



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

JAN 09 2012

REPLY TO THE ATTENTION OF:  
LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7644 8680

Mr. Matt Koupal  
Rowell Chemical Corporation  
15 East Salt Creek Lane, Suite 205  
Hinsdale, Illinois 60521

Consent Agreement and Final Order, Docket No. TSCA-05-2011-0011<sup>20</sup>

Dear Mr. Koupal:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on January 9, 2012 with the Regional Hearing Clerk.

The civil penalty in the amount of \$9,317.00 is to be paid in the manner described in paragraphs 10 thru 12. Please be certain that the number BD 2751247X006 and the docket number are written on both the transmittal letter and on the check. Payment is due by February 9, 2012 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

  
/s/ Claudia Niess  
Pesticides and Toxics Compliance Section

Enclosures

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

<b>In the Matter of:</b>	)	<b>Docket No. TSCA-05-2011-0011</b> <i>Jo.</i>
	)	
<b>Rowell Chemical Corporation</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Hinsdale, Illinois</b>	)	<b>Under Section 16(a) of the Toxics Substances</b>
	)	<b>Control Act, 15 U.S.C. § 2615(a)</b>
<b>Respondent.</b>	)	
_____	)	

**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

1. Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5, brought this administrative action seeking a civil penalty under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and Sections 22.1(a)(5) and 22.13 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. §§ 22.1(a)(5) and 22.13.
2. On June 20, 2011, the EPA filed the Complaint in this action against Respondent Rowell Chemical Corporation (Rowell), a corporation doing business in the State of Illinois. The Complaint alleges that Respondent's failure to submit an Inventory Update Report (Form U) between August 25, 2006 and March 23, 2007, constitutes a violation of 40 C.F.R. §§ 710.52 and 710.53, and Section 15(3) of TSCA, 15 U.S.C. § 2614(3).
3. Respondent filed its Answer to the Complaint on September 2, 2011, under an extension granted by the Regional Judicial Officer on August 3, 2011.

### Stipulations

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits or denies the factual allegations in the Complaint.
5. Respondent waives its right to a hearing on the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).
6. Respondent certifies that it filed the Form U at issue with the EPA immediately after the EPA's notice of unsuccessful submission.
7. Respondent certifies that it is complying with the TSCA regulations at 40 C.F.R. §§ 710.52 and 710.53.
8. Respondent consents to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

### Civil Penalties

9. In consideration of the circumstances of the case, and as part of settlement under the terms of this CAFO, EPA agrees to mitigate the proposed penalty of \$10,961 to \$9,317.
10. Respondent shall pay the \$9,317 civil penalty by cashier's or certified check, payable to the "Treasurer, United States of America," within thirty (30) days of the effective date of this CAFO.
11. Respondent shall send the cashier's or certified check to the following address:  

U.S. EPA, Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 79077  
St. Louis, MO 63197-9000
12. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write

the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Claudia Neiss (DT-8J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Andre Daugavietis (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3509

13. This civil penalty is not deductible for federal tax purposes.

14. If Respondent does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the original civil penalty amount with interest, under Section 16 (a)(4) of TSCA, 15 U.S.C. § 2615(a)(4). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.


15. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, a non-payment penalty charge of six percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. § 901.9(d).

**General Provisions**

- 16. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.
- 17. Respondent has set forth its position on the case in its Answer in this matter.
- 18. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.
- 19. This CAFO does not affect Respondent's responsibility to comply with TSCA and other applicable federal, state and local laws.
- 20. The terms of this CAFO bind Respondent, and its successors and assigns.
- 21. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
- 22. Each party agrees to bear its own costs and attorney's fees in this action.
- 23. This CAFO constitutes the entire agreement between the parties.

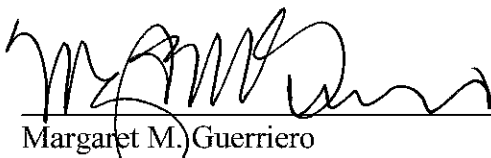
**Rowell Chemical Corporation, Respondent**

12/6/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Matt Koupal  
Vice President of Operations

**United States Environmental Protection Agency, Complainant**

Jan. 4, 2012  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

**In the Matter of:  
Rowell Chemical Corporation  
Docket No. TSCA-05-2011-0011**

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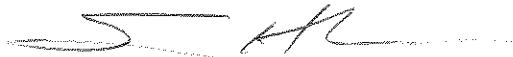
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**Final Order**

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

1-6-12  
Date



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Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

**CERTIFICATE OF SERVICE**

I hereby certify that the original signed copy of the Consent Agreement and Final Order in the resolution of the civil administrative action involving Rowell Chemical Corporation, was filed on January 9, 2012 with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7009 1680 0000 7644 8680, a copy of the original to the Respondent:

Mr. Matt Koupal  
Rowell Chemical Corporation  
15 East Salt Creek Lane, Suite 205  
Hinsdale, Illinois 60521

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REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Andre Daugavietis, Regional Judicial Officer, ORC/C-14J  
Eric Volck, Cincinnati Finance/MWD



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

Docket No. 73CA-05-2011-0011 <sup>20</sup>.