



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

December 18, 2013

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL 7009 1680 0000 7676-4223
RETURN RECEIPT REQUESTED.

Mr. James R. Crews Jr.
Revere Plastics Systems, LLC
401 East Elm Street
Clyde, Ohio 43410

Consent Agreement and Final Order, In the Matter of
Revere Plastics Systems, LLC. Docket No. EPCRA - 05-2013-0025

Dear Mr. Crews Jr.:

Enclosed is a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on December 18, 2013, with the Regional Hearing Clerk.

The civil penalty in the amount of \$118,750 is to be paid in the manner described in paragraphs 9 and 10. In the comment or description field of the electronic funds transfer, please state: Revere Plastics Systems, LLC, and the docket number of this CAFO (above). Payment is due by January 18, 2014 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Terry Bonace".

Terry Bonace
Pesticides and Toxics Compliance Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. EPCRA-05-2013-0025
)
Revere Plastics Systems, LLC) Proceeding to Assess a Civil Penalty Under
Clyde, Ohio,) Section 325(c) of the Emergency Planning
) and Community Right-to-Know Act of
Respondent.) 1986, 42 U.S.C. § 11045(c)

Consent Agreement and Final Order

Preliminary Statement



1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c).

2. On September 6, 2013, EPA filed the Complaint in this action against Respondent, Revere Plastics Systems, LLC. The Complaint alleges that in 2007, 2008, 2009, and 2010, Respondent processed decabromodiphenyl oxide, antimony compounds and lead at its 401 Elm Street, Clyde, Ohio facility in quantities exceeding the threshold for reporting under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and that Respondent violated Section 313 of EPCRA and 40 C.F.R. Part 372 by failing to submit Toxic Chemical Release Inventory Reporting Forms (Form R) for decabromodiphenyl oxide, antimony compounds, and lead by July 1, 2008 for calendar year 2007, by July 1, 2009 for calendar year 2008, by July 1, 2010 for calendar year 2009 and by July 1, 2011 for calendar year 2010.

Stipulations

3. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations and alleged violations in the Complaint.

4. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

5. Respondent certifies that it is complying fully with EPCRA.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

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

Civil Penalties

8. In consideration of Respondent's attitude and its expenditure in 2011 of over \$1 million in phasing out the use of decabromodiphenyl oxide and antimony compounds, EPA agrees to mitigate the proposed penalty of \$190,783 to \$118,750. Usage of decabromodiphenyl oxide was reduced by over 1,500,000 lbs. and antimony compounds by 11,500 lbs between calendar years 2011 and 2012.

9. Within 30 days after the effective date of this CAFO, Respondent must pay the \$118,753 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

For checks sent by express mail, send 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, Missouri 63101

The check must note Revere Plastics Systems, LLC and the docket number of this CAFO.

10. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses when it pays the penalty:

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

Terence Bonace (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Kris Vezner (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

12. If Respondent does not pay timely the civil penalty, 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.

13. 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 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, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

14. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

15. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

16. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws.

17. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for Section 313 of EPCRA.

18. The terms of this CAFO bind Respondent, its successors and assigns.

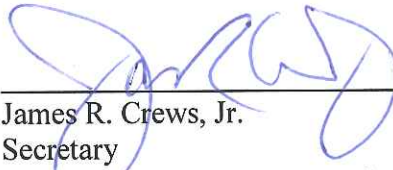
19. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

20. Each party agrees to bear its own costs and attorneys fees in this action.

21. This CAFO constitutes the entire agreement between the parties.


Revere Plastics Systems, LLC, Respondent

11/18/2013
Date


James R. Crews, Jr.
Secretary
Revere Plastics Systems, LLC

United States Environmental Protection Agency, Complainant

11/25/2013
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Revere Plastics Systems, LLC
Docket No. EPCRA-05-2013-0025

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.

11/29/2013

Date



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 resolution of the civil administrative action involving Revere Plastics Systems, LLC, was filed on December 18, 2013, 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 76761 4223 a copy of the original to the Respondent:

Mr. James R. Crews Jr.
Revere Plastics Systems, LLC
401 East Elm Street
Clyde, Ohio 43410

and forwarded intra-Agency copies to:

Christine D. Coughlin, Administrative Law Judge 1900R
Kris Vezner, Counsel for Complainant ORC/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown, PTCS (LC-8J)
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Docket No. EPCRA - 05-2013-0025

