



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

JUL 22 2010

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7009 1680 0000 7667 2535

Mr. Paul A. Teel Jr.  
Techtron Systems Inc.  
760 Bets Dr, Suite L  
Cleveland, Ohio 44123

Consent Agreement and Final Order, Docket No. EPCRA-05-2010-0013

Dear Mr. Teel Jr:

Enclosed is a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on July 22, 2010, with the Regional Hearing Clerk.

The civil penalty in the amount of \$8,000 is to be paid in the manner described in paragraphs 25 and 26. In the comment or description field, please state: Techtron Systems, Inc., the docket number of this CAFO (above), and the following billing document number BD 2751044E017. Payment is due by August 21, 2010 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Maynard Shaw".

Maynard Shaw  
Pesticides and Toxics Compliance Section

Enclosures

RECEIVED

JUL 22 2010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

In the Matter of: ) Docket No. EPCRA-05-2010-0013  
)  
Techtron Systems, Inc. ) Proceeding to Assess a Civil Penalty  
Mayfield Village, Ohio, ) Under Section 325(c) of the Emergency  
Respondent. ) Planning and Community Right-to-Know  
) Act of 1986, 42 U.S.C. § 11045(c)  
)

**Consent Agreement and Final Order Commencing and Concluding the Proceeding**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

3. The Complainant is the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5.

4. Respondent is Techtron Systems, Inc. (Techtron), which is and at all times relevant to this CAFO was, a corporation incorporated in and doing business in the State of Ohio.

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

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

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with Section 313 of EPCRA, 42 U.S.C. § 11023.

**Statutory and Regulatory Background**

10. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.22 and 372.30 require the owner or operator of a facility that has 10 or more full-time employees; is covered by certain Standard Industrial Classification (SIC) codes; meets one of the criteria set forth in 40 C.F.R. § 372.22(b)(1)-(3); and manufactured, processed, or otherwise used a toxic chemical in an amount in excess of an applicable threshold quantity of that chemical listed under Section 313(f) of EPCRA and 40 C.F.R. § 372.28, during the calendar year, to complete and submit a toxic chemical release inventory form (Form R) to the Administrator of EPA and to the state in which the subject facility is located by July 1 for each toxic chemical manufactured, processed, or otherwise used in quantities exceeding the established threshold during the preceding calendar year.

11. As set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.28, the reporting threshold amount for lead manufactured, processed, or otherwise used at a facility is 100 pounds for calendar years including and subsequent to 2001.

12. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorizes the Administrator of EPA to assess a civil penalty of up to \$25,000 per day for each violation of Section 313 of EPCRA. The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 note (1990), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required federal agencies to issue regulations adjusting for inflation the maximum civil penalties that may be assessed pursuant to each agency's statutes. EPA may assess a civil penalty of up to \$32,500 per day for each violation of Section 313 of EPCRA that occurred after March 15, 2004, through January 12, 2009, pursuant to Section 325(c)(1) and (3) of EPCRA, 42 U.S.C. § 11045(c)(1) and (3), and 40 C.F.R. Part 19.

#### **Factual Allegations and Alleged Violations**

13. Respondent is, and at all times relevant to this CAFO was, a "person" as that term is defined at Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

14. Respondent is, and at all times relevant to this CAFO was, an owner or operator of a facility located at 760 Beta Drive, Suite L, Mayfield, Ohio (facility).

15. At all times relevant to this CAFO, Respondent had "10 or more full-time employees," as defined at 40 C.F.R. § 372.3, and was an employer at the facility.

16. At all times relevant to this CAFO, Respondent's facility consisted of buildings, equipment, structures, and other stationary items which were located on a single site or on contiguous or adjacent sites, and which were owned or operated by the same person.

17. At all times relevant to this CAFO, Respondent's facility was a "facility" as that term is defined at Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

18. At all times relevant to this CAFO, the facility had a SIC code of 3672, a covered SIC code as defined at Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.22.

### Count 1

19. During calendar year 2005, Respondent's facility processed, as that term is defined at 40 C.F.R. § 372.3, lead, a chemical category or CAS No. listed under 40 C.F.R. § 372.65, in the amount of 1026 pounds which is greater than 100 pounds, the threshold for reporting, as set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.28.

20. Respondent was required to submit to the Administrator of EPA and to the State of Ohio a Form R for lead for calendar year 2005 by July 1, 2006.

21. Respondent did not submit to the Administrator of EPA and to the State of Ohio a Form R for lead for calendar year 2005 by July 1, 2006.

22. Respondent submitted Form R for lead to the Administrator of EPA and to the State of Ohio on October 5, 2006 for calendar year 2005.

23. Respondent's failure to submit timely a Form R for lead to the Administrator of EPA and to the State of Ohio for calendar year 2005 violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

### Civil Penalty

24. Pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, Complainant determined that an appropriate civil penalty to settle this action is \$ 8,000. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, and any other matters as justice may require. Complainant also considered 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).

25. Within 30 days after the effective date of this CAFO, Respondent must pay \$ 8,000 as a civil penalty for the EPCRA violations. Respondent must pay the penalty by mailing a cashier's or certified check by U.S. postal service, payable to the "Treasurer, United States of America," to:

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

The check must note the case name "In the matter of Techtron Systems Inc.," the docket number of this CAFO, and the billing document number. Interest and late charges shall be paid as specified below.

26. A transmittal letter, stating Respondent's name, the case title, Respondent's 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 West Jackson Blvd.  
Chicago, IL 60604

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

Terry Branigan (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

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

28. If Respondent does not pay the civil penalty timely, 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.

29. 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 pursuant to 31 U.S.C. § 3717. 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.

#### **General Provisions**

30. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

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

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

33. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for Section 313 of EPCRA.

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

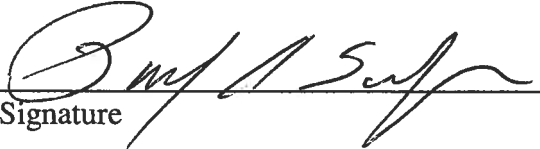
35. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

**Techtron Systems, Inc., Respondent**

6/29/10  
Date

  
Signature

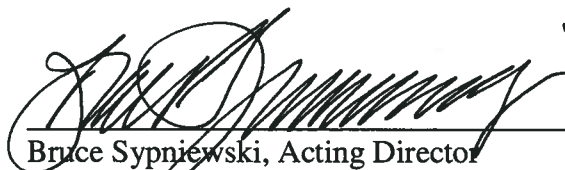
Paul A. Teel, JR.  
Name (printed)

President  
Title

Techtron Systems, Inc.

**United States Environmental Protection Agency, Complainant**

7/13/10  
Date

  
Bruce Sypniewski, Acting Director  
Land and Chemicals Division



**In the Matter of:**  
**Techtron Systems, Inc.**  
**Docket No. EPCRA-05-2010-0013**

**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.

7-19-10

\_\_\_\_\_  
Date



\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

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JUL 22 2010

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

**CERTIFICATE OF SERVICE**

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Techtron Systems, Inc., was filed on July 22, 2010, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that I mailed, by Certified Mail, Receipt No. 7009 1680 0000 7667 2535, a copy of the original to the Respondent:

Mr. Paul A. Teel Jr.  
Techtron Systems Inc.  
760 Bets Dr, Suite L  
Cleveland, Ohio 44123

and forwarded intra-Agency copies to:

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



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

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