

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for David Peterson 7/7/16  
Name of Case Attorney Date

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

Case Docket Number EPCRA-01-2015-0056

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:

Albert F. Kasper  
Savage Arms Inc.  
100 Springdale Road  
Westfield, MA 01085

Total Dollar Amount of Receivable \$ 77,000 Due Date: 8/5/16

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 1 – NEW ENGLAND  
5 Post Office Square, Suite 100 (OES 04-1)  
Boston, MA 02109-3912

OFFICE OF  
ENVIRONMENTAL STEWARDSHIP

David Peterson  
direct: (617) 918-1891

**BY HAND**

July 5, 2016

Wanda I. Santiago, Regional Hearing Clerk  
EPA Region 1 – New England  
5 Post Office Square, Suite 100 (ORA 18-1)  
Boston, MA 02109-3912



Re: *In the Matter of Savage Arms, Inc, EPA Docket No. EPCRA-01-2015-0056*  
Approved Consent Agreement and Final Order

Dear Ms. Santiago:

Please find enclosed for filing the original and one copy of a Consent Agreement and Final Order (CAFO) resolving the above-referenced enforcement case. Also enclosed is the original and one copy of a certificate of service documenting that, on this date, a copy of the CAFO and this cover letter were mailed to Respondents.

Thank you for your assistance in this matter.

Sincerely,

David Peterson, Senior Enforcement Counsel  
U.S. EPA Region 1

Enclosures

cc: Albert F. Kasper, President, Savage Arms, Inc.  
Chris Rascher, Inspector, EPA Region 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
SAVAGE ARMS, INC )  
 )  
100 Springdale Rd. )  
Westfield, MA 01085 )  
Respondent )  
 )  
Proceeding under Section 325(c) of the )  
Emergency Planning and Community )  
Right-to-Know Act, 42 U.S.C. § 11045(c) )  
\_\_\_\_\_ )

Docket No: EPCRA-01-2015-0056

CONSENT AGREEMENT  
AND FINAL ORDER

Complainant, United States Environmental Protection Agency - Region 1 (“EPA”),  
having filed a civil administrative Complaint on September 30, 2015, against Savage Arms, Inc.  
 (“Respondent”), in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22; and

Complainant and Respondent (the “Parties”) having agreed that settlement of this matter  
is in the public interest, and that entry of this Consent Agreement and Final Order (“CAFO”)  
without further litigation is the most appropriate means of settling this matter;

NOW THEREFORE, before the taking of any testimony, without any adjudication of  
issues of law or fact herein, the Parties agree to comply with the terms of this CAFO.

**I. STATUTORY AND REGULATORY AUTHORITY**

1. EPA initiated this proceeding for the assessment of a civil penalty pursuant to  
Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act (also known  
as the Emergency Planning and Community Right-to-Know Act or “EPCRA”), 42 U.S.C. §  
11045(c), by filing the above-mentioned Complaint.

RECEIVED

JUL 05 2016

EPA ORC WS  
Office of Regional Hearing Clerk

2. EPA alleged in its Complaint that Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and its implementing regulations at 40 C.F.R. Part 372, for the failure to submit information relating to the use or processing of toxic chemicals to the proper authorities by the required deadline.

## **II. TERMS OF CONSENT AGREEMENT**

3. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits that the EPA has jurisdiction over the subject matter alleged in this Agreement;
- (b) neither admits nor denies the alleged violations of law stated above;
- (c) certifies that it will operate its Facility in compliance with Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated thereunder, found at 40 C.F.R. Part 372;
- (d) consents to the assessment of a civil penalty as stated below;
- (e) consents to the conditions specified in this Agreement and Order;
- (f) waives any right to contest the alleged violations of law set forth in Section the Complaint; and
- (g) waives its rights to appeal the Order accompanying this Agreement.

4. For the purpose of this proceeding, Respondent:

- (a) acknowledges that this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

- (b) waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order;
- (c) consents to personal jurisdiction in any action to enforce this Agreement or Order, or both, in the United States District Court for the District of Massachusetts; and
- (e) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Agreement or Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

5. Respondent certifies that it will operate the facility in compliance with Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated thereunder, found at 40 C.F.R. Part 372.

6. Without admitting or denying the facts and violations alleged in this CAFO, Respondent consents to the terms and issuance of this CAFO and agrees to the payment of the civil penalty set forth herein.

7. Pursuant to the relevant factors for penalties issued pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and taking into account any such matters as justice may require, Complainant has determined that it is fair and proper that Respondent pay a total civil penalty in the amount of seventy-seven thousand dollars (**\$77,000**) to resolve the violations alleged in this matter.

8. Within thirty (30) days of the effective date of this CAFO, Respondent shall submit a company, bank, cashiers, or certified check in the amount of \$77,000, payable to the order of the "Treasurer, United States of America." The check should be sent to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MP 63197-9000

Or, Respondent may make payment by electronic funds transfer via:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT Address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

Respondent shall include the case name and docket number (EPCRA-01-2015-0056) on the face of the check or wire transfer confirmation. In addition, at the time of payment, Respondent shall simultaneously send notice of the payment and a copy of the check or electronic wire transfer confirmation to:

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
Five Post Office Square  
100 (Mail Code: ORA 18-1)  
Boston, MA 02109-3912

and

David M. Peterson  
Senior Enforcement Counsel  
U.S. EPA, Region I  
Five Post Office Square

Suite 100 (Mail Code: OES 04-1)  
Boston, MA 02109-3912.

Chris Rascher, Environmental Engineer  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OES 05-1  
Boston, MA 02109-3912

9. 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 required by Paragraph 7 above, 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 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). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

10. All penalties, interest, and other charges shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not deductible for purposes of federal, state or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.



**III. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER**

11. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this Consent Agreement and Final Order resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

12. Penalties paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

13. The provisions of this Agreement shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

14. By signing this Agreement, Respondent acknowledges that this Agreement and Order will be available to the public and agrees that this Agreement does not contain any confidential business information or personally identifiable information.

15. By signing this Agreement, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this Agreement and has the legal capacity to bind the party he or she represents to this Agreement.

16. This Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

17. The terms, conditions, and compliance requirements of this Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.



18. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of EPCRA and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

19. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

20. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority 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.

21. Each party shall bear its own costs and fees in this proceeding including attorney's fees, and specifically waive any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C § 504, or other applicable laws.

#### **IV. EFFECTIVE DATE**

22. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.


FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:



\_\_\_\_\_  
Joanna Jerison, Legal Enforcement Manager

Date: 7/5/16

FOR RESPONDENT SAVAGE ARMS, INC.:

  
\_\_\_\_\_  
ALBERT F. KASPER  
\_\_\_\_\_  
Savage Arms, Inc.

Date: 06/20/16

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

\_\_\_\_\_)  
IN THE MATTER OF )  
)  
EPA Docket No: EPCRA-01-2015-0056 )  
**SAVAGE ARMS, INC** )  
)  
Respondent )  
\_\_\_\_\_)

**FINAL ORDER**

Pursuant to 40 C.F.R. 22.18(a)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondents, as specified in the Consent Agreement, are hereby ordered to comply with the terms of the Consent Agreement, effective on the date on which it is filed with the Regional Hearing Clerk.

**SO ORDERED THIS 5<sup>th</sup> DAY OF JULY 2016**



\_\_\_\_\_  
Sharon Wells  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 1

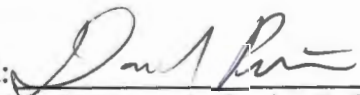
**CERTIFICATE OF SERVICE**

I hereby certify that this Certificate of Service and the foregoing Consent Agreement and Final Order and cover letter to the Regional Hearing Clerk were delivered in the following manner to the addressees listed below:

Originals and One Copy by Hand Delivery to: Wanda I. Santiago  
Regional Hearing Clerk  
Environmental Protection Agency  
5 Post Office Square, Suite 100 (ORA 18-1)  
Boston, MA 02109-3912

One Copy by Certified Mail – Return Receipt Requested to: Albert F. Kasper  
President  
Savage Arms Inc.  
100 Springdale Road  
Westfield, MA 01085

Date: July 5, 2016

Signed:   
David Peterson, Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (Mail Code: OES 04-1)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Phone (617) 918-1891  
[peterson.david@epa.gov](mailto:peterson.david@epa.gov)