



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 07 2017

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**Article Number: 7015 0640 0001 0675 4664**

Steven T. Singer, Esq.  
Attorney for Respondent  
34 Hillside Avenue  
Montclair, New Jersey 07042

Re: In the Matter of Lamart Corporation  
Docket No. EPCRA-02-2017-4103

Dear Mr. Singer:

Enclosed is a copy of the Consent Agreement and Final Order ("CA/FO") in the above referenced proceeding signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that payment is due within forty-five (45) days of the effective date of this CA/FO. Please arrange for payment of this penalty and the implementation of the SEP according to the instructions given in that Order.

If you have any questions, please contact the undersigned at 212-637-3195.

Sincerely yours,

Gary H. Nurkin  
Assistant Regional Counsel  
Waste & Toxic Substances Branch

Enclosure

U.S. Environmental  
Protection Agency-Region 2  
2017 MAR -7 AM 9:21  
REGIONAL HEARINGS  
CLERK

U.S. Environmental Protection Agency  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 2**

2017 MAR -7 AM 9:22

-----x  
In the Matter of

Lamart Corporation,

Respondent.

**CONSENT AGREEMENT/FINAL ORDER**

Docket No. EPCRA-02-2017-4103

Proceeding Under Section 325 (c)  
of Title III of the Superfund  
Amendments and Reauthorization Act

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**PRELIMINARY STATEMENT**

This civil administrative proceeding is instituted pursuant to Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. § 11001 *et seq.* [also known as the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter, "EPCRA")]. The United States Environmental Protection Agency ("EPA") has promulgated regulations governing the toxic chemical release reporting and community right-to-know requirements at Title 40 of the Code of the Federal of Federal Regulations ("C.F.R.") at Part 372.

Pursuant to 40 C.F.R. § 22.13(b), where parties agree to settlement of one or more causes of action before the filing of a Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CA/FO") pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3). This administrative proceeding constitutes one that is simultaneously being commenced and concluded pursuant to said provisions of 40 C.F.R. § 22.18(b).

The parties agree that settling this matter by entering into this CA/FO pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) is an appropriate means of resolving the EPCRA claims specified herein against Lamart Corporation, without litigation. To that end, the parties have met and discussed settlement. No adjudicated findings of fact or conclusions of law have

been made in either a judicial or administrative forum. The following constitute EPA's Findings of Fact and Conclusions of Law based on information of which EPA, Region 2, was aware as of the effective date of this Agreement.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Respondent is Lamart Corporation ("Lamart" or "Respondent").
2. Respondent is a corporation organized pursuant to the laws of the State of New Jersey.
3. Respondent is a "person" within the meaning of Section 329(7) of the Act, 42 U.S.C. § 11049(7).
4. Respondent has owned and continues to own a facility located at 16 Richmond Street, Clifton, New Jersey 07011 ("facility" or "Respondent's facility") whose TRI Facility ID No. is 07011LMRTC16RIC.
5. Respondent is and was an "owner" and "operator" of a "facility" as those terms are defined in Section 329(4) of the Act, 42 U.S.C. § 11049(4), and in 40 C.F.R. § 372.5.
6. Respondent's facility is subject to the requirements of EPCRA, Section 313(b), 42 U.S.C. § 11023(b) and 40 C.F.R. § 372.22.
7. On or about June 17, 2014 and June 18, 2015, EPA inspectors conducted inspections ("the inspections") of Respondent's facility to determine whether Respondent was in compliance with the Toxic Chemical Release reporting requirements of 40 C.F.R. Part 372.
8. As a result of the inspections, EPA representatives determined that Respondent, in violation of EPCRA Section 313 and its underlying regulations, 42 U.S.C. § 11023 and 40 C.F.R. § 372.30, failed to submit, in a timely manner, Form R reports for tetrabromobisphenol A for the calendar years 2010, 2011, 2012, and 2013.
9. EPA and Respondent met to discuss EPA's determinations, described in Paragraphs 7 and 8, above, and agreed to settle this matter by entering into this Consent Agreement.

### **CONSENT AGREEMENT**

Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and 40 C.F.R. § 22.18 of the Consolidated Rules of Practice, it is hereby agreed by and between the parties hereto, and voluntarily and knowingly accepted by Respondent, that Respondent, for purposes of this Consent Agreement and in the interest of settling this matter expeditiously without the time, expense or uncertainty of a formal adjudicatory hearing on the merits: (a) admits the jurisdictional allegations of the Complaint; (b) neither admits nor denies EPA's Findings of Fact

