

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of EPCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of EPCRA together with the specific provisions of EPCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. Under Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. §§ 372.22 and 372.30, the owner or operator of a facility covered by Section 313 must submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 (“Form R”) for each toxic chemical referenced in Section 313(c) of EPCRA and listed in 40 C.F.R. § 372.65 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical threshold specified in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27, and 372.28.

3.2. The regulations at 40 C.F.R. Part 372 set forth the definitions and requirements for submission of information relating to the release of toxic chemicals under Section 313 of EPCRA.

3.3. Under 40 C.F.R. § 372.22, a facility that meets each of the following criteria in a calendar year is a covered facility for that calendar year and must report under 40 C.F.R. § 372.30 by July 1 of the following year:

3.3.1. The facility has 10 or more full-time employees;

3.3.2. The facility is in a Standard Industrial Classification ("SIC") major group or industry code or North American Industrial Classification System ("NAICS") code listed in 40 C.F.R. §§ 372.22(b) and 372.23; and

3.3.3. The facility manufactured, imported, processed, or otherwise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in 40 C.F.R. §§ 372.25, 372.27, or 372.28.

3.4. The toxic chemicals which are subject to the reporting requirement of 40 C.F.R. § 372.30 are listed in 40 C.F.R. § 372.65.

3.5. Copper compounds, nickel, chromium compounds, manganese compounds, and zinc compounds are toxic chemicals or chemical categories listed at 40 C.F.R. § 372.65. Under 40 C.F.R. § 372.25, the threshold quantity for the manufacture or processing of the toxic chemical nickel, and toxic chemical categories copper compounds, chromium compounds, manganese compounds, and zinc compounds, is 25,000 pounds in one calendar year.

3.6. Lead compounds are a toxic chemical category listed at 40 C.F.R. § 372.65. Under 40 C.F.R. § 372.28, the threshold quantity for the manufacture or processing of lead compounds is 100 pounds in one calendar year.

3.7. Mercury compounds are a toxic chemical category listed at 40 C.F.R. § 372.65. Under 40 C.F.R. § 372.28, the threshold quantity for the manufacture or processing of mercury compounds is 10 pounds in one calendar year.

3.8. Respondent is the owner and operator of a facility located at 3200 N Highway 99W, McMinnville, Oregon (“the Facility”).

3.9. During calendar years 2012, 2013, and 2014, the Facility had 10 or more full-time employees.

3.10. The Facility is included in a NAICS code found at 40 C.F.R. § 372.23.

3.11. The Facility manufactured more than 25,000 pounds of copper compounds during calendar years 2012, 2013, and 2014.

3.12. Respondent failed to file a Form R with EPA for copper compounds by July 1, 2013, for calendar year 2012; by July 1, 2014, for calendar year 2013; and by July 1, 2015, for calendar year 2014, in accordance with the requirements of 40 C.F.R. § 372.30.

3.13. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 by failing to submit a Form R for copper compounds for calendar year 2012 by July 1, 2013, for calendar year 2013 by July 1, 2014, and for calendar year 2014 by July 1, 2015.

3.14. The Facility processed more than 25,000 pounds of nickel during calendar year 2013.

3.15. Respondent failed to file a Form R with EPA for nickel by July 1, 2014, for calendar year 2013 in accordance with the requirements of 40 C.F.R. § 372.30.

3.16. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 by failing to submit a Form R for nickel for calendar year 2013 by July 1, 2014.

3.17. The Facility manufactured more than 25,000 pounds of chromium compounds during calendar year 2013.

3.18. Respondent failed to file a Form R with EPA for chromium compounds by July 1, 2014, for calendar year 2013 in accordance with the requirements of 40 C.F.R. § 372.30.

3.19. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 by failing to submit a Form R for chromium compounds for calendar year 2013 by July 1, 2014.

3.20. The Facility manufactured and processed more than 25,000 pounds of manganese compounds during calendar year 2013.

3.21. Respondent failed to file a Form R with EPA for manganese compounds by July 1, 2014, for calendar year 2013 in accordance with the requirements of 40 C.F.R. § 372.30.

3.22. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 by failing to submit a Form R for manganese compounds for calendar year 2013 by July 1, 2014.

3.23. The Facility manufactured more than 25,000 pounds of zinc compounds during calendar year 2013.

3.24. Respondent failed to file a Form R with EPA for zinc compounds by July 1, 2014, for calendar year 2013 in accordance with the requirements of 40 C.F.R. § 372.30.

3.25. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 by failing to submit a Form R for zinc compounds for calendar year 2013 by July 1, 2014.

3.26. The Facility manufactured and processed more than 100 pounds of lead compounds during calendar year 2013.

3.27. Respondent failed to file a Form R with EPA for lead compounds by July 1, 2014, for calendar year 2013 in accordance with the requirements of 40 C.F.R. § 372.30.

3.28. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 by failing to submit a Form R for lead compounds for calendar year 2013 by July 1, 2014.

3.29. The Facility manufactured and processed more than 10 pounds of mercury compounds during calendar year 2013.

3.30. Respondent failed to file a Form R with EPA for mercury compounds by July 1, 2014, for calendar year 2013 in accordance with the requirements of 40 C.F.R. § 372.30.

3.31. Respondent violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30 by failing to submit a Form R for mercury compounds for calendar year 2013 by July 1, 2014.

3.32. Under Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$37,500 for each such violation. In accordance with Section 325(c)(3) of EPCRA, 42 U.S.C. § 11045(c)(3), each day a violation of Section 313 of EPCRA, 42 U.S.C. § 11023 continues constitutes a separate violation.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$74,257 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Young.Teresa@epa.gov

Meghan Dunn
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-101
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Dunn.Meghan@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil

action under Section 325(f)(1) of EPCRA, 42 U.S.C. § 11045(f)(1), to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.8.1. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order contained herein, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

4.8.2. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid if any portion of the Assessed Penalty is more than 30 days past due.

4.8.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.13. For the purposes of this proceeding, Respondent expressly waives any right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.14. For the purposes of this proceeding, Respondent expressly waives its statute of limitations defenses, if any.

4.15. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.16. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

4.17. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

6/26/2018

FOR RESPONDENT:

Matt Ruckwardt

MATT RUCKWARDT, Vice President, CSS Chief
Business Officer and Chief Financial Officer
Cascade Steel Rolling Mills, Inc.

DATED:

6/26/2018

FOR COMPLAINANT:

Edward J. Kowalski

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. EPCRA-10-2018-0324
)	
CASCADE STEEL ROLLING)	FINAL ORDER
MILLS, INC.,)	
)	
McMinnville, Oregon,)	
)	
Respondent.)	

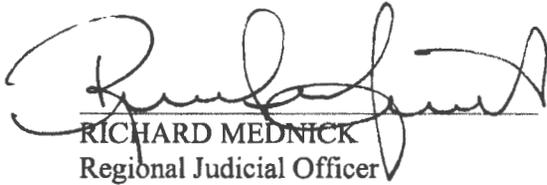
1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under EPCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of EPCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this 28th day of June, 2018.



RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Cascade Steel Rolling Mills, Inc., Docket No.: EPCRA-10-2018-0324**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Danielle Meinhardt, Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Matt Ruckwardt
Vice President, CSS Chief Business Officer and Chief Financial Officer
Cascade Steel Rolling Mills, Inc.
3200 N Highway 99W
McMinnville, Oregon 97128

DATED this 2 day of July, 2018.



Teresa Young
Regional Hearing Clerk
EPA Region 10

DECLARATION

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Board of Health of the City of New York.

In testimony whereof, I have hereunto set my hand and the seal of the Board of Health at New York, this _____ day of _____, 19____.

Secretary of the Board of Health

City of New York

19____

City of New York

Witness my hand and the seal of the Board of Health at New York, this _____ day of _____, 19____.

Mayor

City of New York

19____

City of New York

Secretary of the Board of Health
City of New York
19____

City of New York

19____

City of New York