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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

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In the Matter of:  
  
Allfast Fastening Systems, Inc.  
15200 Don Julian Road  
City of Industry, CA 91745  
  
Respondent

Docket No. EPCRA-09-2007-0025  
CONSENT AGREEMENT AND FINAL  
ORDER PURSUANT TO 40 C.F.R.  
§§ 22.13 AND 22.18  
U.S. EPA REGION IX  
REGULATORY HEARING CLERK

I. CONSENT AGREEMENT

1. The Director of the Communities and Ecosystems Division ("Complainant"), United States Environmental Protection Agency ("EPA") Region 9, and Allfast Fastening Systems, Inc. ("Respondent" or "Allfast") agree to settle this matter and consent to the filing of this Consent Agreement and Final Order Pursuant to 40 C.F.R. §§ 22.13 and 22.18 ("CAFO"), which simultaneously commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).
2. This is a civil administrative proceeding initiated pursuant to Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. § 11001 et seq., also known as the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), for violations of Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated to implement Section 313 at 40 C.F.R. Part 372.
3. Complainant has been duly delegated the authority to file this action and sign a consent agreement settling this action. Respondent is a California corporation located at 15200 Don Julian Road in the City of Industry, California 91745-1098.

1 4. Pursuant to Sections 313 and 328 of EPCRA, 42 U.S.C. §§ 11023  
2 and 11048, EPA promulgated the Toxic Chemical Release  
3 Reporting: Community Right-to-Know Rule at 40 C.F.R. Part  
4 372.

5 5. Section 313(a) of EPCRA, as implemented by 40 C.F.R.  
6 § 372.30, provides that an owner or operator of a facility  
7 that meets the criteria set forth in EPCRA Section 313(b) and  
8 40 C.F.R. § 372.22, is required to submit annually to the  
9 Administrator of EPA and to the State in which the facility  
10 is located, no later than July 1st of each year, a toxic  
11 chemical release inventory reporting form (hereinafter "Form  
12 R") for each toxic chemical listed under 40 C.F.R. § 372.65  
13 that was manufactured, processed or otherwise used at the  
14 facility during the preceding calendar year in quantities  
15 exceeding the thresholds established under EPCRA Section  
16 313(f) and 40 C.F.R. §§ 372.25, 372.27 and 372.28.

17 6. Section 313(b) of EPCRA and 40 C.F.R. § 372.22 provide that  
18 the requirements of Section 313(a) and 40 C.F.R. § 372.30  
19 apply to an owner and operator of a facility that has 10 or  
20 more full-time employees; that is in a Standard Industrial  
21 Classification major group codes 10 (except 1011, 1081, and  
22 1094), 12 (except 1241), 20 through 39; industry codes 4911,  
23 4931, or 4939 (limited to facilities that combust coal and/or  
24 oil for the purpose of generating power for distribution in  
25 commerce), or 4953 (limited to facilities regulated under the  
26 Resource Conservation and Recovery Act, subtitle C, 42 U.S.C.

1 \$6921 et seq.), or 5169, 5171, or 7389 (limited to facilities  
2 primarily engaged in solvent recovery services on a contract  
3 or fee basis); and that manufactures, processes, or otherwise  
4 uses one or more toxic chemicals listed under Section 313(c)  
5 of EPCRA and 40 C.F.R. § 372.65 in quantities in excess of  
6 the applicable thresholds established under EPCRA Section  
7 313(f) and 40 C.F.R. §§ 372.25, 372.27 and 372.28.

8 7. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c) and 40 C.F.R.  
9 Part 19 authorize EPA to assess a penalty of up to \$27,500  
10 for each violation of Section 313 of EPCRA that occurred on  
11 or after January 31, 1997 but before March 15, 2004 and up to  
12 \$32,500 for each violation of Section 313 of EPCRA that  
13 occurred on or after March 15, 2004.

14 8. Respondent is a "person," as that term is defined by Section  
15 329(7) of EPCRA.

16 9. At all times relevant to this CAFO, Respondent was the owner  
17 and operator of a "facility," as that term is defined by  
18 Section 329(4) of EPCRA and 40 C.F.R. § 372.3, located at  
19 15200 Don Julian Road in the City of Industry, California  
20 91745-1098 ("Facility"); the Facility had 10 or more "full-  
21 time employees," as that term is defined at 40 C.F.R.  
22 § 372.3; and the Facility was classified in Standard  
23 Industrial Classification Code 3452 (bolt nut, screw, rivet  
24 and washer manufacturing) and 3471 (electroplating, plating,  
25 polishing, anodizing and coloring).

26 10. During calendar year 2003, Respondent processed or otherwise  
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1 used the following approximate amounts (in pounds) of the  
2 following chemicals listed under 40 C.F.R § 372.65:

3 Processed

4 <u>Year</u>	<u>Copper</u>	<u>Nickel</u>
2002	31,931	40,908
5 2003	32,747	48,615

6 Otherwise Used

7 <u>Year</u>	<u>Nitric Acid</u>
2002	13,725
8 2003	16,012

9 11. The quantities of copper and nickel that Respondent processed  
10 at the Facility during calendar years 2002 and 2003 exceed  
11 the established threshold of 25,000 pounds set forth at 40  
12 C.F.R. § 372.25(a), and the quantity of nitric acid otherwise  
13 used at the Facility during calendar years 2002 and 2003  
14 exceed the established threshold of 10,000 pounds set forth  
15 at 40 C.F.R. § 372.25(b).

16 12. Respondent failed to submit Form Rs to the EPA Administrator  
17 and to the State of California on or before July 1, 2003 for  
18 calendar year 2002 and on or before July 1, 2004 for calendar  
19 year 2003, as follows: for copper and nickel processed at  
20 the Facility and for nitric acid otherwise used at the  
21 Facility, as required by Section 313(a) of EPCRA and 40  
22 C.F.R. § 372.30.

23 13. Respondent's failure to submit Form Rs for copper, nickel and  
24 nitric acid on or before July 1, 2003 for calendar year 2002  
25 and on or before July 1, 2004 for calendar year 2003  
26 constitutes six (6) violations of Section 313 of EPCRA and 40  
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1 C.F.R. § 372.30.

2 14. The EPA Enforcement Response Policy for EPCRA Section 313  
3 dated August 10, 1992 provides for a penalty of one hundred  
4 twenty-one thousand nine hundred dollars (\$121,900) for these  
5 violations.

6 15. In executing this CAFO, Respondent certifies that (1) it has  
7 now fully completed and submitted to EPA all of the required  
8 Form Rs in compliance with Section 313 of EPCRA and the  
9 regulations promulgated to implement Section 313; and (2) it  
10 has complied with all other EPCRA requirements at all  
11 facilities under its control.

12 16. In accordance with 40 C.F.R. § 22.18(b)(2) and for the  
13 purpose of this proceeding only, Respondent (i) admits that  
14 EPA has jurisdiction over the subject matter of this CAFO and  
15 over Respondent; (ii) admits the violations and facts alleged  
16 in this CAFO; (iii) consents to the terms of this CAFO; (iv)  
17 waives any right to contest the allegations in this CAFO; and  
18 (v) waives the right to appeal the proposed final order  
19 contained in this CAFO.

20 17. The terms of this CAFO constitute a full settlement of the  
21 civil administrative matter filed under the docket number  
22 above.

23 18. EPA's final policy statement on Incentives for Self-Policing:  
24 Discovery, Disclosure, Correction and Prevention of  
25 Violations, 65 Fed. Reg. 19617 (April 11, 2000) ("Audit  
26 Policy") has several important goals, including encouraging  
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1 greater compliance with the laws and regulations which  
2 protect human health and the environment and reducing  
3 transaction costs associated with violations of the laws EPA  
4 is charged with administering. If certain specified criteria  
5 are met, reductions in gravity-based penalties of up to 100%  
6 are available under the Audit Policy. These criteria are (1)  
7 discovery of the violation(s) through an environmental audit  
8 or due diligence; (2) voluntary disclosure; (3) prompt  
9 disclosure; (4) discovery and disclosure independent of  
10 government or third party plaintiff; (5) correction and  
11 remediation; (6) prevent recurrence; (7) no repeat  
12 violations; (8) other violations excluded; and (9)  
13 cooperation.

14 19. Complainant has determined that Respondent has satisfied all  
15 of the criteria under the Audit Policy and thus qualifies for  
16 the elimination of civil penalties in this matter.

17 Accordingly, the civil penalty assessed in this matter is  
18 zero (\$0) dollars.

19 20. Complainant's finding that Allfast has satisfied the criteria  
20 of the Audit Policy is based upon documentation that Allfast  
21 has provided to establish that it satisfies these criteria.  
22 Complainant and Respondent agree that, should any material  
23 fact upon which Complainant relied in making its finding  
24 subsequently prove to be other than as represented by  
25 Allfast, this CAFO may be voided in whole or in part.

26 21. Nothing in this CAFO modifies, affects, exempts or relieves  
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1 Respondent's duty to comply with all applicable provisions of  
2 EPCRA and other federal, state or local laws and permits. In  
3 accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves  
4 Respondent's liability for federal civil penalties for the  
5 violations and facts specifically alleged in this CAFO.  
6 Nothing in this CAFO is intended to or shall be construed to  
7 resolve (i) any civil liability for violations of any  
8 provision of any federal, state, or local law, statute,  
9 regulation, rule, ordinance, or permit not specifically  
10 alleged in this CAFO; or (ii) any criminal liability. EPA  
11 specifically reserves any and all authorities, rights, and  
12 remedies available to it (including, but not limited to,  
13 injunctive or other equitable relief or criminal sanctions)  
14 to address any violation of this CAFO or any violation not  
15 specifically alleged in this CAFO.

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


21 23. The provisions of this CAFO shall be binding upon Respondent,  
22 its agents, successors or assigns. Respondent's obligations  
23 under this Consent Agreement, if any, shall end when  
24 Respondent has performed all of the terms of the Consent  
25 Agreement in accordance with the Final Order. Complainant  
26 and Respondent consent to the entry of the CAFO without  
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further notice.

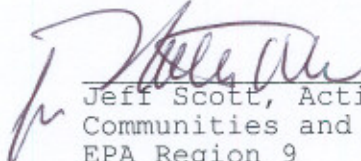
FOR RESPONDENT:

9/11/07  
Date

  
Alan Reoch  
Vice President, Manufacturing  
Allfast Fastening Systems, Inc.

FOR COMPLAINANT:

9-20-2007  
Date

  
Jeff Scott, Acting Director  
Communities and Ecosystems Division  
EPA Region 9



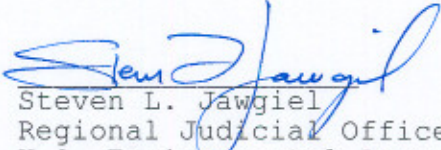
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II. FINAL ORDER

Complainant EPA Region 9 and Respondent Allfast Fastening Systems, Inc., having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this Consent Agreement and Final Order Pursuant to 40 C.F.R. §§ 22.13 and 22.18 (Docket No. EPCRA-9-2007-0025 ) be entered.

09/25/07  
Date

  
Steven L. Jawgiel  
Regional Judicial Officer  
U.S. Environmental Protection  
Agency, Region 9

1  
2 CERTIFICATE OF SERVICE

3 I certify that a copy of the original of the foregoing Consent  
4 Agreement and Final Order Pursuant to 40 C.F.R. §§ 22.13 and  
5 22.18, Docket No. EPCRA-9-2007- , was placed in the United  
6 States Mail, certified mail, return receipt requested, addressed  
7 to the following address:

8  
9 Alan Reoch  
10 Vice President, Manufacturing  
11 Allfast Fastening Systems, Inc.  
12 15200 Don Julian Road  
13 City of Industry, CA 91745  
14

15 Certified Return Receipt No. 7007 0710 0003 6239 8199  
16

17  
18 Date: 9/24/2007

By: Danielle E Carr

Danielle Carr  
Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 9  
75 Hawthorne Avenue  
San Francisco, California 94105-3143  
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