

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Kevin P. Pechulis 10/25/18
Name of Case Attorney Date

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

Case Docket Number RCRA-01-2017-0054

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:

Norman Tasman
Tasman Leather Group, LLC
9 Main Street
Hartland, ME 04943

Total Dollar Amount of Receivable \$ 48,000 Due Date: 11/24/18

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 – New England
5 Post Office Square - Suite 100
Boston, Massachusetts 02109-3912

BY HAND

RECEIVED

October 25, 2018

OCT 25 2018

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORC04-6)
Boston, MA 02109-3912

EPA ORC WS
Office of Regional Hearing Clerk

Re: In the Matter of Tasman Leather Group, LLC, EPA Docket No: RCRA-01-2017-0054; 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 the Respondent.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Kevin P. Pechulis".

Kevin P. Pechulis, Enforcement Counsel
Regulatory Legal Office
EPA Region 1

Enclosures

cc: LeAnn Jenson, Regional Judicial Officer (without enclosures)
Norman Tasman, President, Tasman Leather Group, LLC
Kenneth F. Gray, Esq., Pierce Atwood, LLP (Attorney for Tasman Leather Group, LLC) (electronically)
Donald MacLeod, EPA Region 1 (electronically)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	EPA Docket No. RCRA-01-2017-0054
)	
Tasman Leather Group, LLC)	
9 Main Street)	
Hartland, ME 04943)	
EPA I.D. No. MER000511501)	
)	
Respondent)	
)	
Proceeding under Section 3008(a) of the)	
Resource Conservation and Recovery)	
Act, 42 U.S.C. § 6928(a))	

RECEIVED

OCT 25 2018

EPA ORC
Office of Regional Hearing Clerk

WS

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency (“EPA”), having filed the Complaint referenced herein on September 28, 2017, against Respondent Tasman Leather Group, LLC (“Respondent”); 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 (“CAFO”) without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, 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 seeking civil penalties and ordering compliance, pursuant to Sections 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6928(a) and (g).

2. The Complaint alleges that Respondent violated Sections 3002 and 3005 of RCRA, 42 U.S.C. §§ 6922 and 6925, Chapter 13 of Title 38 of the Maine Revised Statutes ("M.R.S"), and the Maine Hazardous Waste Management Regulations ("MHWMR") at Chapter 850 *et seq.*

3. Respondent filed Assented to Motions for Extension of the Deadline to File an Answer and Request a Hearing on October 25, 2017, December 26, 2017, and February 26, 2018. Respondent filed its Answer and a Request for Hearing on April 16, 2018.

4. This CAFO shall apply to and be binding upon Respondent, its officers, employees, successors and assigns.

5. 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. Without admitting or denying the factual allegations or conclusions of law contained in the Complaint or in this CAFO, and without admitting or denying liability as to any claim alleged in the Complaint or in this CAFO, Respondent consents for purposes of settlement to the terms of this CAFO.

6. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint, and waives its right to appeal the Final Order accompanying this Consent Agreement.

II. TERMS OF SETTLEMENT

7. Respondent certifies that its facility located at 9 Main Street in Hartland, Maine (the "Facility") is now in compliance with Sections 3002 and 3005 of RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to, the following:

a. Respondent has submitted its Annual Report for its 2017 calendar year hazardous waste activities in accordance with Chapter 851, Section 9F of the MHWMR;

b. Respondent is currently accumulating hazardous waste on site for ninety (90) days or less in accordance with the applicable requirements of Chapter 851, Section 8B of the MHWMR;

c. Respondent shall provide annual hazardous waste training to all employees at the Facility with hazardous waste management responsibilities in 2018, in accordance with Chapter 851, Section 8B(5) of the MHWMR; and

d. Respondent is storing all universal waste in containers, with adequate aisle space, in accordance with the applicable requirements of Chapter 858, Sections 7F, 7N, and 7W of the MHWMR.

8. Pursuant to Section 3008 of RCRA, based upon the nature of the alleged violations and other relevant facts, EPA has determined that an appropriate civil penalty to settle this action is in the amount of forty-eight thousand dollars (\$48,000).

9. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

10. Respondent shall pay the penalty of \$48,000 within thirty (30) calendar days of the effective date of this CAFO. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day.

11. Respondent shall make the payment due under this CAFO by remitting a check or making an electronic payment. The check or other payment shall reference "*In the Matter of Tasman Leather Group, LLC, Consent Agreement and Final Order, EPA Region 1,*" Respondent's name and address, and the EPA Docket Number of this action (RCRA-01-2017-0054), and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

If remitted by regular U.S. mail:

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

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045

Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

Within 24 hours of payment, Respondent shall forward notice of payment of the civil penalty, as well as copies of the payment check or payment receipt, by first class mail or other delivery service to:

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code: ORC04-6
Boston, MA 02109-3912

with a copy by electronic mail to:

Kevin Pechulis, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES04-3
Boston, MA 02109-3912
pechulis.kevin@epa.gov

and

Donald R. MacLeod, Environmental Engineer
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (OES 05-1)
Boston, Massachusetts 02109
macleod.donald@epa.gov

12. If Respondent fails to pay the civil penalty required under this CAFO, it will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. 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. Interest will therefore begin to accrue on the civil penalty (or any portion thereof) on the

date it is due under this CAFO if such penalty (or portion thereof) is not paid in full by such due date. Interest will be assessed 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 and an amount to cover the costs of collection 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).

13. The civil penalty due, and any interest, non-payment penalties or charges assessed under this CAFO 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.

14. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

15. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

16. This CAFO constitutes a settlement by and between EPA and Respondent of all civil claims pursuant to RCRA for the violations alleged in the Complaint. Nothing in this

CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent. Nothing in the CAFO shall be construed to limit the authority of EPA 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.

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

18. Each party shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

For Complainant:



Joanna Jerison
Legal Enforcement Manager
U.S. Environmental Protection Agency
Region 1

Date: 10/23/18

For Respondent:




Norman Tasman, President
Tasman Leather Group, LLC

Date: 10/19/2018

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the terms of the above Consent Agreement, which shall be effective on the date that it is filed with the Regional Hearing Clerk.



LeAnn Jensen
Regional Judicial Officer
EPA Region 1

Date: 10/27/18

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)

Tasman Leather Group, LLC)
9 Main Street)
Hartland, ME 04943)

EPA Docket No. RCRA-01-2017-0054

Respondent)

CERTIFICATE OF SERVICE

Proceeding under Section 3008(a) of the)
Resource Conservation and Recovery)
Act, 42 U.S.C. § 6928(a))

I hereby certify that the foregoing Consent Agreement and Final Order (“CAFO”) and associated cover letter to the Regional Hearing Clerk have been provided to the following persons, in the manner specified on the date noted below:

Original and one copy,
hand-delivered:

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environment Protection Agency, Region I
5 Post Office Square, Suite 100 (ORC04-6)
Boston, MA 02109-3912

One copy by certified mail, return
receipt requested, and email:

Norman Tasman, President
Tasman Leather Group, LLC
930 Geiger Street
Louisville, KY 40206
norman.tasman@gmail.com
kgray@PierceAtwood.com

Date: 10/25/18



Kevin P. Pechulis
Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100 (OES04-3)
Boston, MA 02109-3912
(617) 918-1612
pechulis.kevin@epa.gov