



5. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
6. The settlement embodied in this Consent Agreement is based in part upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon information submitted to Complainant by the Respondent, as listed on below. Respondent and its undersigned representative, by such representative's signature to this Consent Agreement, certify that the information submitted to EPA regarding Respondent's ability to pay is accurate and not misleading.
  - a. Federal Tax Returns, Form S1120, 2009 – 2013;
  - b. Corporate Financial Statements, 2009 – 2013;
  - c. Corporate Balance Sheets, 2010 – 2014;
  - d. 2013 Payroll Tax Return, Form 941, 2013 (all 4 quarters); and
  - e. Completed and certified Financial Statement of Corporate Debtor.
7. Respondent is aware that the submission of false or misleading information to the United States government may subject it to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to Complainant regarding the matters at issue in the Findings of Fact and Conclusions of Law are false or, in any material respect, inaccurate.
8. Respondent shall bear its own costs and attorney's fees.

**Findings of Fact and Conclusions of Law**

9. Complainant has determined that Respondent has violated EPCRA Section 313, and adopts the following findings of fact and conclusions of law in accordance with Sections 22.18(b)(2) and 14(a)(2) and (3) of the Consolidated Rules of Practice.
10. Respondent does business and is incorporated in the Commonwealth of Pennsylvania.
11. Respondent is a "person" as defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
12. Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3 define "facility" to mean, in relevant part, all buildings, equipment, structures, and other stationary items that are located on a single site and that are owned or operated by the same person.
13. Respondent owns and operates, and, at the time of the violations alleged herein, owned and operated a manufacturing plant located at 111 Lehigh Street, Macungie, PA 18062 (the "Facility"). At the time of the violations alleged herein, Respondent's manufacturing operations at the Facility consisted of manufacturing cast polymers and cultured marble. Respondent's processes use styrene.
14. Respondent's Facility is a "facility" as defined in Section 329(4) of EPCRA and 40 C.F.R. § 372.3.

15. Section 313 of EPCRA and 40 C.F.R. § 372.22 require, *inter alia*, that the owner or operator of a facility that:
- a) has 10 or more employees;
  - b) has a primary Standard Industrial Classification (“SIC”) Code of 20 [2000] through 39 [3900] (as in effect on January 1, 1987), or, has an SIC code in one or more of the following categories:
    - i. between 1000 and 1099, except 1011, 1081, and 1094;
    - ii. between 1200 and 1299, except 1241;
    - iii. 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce);
    - iv. 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. §§ 6921-6939e);
    - v. 5169 or 5171;
    - vi. 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis); and
  - c) manufactured, processed or otherwise used a toxic chemical listed in 40 C.F.R. § 372.65, in excess of the threshold quantities established under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R § 372.25, 372.27 or 372.28, during the calendar year for which the form is required, is the owner or operator of a “covered facility” for that calendar year and, pursuant to 40 C.F.R. § 373.30 requirements, must submit a completed toxic chemical release reporting form (“Form R”), or appropriate alternative threshold report (“Form A”) if applicable, for each such toxic chemical to EPA and the state in which the facility is located, by July 1 of the following calendar year.
16. During each of calendar years 2010, 2011, and 2012, Respondent employed 10 or more full-time employees at the Facility.
17. During each of calendar years 2010, 2011, and 2012, the Facility had a primary Standard Industrial Code of 3088 (cast polymers/culture marble), Major Group 30. This SIC code falls between the primary SIC codes of 20 (2000) and 39 (3900) (as in effect on July 1, 1985).
18. For each toxic chemical listed in 40 C.F.R. § 372.65 manufactured, processed, or otherwise used by Respondent at the Facility in excess of the threshold quantity set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R § 372.25, 372.27 or 372.28, during any calendar year, Respondent has been required by EPCRA § 313(a), 42 U.S.C. § 11023(a), at all times relevant to this Consent Agreement, to complete and submit to EPA and the Commonwealth of Pennsylvania, by July 1, of the following calendar year, a toxic chemical release form (Form R or Form A) pursuant to 40 C.F.R. §§ 372.30.
19. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides that any person who violates EPCRA § 313, 42 U.S.C. § 11023, shall be liable to the United States for a civil penalty.

### COUNTS I - III

20. The chemical substance “styrene” is a “toxic chemical” as defined in EPCRA Sections 313(c) and 329(10), 42 U.S.C. §§ 11023(c) and 11049(10), and 40 C.F.R. § 372.3, and is listed in 40 C.F.R. § 372.65.
21. During each of the calendar years 2010, 2011 and 2012, Respondent “processed” more than 25,000 pounds of styrene, as that term is used in EPCRA § 313(b)(1)(A), 42 U.S.C. § 11023(b)(1)(A), and defined in 40 C.F.R. § 372.3. Such amount exceeded the threshold quantity for reporting for styrene set forth in 40 C.F.R. § 372.25(b), which set the threshold quantity for a toxic chemical processed at a facility at 25,000 pounds.
22. Pursuant to EPCRA Section 313, 42 U.S.C. § 11023, and 40 C.F.R. § 372.22, the Facility was a “covered facility” in each of calendar years 2010, 2011 and 2012 for toxic chemical reporting purposes and Respondent was required to submit to EPA and the Commonwealth of Pennsylvania, in accordance with 40 C.F.R. § 372.30 reporting requirements, a completed Form R or Form A for styrene processed at the Facility during those calendar years on or before each of the following dates: July 1, 2011 for calendar year 2010; July 1, 2012 for calendar year 2011; and July 1, 2013 for calendar year 2012.
23. Respondent submitted to EPA and the Commonwealth of Pennsylvania the following Forms on the following dates:
  - Reporting Year 2010: Form R for styrene submitted on October 27, 2011;
  - Reporting Year 2011: Form R for styrene submitted on December 15, 2012; and
  - Reporting Year 2012: Form R for styrene submitted on April 4, 2014.
24. Respondent's failure to timely submit to EPA, by July 1 of 2011, 2012, and 2013, completed Form Rs to report its processing of styrene at the Facility during the calendar years 2010, 2011, and 2012, respectively, constitutes three separate violations of Section 313 of EPCRA, 42 U.S.C. § 11023, for which Respondent is liable for civil a penalty pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c).

### Civil Penalty

25. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **\$1,000.00**. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO, fully executed by the parties, signed by the Regional Administrator or the Regional Judicial Officer, and filed with the Regional Hearing Clerk. 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, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this CAFO is received by Respondent.

26. The aforesaid settlement amount is based upon Complainant's consideration of the facts and circumstances of this case and the penalty criteria set forth in EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)* (April 12, 2001). Complainant has also considered the applicable Adjustment of Civil Penalties for Inflation, 40 C.F.R. Part 19 and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemary A. Kelley entitled *Adjusted Penalty Policy Matrices Based on the 2008 Monetary Penalty Inflation Adjustment Rule* ("Kelley Memorandum"). The settlement in this proceeding is consistent with the provisions and objectives of EPCRA § 313 and 40 C.F.R. Part 372.

27. Payment of the civil penalty amount assessed in paragraph 25, above, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, EPCRA-03-2015-0239;

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. Environmental Protection Agency  
Fines and Penalties  
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 for delivery to:

United States Environmental Protection Agency  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101  
Contact: 314-418-1818

E. 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:

*Leotaur Technology Group, Inc.*  
*EPCRA-03-2015-0239*

“D 68010727 Environmental Protection Agency”

- F. 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: John Schmid 202-874-7026 OR REX, 1-866-234-5681

- G. On-line payment option: [www.pay.gov/paygov](http://www.pay.gov/paygov)  
Enter **sfo1.1**. In the search field, open and complete form:
- H. Additional payment guidance is available at:  
<http://www2.epa.gov/financial/makepayment>.
- I. A copy of Respondent’s check or a copy of Respondent’s electronic fund transfer shall be sent simultaneously to:

Joyce A. Howell  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC30)  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region III (Mail Code 3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

28. 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, failure to make timely payment may result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

29. Interest on the civil penalty assessed in this CAFO begins to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the 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).
30. 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.
31. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent for more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
32. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty assessed in this CAFO.

#### **Certifications**

33. The individual who signs this Consent Agreement on behalf of Respondent certifies that the violations alleged in this Consent Agreement have been corrected, and that the Facility is currently in compliance with all applicable requirements of EPCRA Section 313, 42 U.S.C. § 11023.

#### **Other Applicable Laws**

34. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.

#### **Reservation of Rights**

35. This Consent Agreement and the accompanying Final Order resolve only EPA's civil claims for the specific violation of EPCRA § 313, 42 U.S.C. § 11023, alleged herein. EPA reserves the right to commence action against any person, including Respondent, 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 EPCRA, 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.

**Scope of Settlement**

36. The settlement set forth in this CAFO shall constitute full and final satisfaction of Complainant's civil claims for penalties for the specific violations alleged herein. Compliance with the 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.

**Parties Bound**

37. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, successors, agents, and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of 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 this Consent Agreement and the accompanying Final Order.

**Effective Date**

38. The effective date of this Consent Agreement and the accompanying Final Order 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.

**Entire Agreement**


39. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violation alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

**For Respondent: Leotaur Technology Group, Inc., d/b/a Lehigh Surfaces**

Date:

8/18/2015

By:



Mr. Narsu Tatikola,  
President  
Leotaur Technology Group, Inc.,  
d/b/a Lehigh Surfaces



**For Complainant:**

Date: Aug 18, 2015

By: Joyce A. Howell  
Joyce A. Howell  
Senior Assistant Regional Counsel

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

Date: 9/3/2015

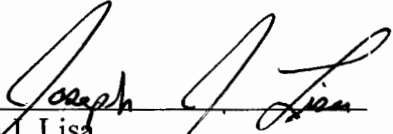
By: John A. Armstead for JAA  
John A. Armstead, Director  
Land and Chemicals Division



**PURSUANT TO** Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045(c), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of \$1,000.00, and comply with the terms and conditions of the Consent Agreement.

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

Date: Sept. 3, 2015

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

