



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 02 2009

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0190 8025

Mr. William Herndon  
Attorney for paragon firstronic of NA Corp.  
1655 Michigan St. NE  
Grand Rapids, Michigan 49503

Re: Consent Agreement and Final Order, Docket No. EPCRA-05-2008-0022

Dear Mr. Herndon:

I have enclosed a copy of an original fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on October 2, 2009, with the Regional Hearing Clerk. This BD 2751044E002 number has been assigned to any financial transactions for this CAFO.

The civil penalty of \$78,823 has been paid in full.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Maynard Shaw", written over a horizontal line.

Maynard Shaw  
Pesticides and Toxic Compliance Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: ) Docket No. EPCRA-05-2008-0022  
)  
paragon firstronic of NA Corp. )  
Grand Rapids, Michigan, )  
Respondent. )  
\_\_\_\_\_ )  
1986, 42 U.S.C. § 11045(c)

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Consent Agreement and Final Order

Preliminary Statement

REGIONAL HEARING CLERK  
USEPA  
REGION 5

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c).
2. On August 6, 2008, U.S. EPA filed a Complaint (August Complaint) in this action against paragon firstronic of NA Corp. (Respondent). The August Complaint alleges that in 2004 Respondent processed lead at its facility, located at 1655 Michigan Street NE, Grand Rapids, Michigan 49503, in quantities exceeding the threshold for reporting under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and that Respondent violated Section 313 of EPCRA and 40 C.F.R. Part 372 by failing to submit a Toxic Chemical Release Inventory Reporting Form (Form R) for lead by July 1, 2005, for calendar year 2004.
3. Respondent did not file an Answer, but submitted payment of \$32,500.00 by check dated September 4, 2008.
4. On September 11, 2008, Respondent notified U.S. EPA that Respondent was reviewing facility records to determine if Respondent had processed lead in quantities exceeding

the threshold for reporting under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f) in years subsequent to 2004, requiring Respondent to submit a Form R under Section 313 of EPCRA and 40 C.F.R. Part 372 for each such year.

5. On October 11, 2008, Respondent filed a Form R for each of the years 2004, 2005, 2006, and 2007, showing that Respondent had processed lead in quantities exceeding the threshold for reporting under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f) in each of those years.

6. On June 30, 2009, U.S. EPA filed an Amended Complaint to include Respondent's failure to timely submit a form R for years 2005, 2006, and 2007.

#### **Stipulations**

7. Respondent admits the jurisdictional allegations in the Amended Complaint and neither admits nor denies the factual allegations in the Amended Complaint.

8. Respondent waives any right to contest the allegations in the Amended Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

9. Respondent certifies that it is complying fully with EPCRA.

10. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

11. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

#### **Civil Penalties**

12. In consideration of U.S. EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) and Section 6607 of the Pollution Prevention Act (1990)(amended)* (April 12, 2001), Respondent's cooperation and

compliance, U.S. EPA agrees to mitigate the proposed penalty of \$115,766.00 to \$78,823.00.

13. Within 30 days after the effective date of this CAFO, Respondent must pay \$46,323.00 (the \$78,823.00 civil penalty minus the \$32,500.00 already paid) by sending a cashier's or certified check, payable to the "Treasurer, United States of America,"

a) if a check is sent by regular U.S. Postal Service mail, send to:

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

b) if a check is sent by express mail, send to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

the check must note paragon firstronic of NA Corp., the docket number of this CAFO, and the billing document number.

14. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Maynard Shaw (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

• Harriet Croke (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

15. If Respondent does not pay the civil penalty timely, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

16. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

17. This civil penalty is not deductible for federal tax purposes.

#### **General Provisions**

18. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Amended Complaint.

19. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

20. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state, and local laws.

21. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response

Policy for Section 313 of EPCRA.

22. The terms of this CAFO bind Respondent, its successors, and assigns.

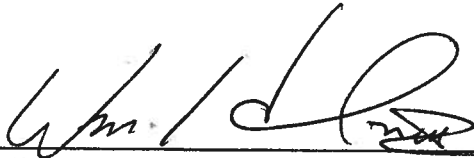
23. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

24. Each party agrees to bear its own costs and attorney's fees in this action.

25. This CAFO constitutes the entire agreement between the parties.

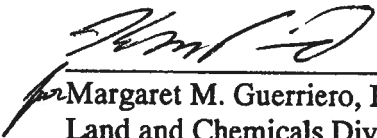
**paragon firstronic of NA Corp., Respondent**

8/18/09  
Date

  
William Herndon, CEO  
paragon firstronic of NA Corp.

**United States Environmental Protection Agency, Complainant**

9.30.09  
Date

  
Margaret M. Guerriero, Director  
Land and Chemicals Division

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
SEP 01 2009  
OFFICE OF REGIONAL  
COUNSEL

**In the Matter of:**  
**paragon firstronic of NA Corp.**  
**Docket No. EPCRA-05-2008-0022**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

9-30-09  
Date

Rohit C. Kulkarni for  
Bharat Mathur  
Acting Regional Administrator  
United States Environmental Protection Agency  
Region 5

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USEPA  
REGION 5


**CERTIFICATE OF SERVICE**

This is to certify that the original and one copy of this Complaint involving paragon firstronic of NA Corp., was filed on October 2, 2009, with the Regional Hearing Clerk (E-19J), U. S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No. 7001 0320 0006 0190 8025, to:

Mr. William Herndon  
Attorney for paragon firstronic of NA Corp.  
1655 Michigan St. NE  
Grand Rapids, Michigan 49503

with intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Harriet Croke, Counsel for Complainant/C-14J  
Eric Volck, Cincinnati Finance/MWD

  
Frederick Brown, PTCS (LC-8J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Docket No. EPCRA -05-2008-0022

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Cc: Marcy Toney, Regional Judicial Officer/C-14J (w/Encl.)  
Eric Volck, Cincinnati Finance/MWD