



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

OCT 14 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Walter Sosnowski
President
Allegan Metal Finishing Company
1274 Lincoln Road
Allegan, Michigan 49010

Re: Allegan Metal Finishing Company, Allegan, Michigan, Consent Agreement and Final Order, Docket No. EPCRA-05-2015-0010

Dear Mr. Sosnowski:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on October 14, 2015.

Please pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$20,000 in the manner prescribed in paragraph 8, and reference your check with the docket number EPCRA-05-2015-0010.

Your payment is due on November 13, 2015.

Please feel free to contact James Entzminger, at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jose de Leon, Associate Regional Counsel, at (312) 353-7456. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. E. Hans".

Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:) **Docket No. EPCRA-05-2015-0010**
)
Allegan Metal Finishing Company,) **Proceeding to Assess a Civil Penalty Under**
Allegan, Michigan,) **Section 325(c)(1) of the Emergency Planning**
) **and Community Right-to-Know Act of 1986**
Respondent.)

Consent Agreement and Final Order

1. The Complainant is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

2. On February 25, 2015, U.S. EPA filed the Complaint in this action against Respondent Allegan Metal Finishing Company. The Complaint alleges that Respondent violated Section 312(a) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11022(a), by failing to submit to the Allegan County Local Emergency Planning Committee (LEPC), and the Allegan Fire Department a completed Emergency and Hazardous Chemical Inventory Form for calendar years 2009-2012.

Stipulations

3. Respondent admits the jurisdictional allegations in the Complaint.

4. Without admitting or denying the facts and violations alleged in the Complaint, Respondent consents to the terms and issuance of this Consent Agreement and Final Order (CAFO) and to the payment of the civil penalty specified herein. The terms of the penalty are set forth below.

5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this CAFO.

6. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

7. Complainant has determined that an appropriate civil penalty to settle this action is \$20,000 for the EPCRA violations alleged by U.S. EPA. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, and any other matters as justice may require. Complainant also considered U.S. 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 Environmental Response, Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

8. Within 30 days after the effective date of this CAFO, Respondent must pay a \$20,000 civil penalty for settlement of the alleged EPCRA violations by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

for checks sent by express mail, by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must note the following: Allegan Metal Finishing Company, and the docket number of this CAFO (EPCRA-05-2015-0010).

9. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address, and the case docket number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

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

James Entzminger (SC-5J)
Chemical Emergency Preparedness and
Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Jose de Leon (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

11. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

12. 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 amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

13. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.
14. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
15. Respondent certifies that it is complying with Section 312(a) of EPCRA, 42 U.S.C. §11022(a) to the extent applicable due to cessation of operations.
16. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws and regulations.
17. This CAFO is a "final order" for purposes of U.S. 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 Environmental Response, Compensation and Liability Act, dated September 30, 1999.
18. The terms of this CAFO bind Respondent and its successors and assigns.
19. Each person signing this Consent 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.
20. Each party agrees to bear its own costs and attorney's fees in this action.
21. This CAFO constitutes the entire agreement between the parties.

Allegan Metal Finishing Company, Respondent

09/23/15
Date

Walter C. Sosnowski
Mr. Walter C. Sosnowski
President
Allegan Metal Finishing Company

U.S. Environmental Protection Agency, Complainant

10/01/2015
Date

M. Cecilia Moore
M. Cecilia Moore, Chief
Enforcement and Compliance Assurance
Branch
U.S. Environmental Protection Agency
Region 5

10/2/15
Date

Richard C. Karl
Richard C. Karl, Director
Superfund Division
U.S. Environmental Protection
Agency Region 5

**In the Matter of: Allegan Metal Finishing Company, Allegan, Michigan
Docket No. EPCRA-05-2015-0010**

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.

9 October 2015
Date

Susan Hedman
Susan Hedman
Regional Administrator

U.S. Environmental Protection Agency
Region 5

In the Matter of: Allegan Metal Finishing Company, Allegan, Michigan
Docket No. EPCRA-05-2015-0010

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on October 14, 2015 in the following manner to the addresses:

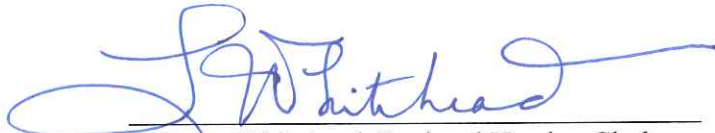
Copy by Certified Mail
Return Receipt Requested: Mr. Walter C. Sosnowski
President
Allegan Metal Finishing Company
1274 Lincoln Road
Allegan, Michigan 49010

Copy by E-mail to
Attorney for Respondent: Charles M. Denton
BARNES & THORNBURG LLP
cdenton@btlaw.com

Copy by E-mail to
Attorney for Complainant: Jose de Leon
deleon.jose@epa.gov

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: October 14, 2015



LaDawn Whitehead, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2640 4307