



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

DEC 12 2007

REPLY TO THE ATTENTION OF:

SC-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Sherry L. Stenerson  
General Counsel  
Factory Motor Parts  
1380 Corporate Center Curve  
Eagan, MN 55121

Re: SuperClean Brands, Inc., d/b/a Fox Packaging Company, St. Paul, Minnesota  
Consent Agreement and Final Order – Docket No: EPCRA-05-2007-0013

Dear Ms. Stenerson:

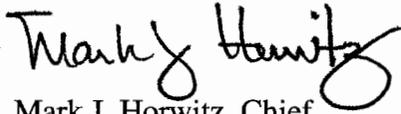
Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The United States Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on DEC 12 2007.

Please pay the EPCRA civil penalty in the amount of \$18,000 in the manner prescribed in paragraphs 10 and 11, and reference your check with the number BD 2750844E004 and docket number EPCRA-05-2007-0013.

Your payment is due on January 14, 2008.

Please feel free to contact Ruth McNamara at (312) 353-3193 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jeff Trevino, Associate Regional Counsel, at (312) 886-6729. Thank you for your assistance in resolving this matter.

Sincerely yours,



Mark J. Horwitz, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

cc: Regional Hearing Clerk  
U.S. EPA Region 5

Jeff Trevino  
Office of Regional Counsel  
U.S. EPA Region 5

Steve Tomlyanovich (w/enclosure)  
MN SERC

Judge Nissen (w/enclosure)  
Administrative Law Judge  
U.S. EPA, Headquarters

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of** )  
 )  
**SuperClean Brands, Inc., d/b/a/** ) **Docket No. EPCRA-05-2007-0013.**  
**Fox Packaging Company,** )  
 )  
**Respondent** )

**CONSENT AGREEMENT AND FINAL ORDER**

**CONSENT AGREEMENT**

1. Complainant, the Chief, Emergency Response Branch 1, Superfund Division, Region 5, United States Environmental Protection Agency (U.S. EPA), filed this civil administrative action pursuant to Section 325 of the Emergency Planning Community Right-To-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045.

2. On April 13, 2007, U.S. EPA filed the Complaint for this action against SuperClean Brands, Inc., d.b.a. Fox Packaging Company, 51 E. Maryland Avenue, St. Paul, Minnesota, 55117, ("Respondent"). The Complaint alleged Respondent failed to submit to the State Emergency Response Commission and the St. Paul Fire Department by March 1, 2006, its 2005 Emergency and Hazardous Chemical Inventory Form, pursuant to Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

3. On or about May 16, 2007, Respondent filed its Answer and requested a hearing under Section 325(b)(1)(B) of EPCRA, 42 U.S.C. § 11045(b)(1)(B).

**Stipulations**

4. Respondent admits the jurisdictional allegations of the Complaint pursuant to 40 C.F.R. § 22.18(b)(2).

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5. Respondent neither admits nor denies the factual allegations of the Complaint pursuant to 40 C.F.R. § 22.18(b)(2).

6. Respondent waives any right to contest the allegations of the Complaint pursuant to 40 C.F.R. § 22.18(b)(2).

7. Respondent waives its right to appeal this CAFO pursuant to 40 C.F.R. § 22.18(b)(2).

8. The parties consent to the terms of this CAFO.

9. The parties agree resolving this action without further litigation, upon the terms in this CAFO, is in the public interest.

#### **Civil Penalty**

10. Respondent agrees to pay a civil penalty of \$18,000.00 within thirty (30) days of the effective date of this CAFO. Respondent agrees to pay the penalty by sending a cashier's or certified check, payable to the order of the U.S. Treasury:

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

Respondent's cashier's or certified check must note the name and docket number of this action (EPCRA 05-2007-0013), and the billing document number 2750844E004.

11. Respondent must include with its cashier's or certified check a transmittal letter stating the name of this action, Respondent's complete address, the docket number of this action, and the billing document number. Respondent must send copies of each check and transmittal letter to:

Regional Hearing Clerk  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (E-13J)  
Chicago, IL 60604-3511

Ruth McNamara  
Chemical Emergency Preparedness and Prevention Section  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (SC-6J)  
Chicago, IL 60604-3511

Jeffery M. Trevino  
Office of Regional Counsel  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (C-14J)  
Chicago, IL 60604-3511

12. This civil penalty is not deductible for federal tax purposes.
13. If Respondent fails to pay the civil penalty timely Complainant may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and Complainant's enforcement expenses for the collection action.
14. 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 \$15.00 handling charge each month that any portion of the penalty due is more than thirty (30) days past due. Complainant will assess a six percent (6%) per year penalty on any principal amount not paid timely pursuant to this CAFO.
15. This CAFO resolves Respondent's liability for the violations alleged in the Complaint.

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

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

18. This CAFO is a "final order" for purposes of U.S. EPA's Enforcement Response Policy for Section 325 of EPCRA.

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

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

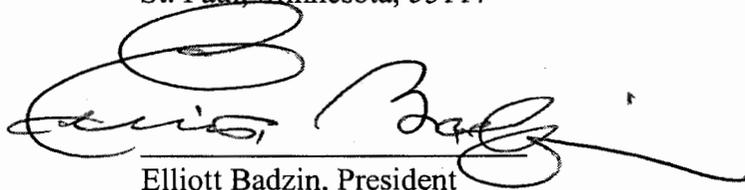
21. Each party agrees to bear its own costs and fees, including attorneys' fees, for this action.

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

**In the Matter of: SuperClean Brands, Inc., St. Paul, Minnesota.  
Docket No. EPCRA-05-2007-0013.  
Consent Agreement and Final Order.**

RESPONDENT

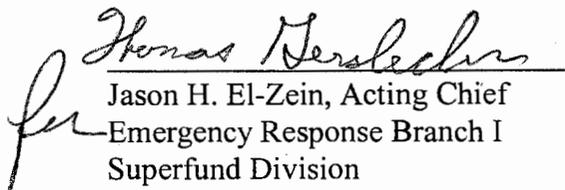
SuperClean Brands, Inc.  
51 E. Maryland Avenue  
St. Paul, Minnesota, 55117

  
Elliott Badzin, President

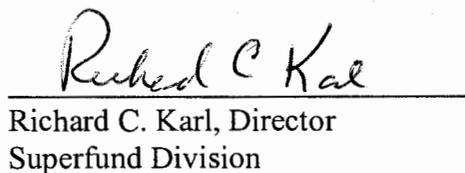
19 Nov 07  
Date

COMPLAINANT

Superfund Division  
Region 5  
United States Environmental Protection Agency

  
Jason H. El-Zein, Acting Chief  
Emergency Response Branch I  
Superfund Division

12-7-07  
Date

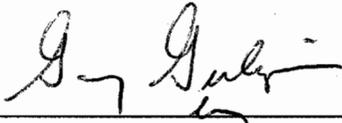
  
Richard C. Karl, Director  
Superfund Division

12-10-07  
Date

**In the Matter of: SuperClean Brands, Inc., St. Paul, Minnesota.  
Docket No. EPCRA-05-2007-0013.  
Consent Agreement and Final Order.**

**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. IT IS SO ORDERED.



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Mary A. Gade  
Regional Administrator  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago Illinois 60604-3590

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**In the Matter of:  
SuperClean Brands, Inc., d/b/a Fox Packaging Company, St. Paul, Minnesots  
Docket No. EPCRA-05-2007-0013**

**Certificate of Service**

I, Ruth McNamara, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number EPCRA-05-2007-0013 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, personally served a copy on the Regional Judicial Officer, and mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to SuperClean Brands, Inc., d/b/a Fox Packaging Company's, Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Sherry L. Stenerson  
General Counsel  
Factory Motor Parts  
1380 Corporate Center Curve  
Eagan, MN 55121

on the 12<sup>th</sup> day of December, 2007

Ruth McNamara  
Ruth McNamara  
U.S. Environmental Protection Agency  
Region 5

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