



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 8
 1595 WYNKOOP STREET
 DENVER, CO 80202-1129
 Phone 800-227-8917
<http://www.epa.gov/region08>

DOCKET NO.: CAA-08-2012-0006


IN THE MATTER OF:)	
)	
)	
PACIFIC HIDE AND FUR)	FINAL ORDER
d/b/a PACIFIC STEEL & RECYCLING)	
Billings Montana Branch)	
777 4 th Avenue North)	
Billings, MT 59101-1503)	
)	
Respondent)	

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 2012 SEP -7 PM 1:10

Pursuant to 40 C.F.R. §22.18 of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

The Parties are hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Parties of this **Order**.

SO ORDERED THIS 4th Day of September, 2012


 Elyana R. Sutin
 Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8
Docket No. CAA-08-2012-0006

IN THE MATTER OF:)
)
Pacific Hide and Fur) CONSENT AGREEMENT
d/b/a Pacific Steel & Recycling)
Billings, Montana Branch)
777 4th Avenue North)
Billings, MT 59101-1503)
)
Respondent.)

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INTRODUCTION

1. On May 30, 2012, a Complaint and Notice of Opportunity for Hearing ("Complaint"), Docket No. CAA-08-2012-0006, was issued by the Environmental Protection Agency ("EPA") pursuant to section 113(d)(1)(B) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d) (1)(B).
2. In the Complaint, the EPA alleged that Pacific Hide and Fur d/b/a/ Pacific Steel & Recycling ("Respondent" or "Pacific Steel") violated the implementing regulations associated with the "Stratospheric Ozone Protection" requirements of Subchapter VI, section 608 of the CAA, 42 U.S.C. § 7671g. Those regulations are found at 40 C.F.R. Part 82, Subpart F. Specifically, the EPA alleged that Respondent violated the CAA by failing to maintain required records verifying that refrigerants had been properly recovered from certain appliances it had received from a third party, in violation of 40 C.F.R. §§ 82.166(i) and 82.166(m).
3. The CAA authorizes the assessment of civil penalties for violations of the CAA. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), and 40 C.F.R. Part 19.
4. Pursuant to section 113(d)(1)(C) of the CAA, 42 U.S.C. § 7413(d)(1)(C), the Department of Justice and the EPA have jointly determined that this matter is appropriate for handling as an administrative penalty action.
5. The parties have reached a resolution of this civil enforcement action. This Consent Agreement is governed by 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, and is entered into pursuant to 40 C.F.R. § 22.18(b)(2).

6. The undersigned EPA official has been properly delegated the authority to enter into this Consent Agreement on behalf of the agency.

CONSENT AGREEMENT

7. Respondent admits the jurisdictional allegations contained in the Complaint.

8. Respondent neither admits nor denies the factual and legal allegations contained in the Complaint.

9. Respondent waives any right to contest the allegations in a hearing before any tribunal, and waives its right to appeal the proposed Final Order.

10. This Consent Agreement, upon incorporation into a Final Order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

11. Section 113(d)(1)(B) of the CAA and 40 C.F.R. Part 19 authorize the assessment of a civil penalty of up to \$37,500 per day of violation for each violation of the implementing regulations associated with the "Stratospheric Ozone Protection" requirements of Subchapter VI, section 608 of the CAA. For purposes of determining the amount of any civil penalty to be assessed, section 113(e)(1) of the CAA requires EPA to take into account, in addition to such other factors as justice may require, the size of business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

12. Based on the foregoing factors, and Respondent's acknowledgement that it is in full compliance with the requirements of the CAA, EPA has determined that an appropriate civil penalty to settle this action is Four Thousand Five Hundred Dollars (\$4,500).

13. Respondent consents, for the purpose of settlement, to the issuance of a final order in this matter and agrees to pay the civil penalty cited in the foregoing paragraph as follows:

- a. Payment is to be made of Four Thousand Dollars Five Hundred Dollars (\$4,500) due within 30 calendar days from the effective date of the final order, issued by the Regional Judicial Officer, which incorporates the terms of this Consent Agreement. If the due date falls on a weekend or legal Federal holiday, the due date is the next business day. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

- b. Payment shall: (1) be made by certified or cashier's check payable to "Treasurer, United States of America;" (or be paid by one of the other methods listed below) (2) identify the case title and docket number of this action (either on the check or in a transmittal letter accompanying the check); and (3) remitted to:

Regular Mail:

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

Overnight Mail:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
314-418-4087

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:
Federal Reserve Bank of New York
ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov

Enter sfol.1 in the search field

Open form and complete required fields

- c. A copy of the check or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made shall be sent to both:

Tina Artemis
Regional Hearing Clerk
Mail Code 8RC
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

and to:

Alexas Gilbert
Mail Code 8ENF-AT
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

14. In the event payment is not received by the specified due date, interest accrues from the date of the final order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received.

15. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 61st day from the date of the final order, and each subsequent thirty-day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to handling charges, 6% penalty interest, and late interest; then any balance is applied to the outstanding principal amount.

16. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

17. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the CAA and its implementing regulations.

18. Failure by Respondent to comply with any term of this Consent Agreement shall constitute a breach of the Consent Agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and such other relief as may be appropriate.

19. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.

20. The undersigned representative of the Respondent certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement.

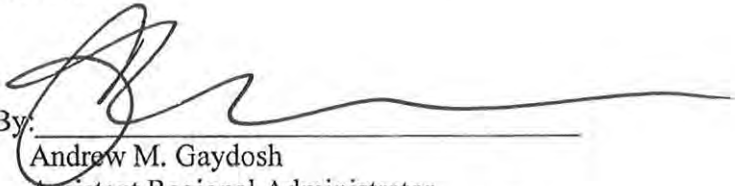
21. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a Final Order.

22. Each party shall bear its own costs and attorney fees in connection with this matter.

23. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Date: 8/27/2012

By: 
Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance, and
Environmental Justice

PACIFIC HIDE AND FUR,
d/b/a PACIFIC STEEL & RECYCLING

Date: 8/21/12

By: 
Jeff Millhollin
President
Pacific Steel & Recycling


CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of **PACIFIC HIDE AND FUR, d/b/a PACIFIC STEEL & RECYCLING; DOCKET NO.: CAA-08-2012-0006**, was signed by the Regional Judicial Officer on September 4, 2012.

Further, the undersigned certifies that the original was placed in Pouch Mail to:

Sybil Anderson, Hearing Clerk
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (1900L)
Washington, DC 20460

September 4, 2012


Tina Artemis
Paralegal/Regional Hearing Clerk

In The Matter of Pacific Hide and Fur d/b/a Pacific Steel & Recycling - Docket No. CAA-08-2012-0006

CERTIFICATE OF SERVICE

I certify that the foregoing **Final Order and Consent Agreement**, dated September 7, 2012 was sent this day in following manner to the addresses listed below:



Sybil Anderson
Headquarters Hearing Clerk

Dated: **September 7, 2012**

Copy By Regular Mail and Email to:

Catherine A. Laughner
Brown, Kaleczyc, Berry & Hoven, P.C.
801 W. Main Street, Suite 2A
Bozeman, MT 59715
Email: cathyl@bkbh.com

Linda Kato
Enforcement Attorney
U.S. EPA - Region 8 (8ENF-L)
1595 Wynkoop Street
Denver, CO 80212-1129
Email: kato.linda@epa.gov