

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Yen P. Hoang 11/30/12
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CAA-01-2012-0105

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Rynel, Inc.
Attn: Jim Detert
11 Twin Rivers Drive
Wiscasset, ME 04578

Total Dollar Amount of Receivable \$ 26,000 Due Date: 12/30/12

SEP due? Yes No Date Due _____

Installment Method (if applicable)

- INSTALLMENTS OF:
- 1ST \$ _____ on _____
 - 2nd \$ _____ on _____
 - 3rd \$ _____ on _____
 - 4th \$ _____ on _____
 - 5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

_____ Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NEW ENGLAND OFFICE
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

BY HAND

Date: November 30, 2012

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 1
5 Post Office Square
Mail Code: ORA18-1
Boston, Massachusetts 02109-3912

RE: *In the Matter of Rynel, Inc.*
Docket No. CAA-01-2012-0105

Dear Ms. Santiago:

Please find enclosed for filing an original and one copy of the Consent Agreement and Final Order and Certificate of Service pertaining to the above-matter. The mailing address for the respondent is:

Rynel, Inc.
Attn: Jim Detert, Site Director
11 Twin Rivers Drive
Wiscasset, Maine 04578

Please do not hesitate to contact me at (617) 918-1171 should you have any questions regarding the enclosed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yen P. Hoang".

Yen P. Hoang

cc: Chris Rascher, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND

RECEIVED
NOV 30 2012
EPA ORC WS
Office of Regional Hearing Clerk

_____))
IN THE MATTER OF))
Rynel, Inc.))
11 Twin Rivers Drive))
Wiscasset, Maine 04578))
Proceeding under Section 113(d) of the))
Clean Air Act, 42 U.S.C. § 7413(d)))
_____)

Docket No.: CAA-01-2012-0105

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency (“EPA”),
having filed a Complaint and Notice of Opportunity for Hearing (“Complaint”) on
September 27, 2012 against Rynel, Inc., 11 Twin Rivers Drive in Wiscasset, Maine
 (“Respondent” or “Rynel”);

Complainant and Respondent (“the Parties” herein), having agreed 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;

NOW, THEREFORE, before the taking of any testimony, upon the pleading,
without adjudication of any issue of fact or law, and upon consent and agreement of the
Parties, it is hereby Ordered and Adjudged as follows:

STATUTORY AND REGULATORY AUTHORITY

1. This CAFO resolves an administrative action for the assessment of monetary penalties and other relief brought pursuant to Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22.

2. EPA’s Complaint alleged that Respondent failed to submit a risk management plan (“RMP”) for 2,4-toluene diisocyanate (“2,4-TDI”) and 2,6-diisocyanate (“2,6-TDI”) before storing these substances in amounts that exceeded the regulatory threshold, in violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations at 40 C.F.R. Part 68.

TERMS OF SETTLEMENT

3. The provisions of this CAFO shall apply to and be binding on the Parties, their officers, directors, agents, servants, employees, successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue, and without admitting or denying the factual and legal allegations contained in the Complaint, consents to the terms of this CAFO.

5. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

6. Respondent certifies that it is currently operating and will operate the Facility described in paragraph 9 of the Complaint in compliance with the CAA, and the federal regulations promulgated thereunder.

7. Pursuant to Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and taking into account the relevant statutory penalty criteria, the facts recounted in this CAFO, and such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty of TWENTY SIX THOUSAND DOLLARS (\$26,000) for the violation alleged in the Complaint.

8. The penalty amount of \$26,000 must be paid in full within thirty (30) calendar days of the effective date of this CAFO. In accordance with 40 C.F.R. § 22.31(b), the effective date of the CAFO is the date on which this CAFO is filed with the Regional Hearing Clerk.

9. Respondent shall make payment by submitting a certified or cashier's check **payable to the order of the "Treasurer, United States of America,"** **referencing the case name and docket number of this action on the face of the check,**

to:

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

Respondent shall also provide copies of the check to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

and

Yen P. Hoang
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-3
Boston, MA 02109-3912

10. In the event that the civil penalty is not paid when due without demand, pursuant to Section 113(d)(5) of the CAA, 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 when due. In that event, interest will accrue from the due date 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.

11. The civil penalty under this CAFO, and any interest, nonpayment penalties, and charges described in this CAFO, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal 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.

12. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113(d) of the CAA for the violation alleged in the Complaint. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA for matters not addressed in the Complaint or this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law. Nothing in this CAFO is intended to resolve any criminal liability of the Respondent, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

13. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which the Complaint and this CAFO is based, or for Respondent's violation of any applicable provision of law.

14. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal, state, or local law; nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

15. The parties shall bear their own costs and fees in this action, including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

16. The undersigned representative of the Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

FOR RESPONDENT RYNEL, INC.

Name

P. DeFet

Title

SITE DIRECTOR

12 NOV 2012

Date

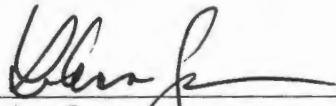
FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA, Region I

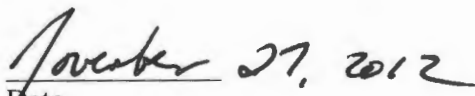
11/27/12
Date

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



LeAnn Jensen
Acting Regional Judicial Officer



Date

In the Matter of Rynel, Inc.
Docket No. CAA-01-2012-0105

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

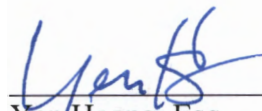
Original and one copy
hand delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Mail Code: ORA18-1
Boston, MA 02109-3912

Copy by Certified Mail-
Return Receipt Requested

Jim Detert, Site Director
Rynel, Inc.
11 Twin Rivers Drive
Wiscasset, Maine 04578

Nov. 30, 2012
Date


Yen Hoang, Esq.
Office of Regional Counsel
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Mail Code: OES4-2
Boston, MA 02109-3912
Tel: 617.918.1171