EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven C. Schlang (Name of Case Attorney) 6/16/11 (Date)

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

Case Docket Number TSCA-01-2011-0028

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:

T. H. Glennon Co., Inc.
26 Fanaras Drive
Salisbury, MA 01952

Total Dollar Amount of Receivable $ _____ Due Date: _____

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1ST $ 2,400 on 7/13/11

2nd $ 2,236 on 8/12/11

3rd $ 2,229 on 9/11/11

4th $ 2,222 on 10/11/11

5th $ 2,214 on 11/10/11

6th 2207. on 12/10/11

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
BEFORE THE ADMINISTRATOR

RECEIVED
JUN 13 2011
EPA ORC WS
Office of Regional Hearing Clerk

In the Matter of: T.H. Glennon Co., Inc. 26 Fanaras Drive Salisbury, MA 01952 Respondent. Proceeding under Section 325(c) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045(c)	)))))))))))	**CONSENT AGREEMENT AND FINAL ORDER** Docket No. EPCRA-01-2011-0028

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint herein against Respondent, T.H. Glennon, Inc. ("Respondent"), the Parties herein; and

Complainant and Respondent having agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order 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:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty of twenty thousand six hundred dollars ($20,600), pursuant to Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C.

§ 11045(c), and the regulations promulgated thereunder, found at 40 C.F.R. Part 370.

2. EPA alleges that Respondent violated regulations concerning the submission of chemical inventory forms for hazardous chemicals, including, but not limited to, acrylic polymer, carbon black, iron oxide, natural rubber, styrene butadiene polymer, and water based iron oxide mixture, stored at Respondent's facility located at 26 Fanares Drive, Salisbury, Massachusetts ("facility"), in quantities equal to or greater than the chemical-specific minimum threshold for these chemicals set forth at 40 C.F.R. § 370.10 (formerly § 370.20(b)(4)).

3. The provisions of this Consent Agreement and Final Order 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 Consent Agreement and Final Order.

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 has demonstrated to the satisfaction of EPA that it has complied with the reporting requirements that formed the basis of Count I of the Complaint.

II. TERMS OF SETTLEMENT

7. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. §11045(c), the nature of the violations, Respondent's cooperative attitude, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of thirteen thousand, four hundred dollars ($13,400),plus interest, pursuant to the following schedule:

a. $2,400 shall be due within 30 calendar days of the effective date of this CAFO (as described in Paragraph 15 below);

b. $2,236 (i.e. $2,200 principal, plus $36 in interest) shall be due within 60 calendar days of the effective date of this CAFO;

c. $2,229 (i.e. $2,200 principal, plus $29 in interest) shall be due within 90 calendar days of the effective date of this CAFO;

d. $2,222 (i.e. $2,200 principal, plus $22 in interest) shall be due within 120 calendar days of the effective date of this CAFO;

e. $2,214 (i.e. $2,200 principal, plus $14 in interest) shall be due within 150 calendar days of the effective date of this CAFO; and

f. $2,207 (i.e. $2,200 principal, plus $7 in interest) shall be due within 180 calendar days of the effective date of this CAFO.

g. Acceleration Clause: if Respondent fails to make any payment as described above, all remaining installments shall become immediately due and payable as of the missed payment date. Interest on such unpaid penalty amounts shall accrue from the missed payment date.

8. Respondent consents to the issuance of the Consent Agreement and Final Order hereinafter recited and consents for purposes of settlement to the payment of the civil penalty cited in paragraph 7 above.

9. Respondent shall make payments by cashier's or certified check, or check issued in the normal course of business operations, payable to "Treasurer, United States of America" and referencing the title and docket number of the action ("In the Matter of T.H.Glennon Co., Inc., EPCRA-01-2011-0028"). The payments shall be mailed to:

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

Respondent shall provide copies of the check to:

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

and

Steven C. Schlang, Esq.
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
Mailcode – OES04-4
5 Post Office Square, Suite 100
Boston, MA 02109-3912

10. 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. In the event that any partial payment of the civil penalty, plus interest thereon, is not paid when due without demand, the penalty plus accrued interest shall be payable with additional interest from the original due date to the date of payment, at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. §901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

All penalties, interest, and charges payable pursuant to this Consent Agreement and Final Order shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

11. Respondent shall bear its own costs and attorneys fees in connection with the action resolved by this Consent Agreement and Final Order.

12. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 325 of EPCRA for the violations of EPCRA alleged in the Complaint. Compliance with this Consent Agreement and Final Order shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations.

13. This Consent Agreement and Final Order in no way relieves Respondent or its employees of any criminal liability. Nothing in the Consent Agreement and Final Order shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. This Consent Agreement and Final Order shall not limit the authority of the United States to enforce the underlying substantive legal requirements of this administrative penalty assessment, whether administratively or judicially.

14. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

15. The provisions of this Consent Agreement and Final Order shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

16. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this Consent Agreement and Final Order is filed with the Regional Hearing Clerk.

For Respondent:

Brian R. Shea President

Brian R. Shea

5/18/2011

Date

In The Matter of T.H. Glennon Co., Inc.
Docket Number EPCRA-01-2011-0028

For Complainant:

Joanna B. Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I

Date: 6/9/11

In The Matter of T.H. Glennon Co., Inc.
Docket Number EPCRA-01-2011-0028

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this 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.

Date: June 13, 2011

Jill T. Metcalf
Regional Judicial Officer
U.S. Environmental Protection Agency, Region I