



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

JUL 21 2009

Ms. Norma Pope  
Director of Human Resources  
International Greetings, USA  
338 Industrial Boulevard  
Midway, Georgia 31320

SUBJ: Docket No. TSCA-04-2009-2901(b)  
Glitterwrap Incorporated

Dear Ms. Pope:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties pursuant to section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Pursuant to section 37 of the CAFO, the assessed penalty of \$1,100 is due within 30 days after the effective date of the CAFO. Please ensure that the face of your cashier's or certified check includes the name of the company and the docket number of this case. Penalty payment questions should be directed to Ms. Lori Weidner either by telephone at (513) 487-2125 or by written correspondence to her attention at U.S. Environmental Protection Agency (EPA), Cincinnati Accounting Operations address identified in the CAFO.

Should you have any questions about this matter or your compliance status in the future, please feel free to contact me at (404) 562-8976 or Raj Aiyar at (404) 562-8993.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Y. F. Robinson".

Caroline Y. F. Robinson, Chief  
RCRA and OPA Enforcement and Compliance Branch  
RCRA Division

Enclosure

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
ATLANTA, GEORGIA

In the Matter of: )  
)  
Glitterwrap Incorporated )  
575 Island Park Drive )  
Madisonville, Kentucky 42431 )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. TSCA-04-2009-2901(b)

2009 JUL 21 AM 11:11  
EPA REGION 4  
HEALTH AND ENVIRONMENT

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action**

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Resource Conservation and Recovery Act (RCRA) Division, United States Environmental Protection Agency, Region 4 (EPA). Respondent is Glitterwrap Incorporated.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

## **II. Preliminary Statements**

3. The Administrator of EPA promulgated rules pertaining to Polychlorinated Biphenyls (PCBs) in 40 C.F.R. Part 761, pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605. Failure to comply with any such rule constitutes a violation of Section 15 of TSCA, 15 U.S.C. § 2614. Any person who violates a provision of Section 15 of TSCA may be assessed a penalty of up to \$27,500 for each such violation occurring between January 30, 1997, and March 15, 2004, in accordance with Section 16(a) of TSCA and 40 C.F.R. Part 19, as amended. For each such violation occurring between March 15, 2004, and January 12, 2009, a penalty of up to \$32,500 may be assessed. For each such violation occurring after January 12, 2009, a penalty of up to \$37,500 may be assessed. Each day a violation continues may constitute a separate violation.
4. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to EPA Region 4 by EPA Delegation 12-2-A, dated May 11, 1994.
5. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Raj Aiyar  
RCRA and OPA Enforcement and Compliance Branch  
U.S. EPA Region 4  
61 Forsyth Street SW  
Atlanta, Georgia 30303-8960  
(404) 562-8993

## **III. Specific Allegations**

6. Respondent leases and occupies a facility where PCBs are in use in the State of Kentucky and is a “person” as defined in 40 C.F.R. § 761.3.

7. On or about November 1, 2007, an inspection was conducted at Respondent's facility located at 575 Island Park Drive, in Madisonville, Kentucky, to determine compliance with the PCB regulations.
8. 40 C.F.R. § 761.30(a)(1)(viii) requires that combustible materials including, but not limited to paints, solvents, plastics, paper, and sawn wood must not be stored within 5 meters of a PCB transformer enclosure. During inspection, cardboard boxes containing sporting goods were stored within 5 meters of a 1500 KVA Allis Chalmers Make Askeral Transformer, serial number 75602-4, containing approximately 1,496 kg of PCBs by weight. Therefore, Respondent violated 40 C.F.R. § 761.30(a)(1)(viii).

#### **IV. Consent Agreement**

9. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
10. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying the consent agreement.
11. Respondent consents to the assessment of the penalty proposed by EPA and agrees to pay the civil penalty as set forth in this CAFO.
12. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of TSCA.
13. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16(a) of TSCA, for the specific violations alleged herein. Except as specifically provided in this CAFO, EPA reserves all other civil and criminal enforcement authorities, including the authority to address imminent hazards. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and

regulations administered by EPA, and it is Respondent's responsibility to comply with said laws and regulations.

14. Complainant and Respondent agree to settle this matter by their execution of this CAFO.

The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

**V. Final Order**

15. Respondent is assessed a civil penalty of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100), which shall be paid within 30 days from the effective date of this CAFO.

16. Respondent shall remit the civil penalty by either a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the check to the following address by U.S. Postal Service:

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

The check shall reference on its face the name of the Respondent and Docket Number of this CAFO.

For payment submittal by any overnight mail service (Fed Ex, UPS, DHL, etc.), please use the following address:

U. S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: Natalie Pearson (314) 418-4087

17. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment has been made in accordance with this CAFO, to each of the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street SW  
Atlanta, Georgia 30303-8960;

Raj Aiyar  
RCRA and OPA Enforcement and Compliance Branch  
U.S. EPA Region 4  
61 Forsyth Street SW  
Atlanta, Georgia 30303-8960;

18. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
19. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
20. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
21. This CAFO shall be binding upon the Respondent, its successors and assigns.

22. The undersigned representative of the party to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

**VI. Effective Date**

23. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

**Respondent: Glitterwrap Incorporated**

**Docket No.: TSCA-04-2009-2901(b)**

By: Norma M. Pope (Signature) Date: 7-7-09

Name: Norma M. Pope (Typed or Printed)

Title: Director Human Resources (Typed or Printed)

**Complainant: U.S. Environmental Protection Agency**

By: G. Alan Farmer (Signature) Date: 7/15/09

G. Alan Farmer  
Director  
RCRA Division  
61 Forsyth Street SW  
Atlanta, Georgia 30303-8960

APPROVED AND SO ORDERED this 20<sup>th</sup> day of July, 2009.

By: Susan B. Schub  
Susan B. Schub  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Glitterwrap Incorporated, Docket Number: TSCA-04-2009-2901(b), to the addressees listed below.

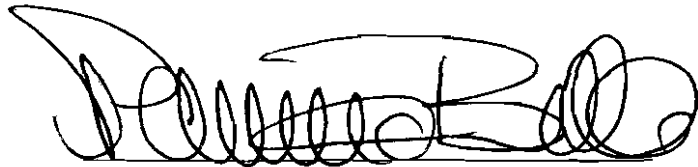
Ms. Norma M. Pope  
Director of Human Resources  
International Greetings USA  
338 Industrial Boulevard  
Midway, GA 31320

(via Certified Mail, Return Receipt Requested)

Raj Aiyar  
RCRA and OPA Enforcement  
And Compliance Branch  
RCRA Division  
U.S. EPA, Region 4  
61 Forsyth, St., SW  
Atlanta, GA 30303

(via EPA's internal mail)

Date: 7-21-09



Patricia A. Bullock, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth St., SW  
Atlanta, GA 30303  
(404) 562-9511