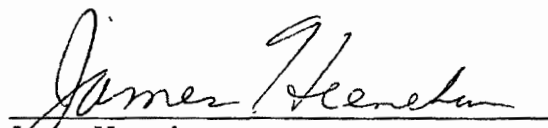


CERTIFICATE OF SERVICE

I certify that on the date noted below, I hand-delivered the original and one true and correct copy of the Consent Agreement and Final Order for *In the Matter of Altadis U S A Inc* (Docket No EPCRA-03-2014-0118), to the Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch St , Philadelphia, PA, 19103, and that I sent a true and correct copy of same to Respondent, Altadis U.S.A., Inc , in care of its below-listed attorney via UPS overnight mail.

For Respondent: Robert Wilkey, VP and General Counsel
 Altadis Inc
 5900 N. Andrews Ave.
 Fort Lauderdale, FL 33309-2367

6/17/2014
Date

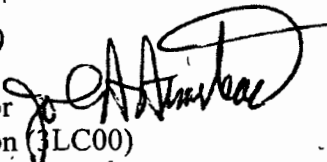


James Heenehan
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Altadis U.S.A. Inc.
Docket No. EPCRA-03-2014-0118
Consent Agreement and Final Order

FROM: Marcia E. Mulkey *JH for MM*
Regional Counsel (3RC00)

John A. Armstead, Director 
Land & Chemicals Division (3LC00)

TO: Heather Gray
Regional Judicial Officer (3RC00)

The attached Consent Agreement and Final Order ("CAFO") will simultaneously initiate and resolve an administrative enforcement action pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045, and 40 C.F.R. §§ 22.13(b) and 22.18(b). Altadis U.S.A. Inc. ("Respondent") and the Director of the Land and Chemicals Division, EPA - Region III, have entered into the attached Consent Agreement to resolve EPA's claim arising from Respondent's three violations of EPCRA § 313, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.25, 372.27, 372.28 and 327.30, at Respondent's manufacturing facility located at 1000 Tresckow Road, McAdoo, Pennsylvania, 18237, as set forth in the Consent Agreement.

We concur with the terms of the attached CAFO directing Respondent to pay a penalty of **\$54,500.00** in settlement of the three violations of EPCRA Section 313, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.25, 372.27, 372.28 and 327.30, alleged in the CAFO. This settlement was based on a consideration of the statutory factors set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)* (August 10, 1992), and the applicable provisions of the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemarie A. Kelley *Adjusted Penalty Policy Matrices Based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule* ("Kelley Memorandum").

We recommend that you sign the attached Final Order and return it to the Waste and Chemical Law Branch of the Office of Regional Counsel for further processing.

cc: Robert Wilkey
Vice President and General Counsel
Altadis U.S.A. Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

via UPS

Robert Wilkey
General Counsel
VP Legal and Corporate Affairs
Commonwealth-Altadis, Inc.
5900 N. Andrews Ave.
Fort Lauderdale, FL 33309

June 17, 2014


Dear Rob:

Re Consent Agreement and Final Order

I have enclosed a true and correct signed copy the Consent Agreement and Final Order ("CAFO") resolving the alleged EPCRA violations for Altadis U.S.A. Inc. for the 2010 reporting year. Please note that potential interest and late penalty payment obligations date from when the CAFO is placed into overnight mail (i.e., June 17; see Paragraphs 42-45). However, as set forth in Paragraph 43, EPA will not seek to the payment of interest should the penalty be paid within thirty days of when the interest first begin to accrue.

I appreciate your cooperation in helping to resolve this matter. Please contact me at (215) 814-2640 or heenehan_james@epa.gov should you have any questions on this matter

Sincerely,


Jim Heenehan
Sr. Assistant Regional Counsel

cc: C. Yussen (3LC61)