

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS**

This form was originated by Wanda I. Santiago for Amelia Welt Katzen 2/10/11  
Name of Case Attorney Date

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

Case Docket Number EPCRA-01-2011-0008

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:

Lamb & Ritchie Company, Inc.  
90 Broadway  
Saugus, MA 01906

Total Dollar Amount of Receivable \$ 32,200 Due Date: 3/5/11

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>ST</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

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**

REGION I  
5 POST OFFICE SQUARE, SUITE 100  
MAIL CODE OES04-3  
BOSTON, MA 02109-3912

**RECEIVED**

**FEB 07 2010**

[Katzen.amelia@epa.gov](mailto:Katzen.amelia@epa.gov)  
Direct dial: 617-918-1869

HAND DELIVERED

February 4, 2011

EPA ORC  
Office of Regional Hearing Clerk

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

RE: In the Matter of Lamb & Ritchie Company, Inc.  
Docket No. EPCRA-01-2011-0008

Dear Ms. Santiago:

Enclosed for filing in the above referenced matter are an original and one copy of the Consent Agreement and Final Order and a certificate of service.

Please contact me at 617-918-1869 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Amelia Welt Katzen", with a long horizontal flourish extending to the right.

Amelia Welt Katzen  
Senior Enforcement Counsel

Enclosures

Cc: David Ritchie



2. The Complaint alleges that Respondent violated Section 313 of EPCRA, 42 U.S.C. §11023, and the regulations concerning the submission of toxic release inventory forms (“Form Rs”) for lead compounds that were manufactured, processed or otherwise used at Respondent’s facility located in Saugus, Massachusetts in quantities equal to or greater than the threshold amount established for this chemical at 40 C.F.R. § 372.25.

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 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.

**Terms of Settlement**

6. Respondent hereby certifies that it has complied with the reporting requirements that formed the basis of Counts I and II of the Complaint.

7. Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), based on 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 \$32,200.

8. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

9. Within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall submit a cashier's or certified check, to the order of the "Treasurer, United States of America," in the amount of \$32,200, to:

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

Respondent shall provide copies of the check to:

Wanda Santiago  
Regional Hearing Clerk (Mail Code ORA18-1)  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

and

Sarah Meeks  
Enforcement Counsel (Mail Code OES04-3)  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

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

11. 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 the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than 90 days after payment is due. However, 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).

12. The civil penalty provided for herein is a penalty within the meaning of 26 U.S.C. § 162(f) and is not tax deductible for purposes of federal, state or local law.

13. 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.

14. Respondent shall bear its own costs and attorney's fees in connection with the action resolved by this Consent Agreement and Final Order.

15. 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.

16. 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 which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

17. 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.

For Complainant:

*for*   
Joanna Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA, Region I

Date: 1/25/11

  
Sarah Meeks, Enforcement Counsel  
U.S. EPA, Region I

Date: 1/25/2011

For Respondent:

  
President  
David H. Ritchie Lamb & Ritchie Co. Inc.  
[Print Name and Company]

Date: 1/13/11

\_\_\_\_\_  
Attorney

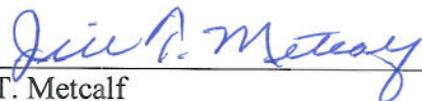
\_\_\_\_\_  
[Print Name and Law Firm]

Date: \_\_\_\_\_

### **III. Final Order**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent, Lamb & Ritchie Company, Inc., 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: Feb. 4, 2011

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