

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Amelia Welt Katzen 10/20/10
Name of Case Attorney Date

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

Case Docket Number EPCRA-01-2010-0041

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:

Frank Luszczyk, President
Highway Safety Corporation
239 Commerce Street
Glastonbury, CT 06033

Total Dollar Amount of Receivable \$ 42,700 Due Date: 11/17/10

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1st \$ _____ on _____
- 2nd \$ _____ on _____
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ 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
ONE CONGRESS STREET, SUITE 1100
BOSTON, MA 02114-2023

Reply to: (617) 918-1869
Fax: (617) 918-1809
Mail Code: SEL

October 18, 2010

BY HAND

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1 (ORA 18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

RECEIVED
OCT 18 2010
EPA ORC
Office of Regional Hearing Clerk
WS

Re: Highway Safety Corporation d/b/a Connecticut Galvanizing
EPA Docket No. EPCRA-01-2010-0041

Dear Ms. Santiago:

Enclosed for filing are the following original documents, and one copy of each, relating to the above-referenced matter:

1. Consent Agreement and Final Order; and
2. Certificate of Service.

Kindly file the documents in the usual manner. Thanks very much for your help.

Very truly yours,

Amelia Welt Katzen
Senior Enforcement Counsel

Enclosures

cc: Frank Luszczyk, Highway Safety Corporation
Chris Rascher, OES, EPA Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
BEFORE THE ADMINISTRATOR**

_____))
In the Matter of:))
))
HIGHWAY SAFETY CORPORATION))
d/b/a))
CONNECTICUT GALVANIZING))
))
Respondent.))
_____))

EPCRA-01-2010-0041

RECEIVED
OCT 18 2010
EPA ORC
Office of Regional Hearing Clerk

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint herein against Respondent, Highway Safety Corporation, d/b/a Connecticut Galvanizing, 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:

Preliminary Statement

1. EPA initiated this proceeding for the assessment of a civil penalty of \$61,000, pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045, and the regulations promulgated thereunder, found at 40 C.F.R. Part 372.

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 zinc compounds manufactured, processed or otherwise used at Respondent’s facility in the years 2006, 2007 and 2008 in quantities equal to or greater than the threshold amounts established for these chemicals 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 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 has demonstrated to the satisfaction of EPA that it has complied with the reporting requirements that formed the basis of Counts 1 through 3 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 \$42,700.

8. Without admitting or denying the facts and allegations contained in the Complaint, Respondent consents to the issuance of this Consent Agreement and Final Order hereinafter recited 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 "Treasurer, United States of America," in the amount of \$42,700, 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:

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

Amelia Welt Katzen
Senior Enforcement Counsel (Mail Code OES 04-3)
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 is the date on which this Consent Agreement and Final Order 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 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 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. 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.

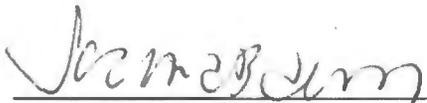
13. Respondent shall bear its own costs and attorney's fees in connection with the action resolved by this Consent Agreement and Final Order.

14. 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.

15. 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.

16. 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:


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

Date: 10/14/10

For Respondent:


Frank Luszcz, President
Highway Safety Corporation

Date: 10/11/10


Amelia Welt Katzen
Senior Enforcement Counsel
U.S. EPA, Region 1

Date: 10/14/10

III. Final Order

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final 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: Oct 18, 2010



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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)

HIGHWAY SAFETY CORPORATION)
DbA CONNECTICUT GALVANIZING)

Respondent)

) Docket No.
) EPCRA-01-2010-0041
)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and copy, hand-delivered:

Ms. Wanda Santiago
Regional Hearing Clerk (ORA 18-1)
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Copy, by First Class Mail,
Return Receipt Requested:

Mr. Frank Luszczyk, President
Highway Safety Corporation
239 Commerce Street
Glastonbury, CT 06033

Dated: 10/18/10


Amelia Welt Katzen
Senior Enforcement Counsel
U.S. EPA, Region 1 (OES 04-3)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

