 2023, an EPA inspector conducted an inspection at the Facility to determine whether Respondent was complying with EPCRA and with Section 112(r) of the CAA.

III. ALLEGED VIOLATIONS

Count 1: Failure to Perform a Process Hazard Review

34. Pursuant to the General Duty Clause in Section 112(r)(1) of the CAA, owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances have a general duty, in the same manner and to the same extent as Section 654 of Title 29, to identify hazards that may result from accidental releases of such substances, using appropriate hazard assessment techniques.

35. To identify hazards that may result from accidental releases of extremely hazardous substances under the General Duty Clause, owners and operators of stationary sources should determine: (a) the intrinsic hazards of the chemicals used in the processes; (b) the risks of accidental releases from the processes through possible release scenarios; and (c) the potential

effect of these releases on the public and the environment, using appropriate hazard assessment techniques.

36. Since at least March 1, 2019, Respondent has stored, handled, and used anhydrous ammonia at the Facility.

37. Anhydrous ammonia is an "extremely hazardous substance" within the meaning of the General Duty Clause and is specifically included in a list of extremely hazardous substances in Section 112(r)(3) of the CAA.

38. Pursuant to the General Duty Clause, Respondent was required to identify hazards that may result from accidental releases of anhydrous ammonia by using appropriate, industry-recognized hazard assessment techniques.

39. Prior to EPA's EPCRA and CAA Section 112(r) compliance inspection in February 2023, Respondent had not identified hazards that could result from accidental releases of anhydrous ammonia at the Facility by using appropriate hazardous assessment techniques. Respondent subsequently conducted a written process hazard review for anhydrous ammonia in May 2023.

40. Accordingly, Respondent failed to properly identify hazards that may result from accidental releases of anhydrous ammonia and thereby violated the General Duty Clause at Section 112(r)(1) of the CAA.

Count 2: Failure to Timely Submit TRI Form
For Anhydrous Ammonia for Calendar Year 2019

41. During calendar year 2019, Respondent otherwise used anhydrous ammonia, a toxic chemical listed under 40 C.F.R. § 372.65(a), at the Facility in quantities greater than the 10,000-pound threshold amount established for EPCRA TRI reporting by 40 C.F.R. § 372.25.

42. Respondent was therefore required to submit to EPA a TRI Form for anhydrous ammonia for calendar year 2019 on or before July 1, 2020. *See* Section 313(a) of EPCRA and 40 C.F.R. §§ 372.30 (a) and (d).

43. Respondent failed to submit a TRI Form for anhydrous ammonia for calendar year 2019 to EPA on or before July 1, 2020.

44. Respondent's failure to timely submit a TRI Form for anhydrous ammonia for calendar year 2019 violated Section 313 of EPCRA and 40 C.F.R. Part 372.

Count 3: Failure to Timely Submit TRI Form
For Anhydrous Ammonia for Calendar Year 2020

45. During calendar year 2020, Respondent otherwise used anhydrous ammonia, a toxic chemical listed under 40 C.F.R. § 372.65(a), at the Facility in quantities greater than the 10,000-pound threshold amount established for EPCRA TRI reporting by 40 C.F.R. § 372.25.

46. Respondent was therefore required to submit to EPA a TRI Form for anhydrous ammonia for calendar year 2020 on or before July 1, 2021. *See* Section 313(a) of EPCRA and 40 C.F.R. §§ 372.30 (a) and (d).

47. Respondent failed to submit a TRI Form for anhydrous ammonia for calendar year 2020 to EPA on or before July 1, 2021.

48. Respondent's failure to timely submit a TRI Form for anhydrous ammonia for calendar year 2020 violated Section 313 of EPCRA and 40 C.F.R. Part 372.

Count 4: Failure to Timely Submit TRI Form
For Anhydrous Ammonia for Calendar Year 2021

49. During calendar year 2021, Respondent otherwise used anhydrous ammonia, a toxic chemical listed under 40 C.F.R. § 372.65(a), at the Facility in quantities greater than the 10,000-pound threshold amount established for EPCRA TRI reporting by 40 C.F.R. § 372.25.

50. Respondent was therefore required to submit to EPA a TRI Form for anhydrous ammonia for calendar year 2021 on or before July 1, 2022. *See* Section 313(a) of EPCRA and 40 C.F.R. §§ 372.30 (a) and (d).

51. Respondent failed to submit a TRI Form for anhydrous ammonia for calendar year 2021 to EPA on or before July 1, 2022.

52. Respondent's failure to timely submit a TRI Form for anhydrous ammonia for calendar year 2021 violated Section 313 of EPCRA and 40 C.F.R. Part 372.

IV. TERMS OF SETTLEMENT

53. Respondent certifies that it has corrected or addressed the alleged violations cited in Section III of this CAFO regarding the General Duty Clause of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), and Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated thereunder at 40 C.F.R. Part 372, and will operate its Facility in compliance with these statutory and regulatory provisions.

54. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;

b. Neither admits nor denies the specific factual allegations contained in this CAFO;

c. Consents to the assessment of a civil penalty as stated below;

d. Consents to the issuance of any specified compliance or corrective action order;

e. Consents to the conditions specified in this CAFO;

f. Consents to any stated permit action;

g. Waives any right to contest the alleged violations of law set forth in Section III of this CAFO; and

h. Waives its right to appeal the Final Order accompanying this Consent Agreement.

55. For the purpose of this proceeding, Respondent also:

a. Agrees that this CAFO states a claim upon which relief can be granted against Respondent;

b. Acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

c. Waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO;

d. Consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court for the District of Massachusetts; and

e. Waives any rights Respondent may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

56. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and taking into account the particular facts and circumstances of this case with reference to relevant statutory penalty criteria and applicable penalty policies,

Complainant has determined that it is fair and proper that Respondent pay a total civil penalty in the amount of $117,647 to resolve the violations alleged in Section III of this CAFO.

57. Respondent agrees to:

a. Pay the civil penalty of $117,647 within 30 calendar days of the effective date of this CAFO (*i.e.,* the day the CAFO is filed with the Regional Hearing Clerk);

b. Pay the civil penalty using any appropriate method provided on the website https://www.epa.gov/financial/makepayment, identifying the payment with "*In the Matter of Electronic Products Industries LLC,* Docket Nos. CAA-01-2024-0023, EPCRA-01-2024-0024"; and

c. Within 24 hours of payment of the civil penalty, send proof of payment by email to the addresses below. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with "*In the Matter of Electronic Products Industries LLC,* Docket Nos. CAA-01-2024-0023, EPCRA-01-2024-0024." The addresses are as follows:

Wanda Santiago
Regional Hearing Clerk
EPA Region 1
santiago.wanda@epa.gov
and
R1_Hearing_Clerk_Filings@epa.gov

and

Samuel Horowitz
Enforcement Counsel
EPA Region 5
horowitz.samuel@epa.gov

58. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim.

59. If any portion of the civil penalty amount relating to the alleged CAA violation (which shall be deemed to be $46,811) is not paid when due, then pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), Respondent will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid within thirty (30) calendar days of the effective date of this CAFO. In that event, interest will accrue from the effective date of this CAFO at the "underpayment rate" established pursuant to 26 U.S.C. § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys' fees and collection costs. In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

60. If any portion of the civil penalty amount relating to the alleged EPCRA violations (which shall be deemed to be $70,836) is not paid when due, then the unpaid penalty shall be payable with accrued interest from the original due date to the date of payment. The interest shall be calculated at the rate established in accordance with 31 C.F.R. § 901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due, with the charge assessed from the first day that payment is due in accordance with 31 C.F.R. § 901.9(d). In any

such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

61. The civil penalty under this CAFO, and any interest, nonpayment penalties, and other charges paid pursuant to any penalty collection action arising from this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and shall not be deductible for purposes of federal, state, or local taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

62. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, $50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at chalifoux.jessica@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center, via the email address identified in the preceding sub-paragraph, with Respondent's TIN within five (5) days of Respondent's receipt of a TIN issued by the IRS.

63. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged above.

64. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public or the environment.

65. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions if Respondent is in violation

of this CAFO or continues to be in violation of the statutes and regulations upon which the allegations in this CAFO are based, or if Respondent violates any other applicable provision of federal, state, or local law.

66. Each of the undersigned representatives of the Parties certifies that he or she is fully authorized by the party responsible to enter into the terms and conditions of this CAFO and has the legal capacity to execute and legally bind that Party to it.

67. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

68. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

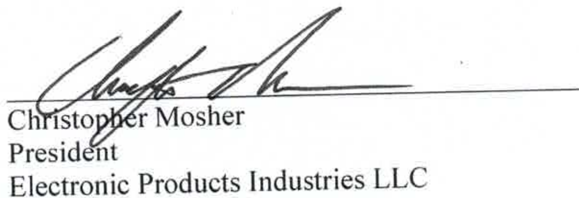
69. Complainant and Respondent, by entering into this CAFO, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the full executed CAFO, by electronic mail, to the following address: cmosher@elecprodinc.com. Respondent understands that this e-mail address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

70. Except as qualified by paragraphs 59 and 60 above, each Party shall bear its own costs and fees (including attorneys' fees) in this proceeding and specifically waives any right to recover such costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

71. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

72. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

FOR RESPONDENT:



Christopher Mosher
President
Electronic Products Industries LLC

5-2-24
Date

FOR COMPLAINANT:

______________________________ ______________
James Chow, Acting Director Date
Enforcement and Compliance Assurance Division
EPA Region 1

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent Electronic Products Industries LLC is ordered to pay the civil penalty amount specified in the Consent Agreement in the manner indicated therein. The terms of the CAFO shall become effective on the date that it is filed, either in person or electronically via email, with the Regional Hearing Clerk.

____ _______________
LeAnn Jensen Date
Regional Judicial Officer
EPA Region 1